

URGENT ACTION

PAPUAN ACTIVIST CHARGED FOR POSTING FB VIDEO

A peaceful pro-independence Papuan activist, Agustinus Yolemal, was detained and charged for posting a video on Facebook. He was charged with “disseminating hostility against the state ideology” under the Law on Electronic Information and Transaction. If convicted, he would face a penalty of up to six years’ imprisonment. He is a prisoner of conscience and should be immediately and unconditionally released.

On the evening of 23 August, **Agustinus Yolemal**, a Papuan pro-independence activist, was in his house in Timika, Mimika District, Papua Province with his wife, his 6-year-old son and his sister-in-law. Dozens of police personnel arrested Agustinus, without showing an arrest warrant, the police brought all four people to a local police station for interrogation. The police also interrogated the 6-year old boy. After hours of interrogation, the police released three of them, while detaining Agustinus. The police named Agustinus as a suspect for disseminating video containing “hostile messages against Indonesia’s state ideology.” In the video that Agustinus posted on his Facebook page a few months ago, both Agustinus and his son can be seen and heard jointly voicing slogans including “Papua, independence”, “referendum, yes”, “Indonesia, go home”, “Indonesia, stupid” and “Indonesia, animal”. At the end of the video, Agustinus said that some of the slogans were too “evil” and told his son not to repeat them.

Article 45A(2) of Law on Electronic Information and Transaction (ITE Law), under which Agustinus has been charged, carries a maximum sentence of six years’ imprisonment and/or a fine of up to one billion rupiah (around US\$66,700) for “[a]ny person who deliberately and without right disseminates information aimed at inflicting hatred or hostility on individuals and/or certain groups in the society based on ethnicity, religion, race and membership of inter-groups (*antar-golongan*) as provided in Article 28(2) of the ITE Law.” Although these articles of the ITE Law speak of information “aimed at inflicting hatred or hostility” on individuals and groups, in practice it has been used to prosecute individuals who use social media or other online platforms to criticise or ridicule abstract entities such as religion or “state ideology”. Thus, the vague and overbroad legislation has often been used to arrest, prosecute and punish persons for peacefully exercising their freedom of speech.

Please write immediately in English, Bahasa or your own language urging Indonesia authorities to:

- Immediately and unconditionally release Agustinus Yolemal who has been solely detained for peacefully exercising their human rights, and withdraw any charges against him;
- Ensure that, pending his release, Agustinus Yolemal is protected from torture and other ill-treatment, and is provided with regular access to his family, lawyer and any medical treatment he may require;
- Stop using vague and overbroad legislation to arrest, prosecute and punish persons for peacefully exercising their human rights.

PLEASE SEND APPEALS BEFORE 19 OCTOBER 2018 TO:

Papua Regional Head of Police
 Irjen Martuani Sormin
 Papua Regional Police Headquarters
 Jl. Sam Ratulangi No. 8
 Jayapura, Papua Province
 Indonesia 99115
 Fax: +62 96 753 3763
 Twitter: @HmsPoldaPapua
Salutation: Dear Inspector General

Head of Presidential Staff Office (KSP)
 (Retired) General Moeldoko
 Gedung Bina Graha
 Jl. Veteran No. 16
 Jakarta Pusat, DKI Jakarta
 Indonesia 10110
 Fax: +62 21 345 0009
 Email: webmaster@ksp.go.id
Salutation: Dear General

And copies to:
Chairperson of the National Human Rights Commission (Komnas HAM)
 Mr. Ahmad Taufan Damanik
 Jl. Latuharhary No. 4B, Menteng
 Jakarta Pusat, DKI Jakarta
 Indonesia 10310
 Fax: +62 21 392 5227
 Email: info@komnasham.go.id

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY DR RIZAL SUKMA, Embassy of the Republic of Indonesia, 30 Great Peter Street, SW1P 2BU, 02074997661, Fax 02074914993, kbri@btconnect.com, www.indonesianembassy.org.uk, Salutation: Your Excellency

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Indonesia enshrines guarantees to freedom of expression and peaceful assembly in its Constitution and other national legislation. But legislation continues to be used to criminalize peaceful political activities and to imprison people solely for the peaceful exercise of their rights to freedom of expression and opinion, peaceful assembly and thought, conscience and religion.

International human rights law requires states to prohibit advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, as provided in Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party. The prohibition relates to incitement against persons belonging to particular groups, including religious groups; it does not cover criticism or even insults to abstract entities such as religion, opinions or state ideology. In order to comply with the ICCPR, any such prohibition must be precisely formulated to cover only forms of expression which contain both the element of advocacy of national, racial or religious hatred and the element of incitement against the people concerned; moreover, such acts may only be criminally prosecuted if there is evidence of intent with regard to both elements.

Amnesty International has repeatedly called on the Indonesian authorities to repeal or amend Article 28(2) of the ITE Law to bring it into line with Indonesia's obligations under international law and ensure that it is not used to violate the right to freedom of expression.

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 other political solutions.

Amnesty International has also documented the use of unnecessary or excessive force and firearms as well as torture and other ill-treatment by the security forces against political activists and others suspected of links to pro-independence groups in both Papua and West Papua Provinces. Accountability for such acts is rare and, at most, security personnel only receive disciplinary, as opposed to criminal, sanctions.

Name: Agustinus Yolemam

Gender m/f: m

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