

URGENT ACTION

WORKER ARRESTED FOR CRITICIZING FORMER EMPLOYER

On 26 August 2024, Septia Dwi Pertiwi, a former worker at a tax and accounting services company in Jakarta, Indonesia, was arrested after a co-owner of her former company accused her of defamation under the Electronic Information and Transactions Law. She had criticized the company on social media for allegedly underpaying employees and neglecting their rights. She was recently detained for 25 days at the Pondok Bambu Detention Centre in Jakarta. She is now under city detention until 30 November 2024.

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

Dr. Sanitiar Burhanuddin

Attorney General of the Republic of Indonesia

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Dear Dr. Burhanuddin,

I am writing to express my concern for Septia Dwi Pertiwi, who is under 'city detention' in Jakarta, Indonesia, after criticizing her former employer. Under Indonesian Penal Code, city detention means detention in the city where the suspect or defendant lives or resides, with the obligation for the suspect or defendant to report at a specified time.

On 21 January 2023, Septia Dwi Pertiwi criticized her former employer, PT Hive Five, a tax and accounting services company, on social media for allegedly underpaying employees and neglecting their rights. Septia Dwi Pertiwi was reported to the police by Henry Kurnia Adhi, co-owner PT Hive Five, accusing her of defamation under the Electronic Information and Transactions Law (EIT Law); a law that has been misused to criminalize hundreds of people in Indonesia since 2016.

On 26 August 2024, a detention order was issued by the Central Jakarta Prosecutor's Office and Septia Dwi Pertiwi was arrested by the prosecutor and charged with violating the Electronic Information and Transaction (EIT) Law for defamation. She was taken to Pondok Bambu Detention Centre in east Jakarta, where she was detained for 25 days. On 27 August, Septia Dwi Pertiwi and her legal team applied to the judges of the Central Jakarta District Court for release from detention. The judges granted the request on 19 September, and placed Septia Dwi Pertiwi under city detention from 19 September to 30 November.

It is a travesty that Septia Dwi Pertiwi was detained and is currently under city detention for solely for peacefully exercising her right to freedom of expression, which is guaranteed under both international and domestic law.

Septia Dwi Pertiwi is still undergoing legal proceedings at the Central Jakarta District Court. She is unemployed and is taking care of her sick mother. Septia Dwi Pertiwi is at risk of being detained again if the trial continues. If convicted, she faces a maximum sentence of four years in prison.

I therefore urge you and the authorities to

- Immediately release Septia Dwi Pertiwi and drop the charges against her;
- Ensure that all activists can freely carry out their peaceful activities without fear of hindrance, intimidation, arbitrary arrest or other reprisals;
- Stop using the Electronic Information and Transactions Law to silence activists and ensure that defamation is treated as a civil matter.

Yours sincerely,

ADDITIONAL INFORMATION

Septia Dwi Pertiwi was a worker at PT Hive Five, a tax and accounting services company in South Jakarta, Indonesia. On 27 October 2022, Septia resigned from her workplace after the company cut the workers' salary and did not fulfill the commission promised to her and her colleagues.

On 21 January 2023, Septia Dwi Pertiwi criticized her former workplace on social media for allegedly underpaying and neglecting the worker's rights, especially during her employment. Septia Dwi Pertiwi then received several threats of imprisonment from an anonymous account 22 hours after she posted the criticism on social media. She was then continuously contacted by several people from the company on the same day, but she refused to respond.

On 22 January 2023, Henry Kurnia Adhi, co-owner of the company, sent a legal notice to Septia Dwi Pertiwi requesting clarification and accusing her of defamation.

On 23 January 2023, Septia Dwi Pertiwi received the first legal notice sent to her residence, to which she did not respond. On 27 January 2023, she received the second legal notice and on 17 February 2023, she received a letter from the Metro Jaya Police summoning her to the Metro Jaya Police Office.

On 13 March 2023, Septia Dwi Pertiwi and her legal team responded to the Metro Jaya Police summons for a mediation with Henry Kurnia Adhi, but he did not attend the summons.

On 5 September 2023, a second mediation was held by the Metro Jaya Police between Septia Dwi Pertiwi and Henry Kurnia Adhi. Henry Kurnia Adhi demanded a compensation of 300 million rupiah (about 19,300 USD) from Septia and demanded that Septia Dwi Pertiwi apologize publicly in the media. The police also named Septia Dwi Pertiwi as a suspect, but investigators did not arrest her because she showed great respect for the legal process and was cooperative with every summons from investigators.

On 27 August 2024, Septia Dwi Pertiwi's legal team submitted a request for suspension of her detention to the Central Jakarta Prosecutor's Office. Initially, the request was to be decided at Septia's first court hearing at the Central Jakarta District Court on 10 September 2024. However, the hearing was postponed and rescheduled for 17 September 2024.

On 19 September 2024, the agenda continued with the reading of the defendant's exception and the decision on the request for suspension of detention. The suspension of Septia Dwi Pertiwi's detention was granted at the hearing.

Indonesia has shown an alarming trend of criminalizing people and suppressing the right to freedom of expression. Amnesty International records that from 2019 to October 2024, at least 554 people have been charged with alleged violations of problematic articles of the EIT law.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Indonesian

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 15 December 2024

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Septia Dwi Pertiwi (she/her)

ADDITIONAL TARGETS

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Salutation: Your Excellency

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