

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: ASA 21/031/2013
3 September 2013

Indonesia: Drop charges against ‘Freedom Flotilla’ supporters in West Papua province

Amnesty International calls on the Indonesian authorities to drop the charges against four Papuan activists who were arrested last week for their peaceful political activism. The charges against them highlight the ongoing failure of the Indonesian government to make a distinction between violent armed groups and peaceful activists, and between peaceful expression of opinion and acts of physical violence.

Four men, Apolos Sewa, Yohanis Goram, Amandus Mirino and Samuel Klasjok, who are members of the Sorong branch of the Papuan Customary Council (*Dewan Adat Papua, DAP*) were arrested by the Sorong district police on the evening of 28 August 2013. They had taken part in a peaceful prayer gathering, alongside hundreds of people, at the Maranatha Church in Sorong city, West Papua province. The event was organised in solidarity with the planned visit of a “Freedom Flotilla”, a boatload of Australian activists, due to enter Indonesian waters in the coming weeks to highlight the human rights situation in Papua.

During the ceremony, the “Morning Star” flag – a banned symbol of Papuan independence and identity – was raised together with the aboriginal and Torres Straits flags. The four men were subsequently taken to the Sorong city police station for questioning without legal counsel and on the following day were charged with “rebellion” (*makar*) under Articles 106 and 110 of the Criminal Code, which carries a maximum life sentence. They have been released pending trial, although they are required to report back to the police twice a week.

Amnesty International believes the four men were arrested and charged solely for their peaceful political activism, which remains highly restricted in Papua. Over 70 people are currently imprisoned, some as long as 20 years, for attending, organizing or participating in peaceful political activities, protests or possessing, raising or waving the prohibited pro-independence flags of Maluku and Papua. Amnesty International considers them prisoners of conscience who should be immediately and unconditionally released.

In Sorong itself, seven other people are currently on trial for “rebellion” for their involvement in a peaceful gathering on 30 April 2013 in the Aimas district, around the commemoration of the 50th anniversary of the handover of Papua to the Indonesian government by the United Nations Temporary Executive Authority on 1 May 2013. Before they were arrested, security forces reportedly opened fire on the gathering killing two men, Abner Malagawak and Thomas Blesia, on the spot while Salomina Kalaibin, a woman, died six days later due to gunshot wounds to her stomach and shoulder. There has been no independent criminal investigation into their deaths.

Amnesty International calls on the Indonesian authorities to respect the rights of Papuans to freedom of expression and peaceful assembly which are guaranteed in Article 19 and Article 21 of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party. This should include ensuring accountability for all human rights violations during demonstrations, releasing all prisoners of conscience, and revoking or amending all laws that criminalize freedom of expression, in particular Articles 106 and 110 of the Criminal Code which criminalize peaceful ‘rebellion’, and Article 6 of Government Regulation No. 77/2007

which prohibits the display of regional logos or flags which are also used by separatist organizations.

The organization is further concerned that the Indonesian authorities continue to restrict access to international human rights organizations, international journalists and other observers to the provinces of Papua and West Papua. The denial of free and unimpeded access to these provinces limits independent reporting of the human rights situation there. In May 2013, the UN High Commissioner for Human Rights, Navanethem Pillay, urged Indonesia to “allow international journalists into Papua and to facilitate visits by the Special Rapporteurs of the UN Human Rights Council”. A visit by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to Indonesia scheduled for January 2013 has been postponed indefinitely.

Amnesty International takes no position whatsoever on the political status of any province of Indonesia, including calls for independence. However the organization believes that the right to freedom of expression includes the right to peacefully advocate referendums, independence or any other political solutions that do not involve incitement to discrimination, hostility or violence.