

# URGENT ACTION

## **PAPUAN ACTIVISTS FACE MAXIMUM LIFE IMPRISONMENT**

Six political activists have been arrested in Jakarta, Indonesia after peacefully campaigning for the right to self-determination of Papua. Charged with “rebellion” (*makar*), the six Papuan activists are prisoners of conscience and should be immediately and unconditionally released.

### **TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER**

Indonesia National Police Chief, General (Pol). Tito Karnavian  
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Indonesia, 12110  
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Dear General Tito,

I write to express my concern regarding the six Papuan activists **Dano (Anes) Tabuni, Charles Kosal, Ambrosius Mulait, Isay Wenda, Nailana Lokbere, Arina Lokbere, Norince Kogoya, and Surya Anta Ginting** who were all arrested over the days of 30 and 31 August by the Jakarta Regional Police Force. They have all been detained and charged with “rebellion” (*makar*) under Articles 106 and 110 of the Criminal Code.

Currently detained at the Police Mobile Brigade Headquarters (Mako Brimob) in Depok, Amnesty International considers the six activists to be prisoners of conscience as they have been detained solely for peacefully exercising their human rights to freedom of expression and assembly by peacefully campaigning for the right to self-determination of Papua.

While their lawyers could meet the activists, they were not allowed to be present in the room during the police interrogation of their clients. In addition to not being able to hear what was being said, the lawyers have complained that the observation window was heavily tinted which obstructed their view of what was happening inside. Moreover, as the Mako Brimob is more remote and less accessible than the Jakarta Regional Police Headquarters (Mapolda Metro Jaya), concerns have been raised about risk of torture and other ill-treatments.

Amnesty International is concerned that these criminal proceedings threaten the protection of freedom of expression in Indonesia. The right to freedom of expression protects the right to peacefully advocate for independence or any other political ideas that do not involve incitement to discrimination, hostility or violence. Criminalizing such expression is contrary to international human rights law and standards.

**Therefore, I urge you to:**

- **Immediately and unconditionally release the six Papuan political activists and drop all the charges against them, under Articles 106 and 110 of Indonesia’s Criminal Code brought against as they are prisoners of conscience detained solely for expression peacefully exercising their rights to freedom of expression and freedom of assembly.**
- **Pending their release, ensure that they are protected from torture and other ill-treatment and have regular access to their family members, access of medical care, and lawyers of their choice. They must be assisted by their lawyers in all stages of the legal process, in line with the right to a fair trial.**
- **Counsel the President to ensure that Article 106 and 110 of the Criminal Code are repealed or amended to ensure they comply fully with Indonesia’s obligations under international human rights law.**

Yours Sincerely,

## ADDITIONAL INFORMATION

Between 30 and 31 August, police from different areas of Indonesia arrested eight political activists for allegedly organising a peaceful protest in front of the Presidential Palace in Jakarta, on 28 August, in reaction to the racist incidents against the Papuan students in Surabaya and Malang of East Java Province. During the protest, some of the protesters waved the Morning Star Flag, a banned symbol of Papuan independence.

On 30 August at around 6pm local time, plainclothes police arrested Dano (Anes) Tabuni and Charles Kosal at their rented home in Depok, West Java. No arrest warrant was shown, and, during the arrest, a gun was pointed by a police officer at the Papuan students. On 31 August, officers from the Jakarta Regional Police Force arrested Ambrosius Mulait and Isay Wenda, who on the day prior were protesting with dozens of other Papuan students in front of the Jakarta Police Force Headquarters. The same day, at around 7pm, plainclothes police arrested Naliana Lokbere, Arina Lokbere and Norince Kogoya, at their house in South Jakarta without showing an arrest warrant. When one of the students wanted to change her clothes, a police officer told her, insultingly: "You Papuans generally don't wear clothes." Finally, on 31 August at around 8pm, plainclothes police arrested Surya Anta Ginting at Plaza Indonesia, a shopping mall in Central Jakarta without showing an arrest warrant. Surya Anta Ginting is a spokesperson for the Front Rakyat Indonesia untuk West Papua [Indonesian People's Front for West Papua], a civil society organization that peacefully advocates for self determination for Papua.

On 1 September, the police released Naliana Lokbere and Norince Kogoya without charge, while the other six activists remain detained and have been charged under Articles 106 and 110 of the Criminal Code. Article 106 of the Criminal Code authorizes the authorities to sentence a person "to life imprisonment or a maximum of twenty years imprisonment for makar with the intent to bring the territory of the state in whole or in part under foreign domination or to separate part thereof." In addition, Article 110 stipulates that conspiracy to commit makar is punishable as a violation of Article 106. The Indonesian authorities have used these criminal code provisions to prosecute dozens of peaceful pro-independence political activists over the last decade.

The "makar" articles are considered a crime against state security chapter in Indonesia's criminal code therefore, while the activists have access to legal representation, the lawyers can only watch without hearing the police interrogation against their clients.

The last decade has seen an increase in pro-independence political activities in Papua, particularly those led by students and young people. They have routinely organized mass demonstrations in several cities in and outside of Papua to call for self-determination through a referendum. Security forces have often used repressive measures against these activists, such as blanket prohibitions on peaceful protest, mass arrests, and prosecution under makar provisions in the Criminal Code. Pro-independence political activists in Papua have also been victims of unlawful killings by security forces.

Amnesty International takes no position on the political status of any province of Indonesia, including on 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 ideas that do not involve incitement to discrimination, hostility or violence. The organization acknowledges that there have clearly been incidents of violence committed by non-state actors in Papua recently, and recognizes that the Indonesian government can use the domestic criminal law to address any violent attacks. However, the government has consistently failed to make a distinction between armed groups carrying out violent attacks and peaceful activists, and between peaceful expression of opinion and acts of physical violence.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** [English, Indonesian]

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 17 November 2019

**NAME AND PREFERRED PRONOUN:** Dano (Anes) Tabuni (*Him/His*), Charles Kosal (*Him/His*), Ambrosius Mulait (*Him/His*), Isay Wenda (*Him/His*), Arina Lokbere (*Her/She*), and Surya Anta Ginting (*Him/His*)