

Indonesia: Prisoners of Conscience Action 2005

Case sheet: The Jayapura Flag-raisers

Case information

Filep Karma (m) and **Yusak Pakage** (m) could face life imprisonment for their participation in a peaceful flag-raising ceremony in Abepura, Papua province on 1 December 2004. They are currently on trial in Jayapura on charges of rebellion under Articles 106 and 110 of the Indonesian Criminal Code (KUHP) which carries a possible life sentence. They are also charged under Article 154 KUHP with expressing hostility or hatred towards the state, the maximum penalty for which is seven years. Amnesty International considers them to be prisoners of conscience who have been detained purely for the peaceful and legitimate exercise of their right to freedom of expression and is calling for their immediate and unconditional release.

On 1 December 2004 a peaceful ceremony was held in Trikora field outside Abepura in Papua and the Morning Star flag, a symbol of Papuan independence, was raised in commemoration of the declaration of Papuan independence in 1962. The commemoration is celebrated annually by some Papuans. Approximately 200 people took part in the ceremony, and hundreds more local people watched from the edge of the fields.

When the flag was raised, police advanced on the crowd, firing warning shots and beating people with batons. At least four people were reportedly injured by bullets fired by the police, including two people receiving bullet wounds to the head, and at least one student had her body stepped on by members of the police forces.

Police also beat a human rights monitor from the Institute for Human Rights Study and Advocacy (ELSHAM), who was trying to photograph the police attack on the crowd.

However, the police were outnumbered by the crowd and were forced to retreat until riot police reinforcements arrived. They were then able to force an end to the ceremony.

Filep Karma was arrested at the site of the ceremony. He was reportedly beaten, and stepped on by police officers during transportation to the police station. A group of about twenty people were later arrested at the police station when they went to protest over Filep Karma's arrest. This group was subsequently released, except for Yusak Pakage, who remained in detention with Filep Karma. The two men were later charged with rebellion for their role in leading and organising the event.

Filep Karma and Yusak Pakage have staged hunger strikes during their detention, to protest over their ill-treatment, and over the legality of the charges against them.

Other Prisoners of Conscience in Papua

Supporters of independence for Papua Province are among those who have been imprisoned as prisoners of conscience in Indonesia. Since late 1998, more than 72 people have been brought to trial in Papua in connection with activities in support of independence, of which at least 34 are believed to have been engaged only in peaceful activities. These have included organising or attending meetings in which the political status of Papua has been discussed, and ceremonies in which the Morning Star flag, a symbol of independence, has been raised.

In a similar case two other prisoners of conscience, Herman Wanggai and Edison Waromi, were imprisoned for two years in Abepura Prison. The two men were detained during a peaceful flag-raising ceremony on the campus of Cenderawasih University in Abepura town on 14 December 2002. In October 2003 they were found guilty of “rebellion” (Article 106 and 110, KUHP) and sentenced to two years’ imprisonment each. They were released in 2004. A third man, Jordan Ick, was sentenced to 10 months’ imprisonment for knowing about the event but failing to report it to the authorities (Article 164 KUHP). He has also been released after serving his sentence.

Nine men who were arrested during a similar demonstration on 27 November 2002 were sentenced to between 14 and 15 month’ imprisonment. Six of them were considered to be prisoners of conscience. All have been released following completion of their sentences.

In 2001, Reverend Obeth Komba, Amelia Yiggibalom, Reverend Yudas Meage and Murjono Murib were sentenced to four year’s imprisonment each after being found guilty of “rebellion” under Articles 106 and 110 of the Indonesian Criminal Code (KUHP). All four are members of the Wamena Panel – the local branch of the civilian organisation which supports independence for Papua Province, the Papua Presidium Council. These four were accused of instigating violence in Wamena town in October 2001. Evidence showed, however, that they actively tried to prevent the violence. They were then told by the police to find those responsible. Unable and unwilling to do so, they were themselves charged and convicted of rebellion on the basis of their panel membership and attendance of public meetings which discussed independence for Papua. The four are currently serving their prison sentences.

Background

Following the forced resignation of former President Suharto in 1998, over 230 prisoners of conscience and political prisoners were released in a series of presidential amnesties. Repressive legislation which limits freedom of expression, under which many of them had been imprisoned, fell out of use for a brief period of time.

However, since early 2001, repressive legislation has once again been used with increasing frequency against government critics, including labour and political activists, journalists, and independence activists in Nanggroe Aceh Darussalam (NAD) and Papua Provinces. A number of human rights organisations have also been charged with “defamation”, in what appears to be an attempt by the authorities to discredit them and disrupt their legitimate work.

At least 62 prisoners of conscience have been sentenced to prison terms since 1998. Nine of them are currently imprisoned. In addition to Filep Karma and Yusak Pakage, six people who would be considered prisoners of conscience if convicted are currently facing trial. Hundreds more political prisoners have faced trial in the provinces of Aceh, Papua and Maluku. Amnesty International believes that many of these have been convicted solely for the peaceful and legitimate exercise of their right to freedom of expression.

While Amnesty International takes no position on the political status of any province of Indonesia, Amnesty International believes that the right to freedom of expression includes the right to peacefully advocate referenda, independence or other political solutions and that these rights must be upheld.

Amnesty International is calling on the Indonesian government to:

- Immediately and unconditionally release Filep Karma and Yusak Pakage, and all other prisoners of conscience in Indonesia;
- Make public commitments that there will be no further arrest of individuals purely for the peaceful exercise of the right to freedom of expression, opinion, belief and association;
- Conduct effective and independent investigations into the allegations of human rights violations by members of the security forces in Abepura in relation to the events of 1 December 2004, including the unnecessary use of force against peaceful demonstrators, and the ill-treatment of detainees; and to prosecute those found to be responsible;
- Repeal repressive legislation used to imprison prisoners of conscience including the “Hate-sowing Articles” (Articles 154, 155, and 156 KHUP) and articles which criminalize “insulting the President or Vice-president” (Articles 134, 136 and 137 KUHP);
- Ratify and implement the International Covenant on Civil and Political Rights (ICCPR);
- Issue standing invitations for UN Mechanisms to visit Indonesia. Priority should be given to the Special Rapporteur on Freedom of Expression and the Special Rapporteur on Torture;