

AMNESTY INTERNATIONAL PUBLIC STATEMENT

15 January 2019

Index: ASA 21/ 9688/2019

INDONESIA: POLICE MUST DROP ‘REBELLION’ CHARGES AGAINST THREE PAPUAN POLITICAL ACTIVISTS

Amnesty International and Yayasan Pusaka call on the Regional Papua Police Force (Polda) to drop the “rebellion (*makar*)” charges under Article 106 of Indonesia’s Criminal Code against three Papuan political activists and immediately and unconditionally release them. They were charged and detained solely for exercising their rights to freedom of peaceful assembly and expression. The police charged them under the repressive provision for planning to organize a prayer event. The Indonesian authorities have used this article, along with Article 110 of the Criminal Code, to criminalize dozens of peaceful pro-independence political activists over the last decade. We consider all of them to be prisoners of conscience who are imprisoned solely for peacefully expressing their political views and have not used violence or advocated violence or hatred.

On 31 December 2018 around 8am local time, about a hundred police and military personnel from the regional Timika forces came to the secretariat of the the West Papua National Committee (*Komite Nasional Papua Barat*, KNPB) Timika Branch in Mimika District, Papua Province. A few days earlier a KNPB activist sent a notification letter to the police informing them that the Timika KNPB members would hold a religious prayer and a traditional Papuan feast to celebrate the anniversary of their organization. The police personnel, who did not present arrest or search warrants, entered the KNPB’s secretariat and arrested six KNPB Timika activists and brought them to the Timika Resort Police (Polres) Headquarters. The following day, at around 4pm, the Timika Police Force released all the six KNPB members without any charges. According to the lawyers of the KNPB Timika Branch, the police also broke some computers belong to the organization and beat some activists during the arrest. The police told the KNPB members that from that day the KNPB’s office would be used as a joint police and military security post in the area and did not allow any KNPB members to enter the building.

On 3 January 2019, lawyers of the Timika KNPB activists sent a letter to the Chief of Mimika Police Force asking the security forces to leave the KNPB’s office and to stop illegally blocking their access to the building. The KNPB activists’ lawyer wrote in the letter that they would commence legal proceedings if the police continued to forbid KNPB activists entry to the building.

On 5 January, the Mimika Police personnel summoned and interrogated eight KNPB activists under suspicion of committing act of “rebellion (*makar*)” under Article 106 of Indonesia’s Criminal Code. On 8 January, the police named three KNPB activists, Yanto Awerkion, Sem Asso, and Edo Dogopia as suspects and charged them with “rebellion (*makar*)” under Article 106 of Indonesia’s Criminal Code. In the same day, the Mimika Police personnel rearrested them and transferred them to the Papua Regional Police Headquarters in Jayapura, Papua Province where they are being detained. Article 106 of the Criminal Code enables the authorities to sentence a person “to life imprisonment or a maximum of twenty years imprisonment for any attempts undertaken with intent to bring the territory of the state wholly or partially under foreign domination or to separate part thereof”.

The last decade has seen an increase in pro-independence political activities in Papua, particularly those led by students and young people. Security forces have often used repressive measures against these activists, such as blanket prohibitions on peaceful protest, mass arrests and prosecution under the rebellion (*makar*) articles in the Criminal Code. For instance, *Maklumat Kapolda Papua tentang Penyampaian Pendapat di Muka Umum* [Papuan Chief of Police Force’s Decree on Delivering Opinion in Public] 1 July 2016 bans many pro-Papuan independence organizations, including KNPB from organising peaceful assembly for advocating for independence or a referendum in Papua. In the last decade, KNPB has organised mass demonstrations in several cities in Papua to call for self-determination through a referendum. Pro-independence political activists in Papua have also become the victims of unlawful killings by security forces.

Our organisations take no position whatsoever on the political status of any province of Indonesia, including calls for independence. However, we consider that the right to freedom of expression protects the right to peacefully advocate for independence or any other political solutions that do not involve incitement to discrimination, hostility or violence.

Indonesian authorities must ensure that any restrictions on the rights to freedom of expression and peaceful assembly are in accordance with Indonesia's obligations under international human rights law, including the International Covenant on Civil and Political Rights to which Indonesia is a State party. Further, under both Indonesian and international law, groups organizing public protests are only required to inform the police of peaceful demonstrations, not to seek authorisation or permission. However, these regulations are constantly ignored by the security forces in Papua who continue to unlawfully restrict various forms of peaceful protest against the state by students, political groups and human rights NGOs. In some cases, security forces have used excessive force against peaceful protesters, but these cases have not been adequately investigated and no one suspected of responsibility has been brought to justice.