

URGENT ACTION

PAPUAN PRISONER OF CONSCIENCE DENIED PAROLE
Political activist, Oktovianus Warnares was convicted of “rebellion” (*makar*) in 2013 after peacefully commemorating the 50th anniversary of the handover of Papua to the Indonesian government. He is a prisoner of conscience and should be immediately and unconditionally released.

Oktovianus Warnares, a prisoner of conscience who has served more than two thirds of his prison term, is eligible for parole. His sentence reduction, an otherwise automatic arrangement, was denied on the grounds that Oktovianus Warnares has to first declare on paper his allegiance to the state of Indonesia according to Government Regulation No. 99/2012.

Oktovianus Warnares, along with five other Papuan political activists, organised on 1 May 2013 a flag-raising ceremony of the Morning Star, a symbol forbidden under the Government Regulation No. 77/2007. The event was held in the vicinity of a government building in Biak Numfor, Papua province to commemorate the 50th anniversary of the handover of Papua to the Indonesian government by the United Nations Temporary Executive Authority (UNTEA).

The group was immediately arrested after the police opened fire on dozens who were gathering. Oktovianus Warnares and the other men were charged with “rebellion” (*makar*) under Articles 106 and 110 of the Indonesian Criminal Code (KUHP) and possession of ammunition and explosives under Article 1(1) of the Emergency Law No. 12/1951. His lawyer claimed that the police planted the evidence to incriminate them

On 10 February 2014, the Biak District Court convicted Oktovianus Warnares and the other Papuan activists guilty of all charges and sentenced him to three years’ imprisonment. Following the appeal process, the sentence has twice been extended; the Jayapura High Court increased the sentence into five years’ and then on 26 August 2014 the Supreme Court ruled his sentence to be seven years’ imprisonment. The other five activists have all since been released.

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

- Immediately and unconditionally release Oktovianus Warnares as he has been convicted and imprisoned solely for the peaceful exercise of his human right to freedom of expression, and
- Stop evoking vague and overbroad legislation to arrest, prosecute and punish persons for peacefully exercising their human rights.

PLEASE SEND APPEALS BEFORE 11 OCTOBER 2017 TO:

Minister of Law and Human Rights

Mr. Yasonna Laoly
 Ministry of Law and Human Rights
 Jl. H.R. Rasuna Said Kav. 6-7,
 Jakarta Selatan 12940,
 Indonesia
 Twitter: @Kemenkumham_RI
 Fax: +62 (0)21 525 3004
 Email: rohumas@kemenkumham.go.id
Salutation: Dear Minister

Chief of the Presidential Staff Office

Mr. Teten Masduki
 Gedung Bina Graha
 Jl. Veteran No. 16, Jakarta Pusat 10110
 Indonesia
 Twitter: @KSPgoid
 Fax: +62 (0)21 345 0009
 Email: webmaster@ksp.go.id
Salutation: Dear Mr.

And copies to:

Chairperson of the National Human Rights Commission (Komnas HAM)
 Mr. Nur Kholis
 Jl. Latuharhary No. 4B Menteng,
 Jakarta Pusat 10310
 Indonesia
 Twitter: @komnasham
 Fax: +62 (0) 21 392 5227
 Email: pengaduan@komnasham.go.id

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY DR RIZAL SUKMA, Embassy of the Republic of Indonesia, 38 Grosvenor Square W1K 2HW, 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 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 conscience and religion.

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) with the maximum punishment of life imprisonment have been used to criminalize peaceful activism beyond the legitimate restriction on freedom of expression and association as set out in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) to which Indonesia is a State Party.

Amnesty International has also documented the use of excessive force and firearms as well as torture and other ill-treatment against political activists and others accused of links to pro-independence groups. Accountability for such acts is rare and, at most, security personnel only receive disciplinary, as opposed to criminal, sanctions. See other Amnesty International's document for these issues: <https://www.amnesty.org/en/documents/asa21/3010/2015/en/>, <https://www.amnesty.org/en/documents/asa21/1932/2015/en/> and <https://www.amnesty.org/en/documents/asa21/3797/2016/en/>.

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.

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