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Indonesia: Three dead and 22 protestors detained for their peaceful political activism in Papua

A woman, Salomina Kalaibin, who died from gunshot wounds on 6 May, is the third person to die simply because she joined a peaceful commemoration event in Papua province a week ago. Their deaths are a stark reminder that peaceful political activists, human rights defenders and other individuals continue to face severe restrictions, and at times risk their lives, to exercise their right to freedom of expression and assembly in Papua.

Further to the death of three civilians, at least 22 people are currently detained in Timika, Biak and Sorong for having participated in demonstrations on or around 1 May 2013 to commemorate the 50th anniversary of the handover of Papua to the Indonesian government by the United Nations Temporary Executive Authority (UNTEA).

Although Amnesty International does not take a position on the political status of Papua, or any other province of Indonesia, people in Papua and elsewhere in Indonesia should be able to peacefully express their views free from harassment, threats and the fear of criminalization. Our 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.

Amnesty International calls for a prompt, independent and impartial investigation into the allegations of unnecessary use of firearms by the security forces that has left three people dead and at least seven injured over the last week. If the investigation finds that there were human rights violations involving the security forces, then those responsible, including persons with command responsibility, should be prosecuted in proceedings which meet international standards of fairness, and victims provided with reparations. We also call for the immediate and unconditional release of all those who have been arrested and detained solely on the basis of their peaceful political activities.

There were three separate incidents on or around 1 May 2013. First, according to credible sources, police and soldiers opened fire on a group of people who had peacefully gathered on 30 April in Aimas District, Sorong to organise activities the following day to commemorate the 50th anniversary of the handover of Papua. Two men, Abner Malagawak and Thomas Blesia were killed on the spot while Salomina Kalaibin died on 6 May due to gunshot wounds to her stomach and shoulder. Two others also suffered gunshot wounds during the incident. Police claim the shootings were done in self-defence. At least six people have since been arrested and charged with "rebellion" for possession of Morning Star flags, a symbol of Papuan independence which is prohibited under a 2007 government regulation.

Further, on 1 May 2013 at noon police opened fire into the air to forcibly disperse hundreds of peaceful protesters who had gathered at a market complex in Kwamki Baru, Timika. The protesters were reportedly flying Morning Star flags. Five people were allegedly shot by the police as they were flying the flags. Police then detained at least 10 protesters who were taken to Mimika District police station. The protesters have been reportedly charged with "rebellion" (*makar*).

In Biak, at least one person was shot at 5am on 1 May when security forces opened fire at a group of at least 50 people who had gathered to raise the Morning Star flag. According to the local police they arrested six people in Ibdı village, Biak Numfor district for raising the Morning Star flag.

While the Indonesian government has the duty and the right to maintain public order on its territory, it must ensure that any restrictions to freedom of expression and peaceful assembly are no more than is permitted under international human rights law, including the International Covenant on Civil and Political Rights to which Indonesia is a state party.

Amnesty International calls on the Indonesian authorities to revoke, or else amend Article 6 of Government Regulation No. 77/2007 which prohibits the display of separatist logo or flags, and Articles 106 and 110 of the Criminal Code which prescribes a heavy punishment for “rebellion” (*makar*), so that these articles are no longer used to criminalize freedom of expression. Indonesian authorities should also ensure that members of the security forces respect international human rights law and standards when dealing with peaceful political activism in Papua, and that appropriate steps are taken to ensure that any allegations of human rights violations are not left unchecked. Investigations into reports of police and military abuses in Indonesia remain rare and only few perpetrators have been brought to justice.

Amnesty International believes that the lack of independent and impartial monitoring of the human rights situation in Papua contributes to the climate of impunity there. The Indonesian authorities should allow international observers, non-governmental organizations and journalists unrestricted and ongoing access to the provinces of Papua and West Papua.