

# URGENT ACTION

## PEACEFUL ACTIVIST SENTENCED TO A YEAR IN PRISON

**Peaceful Papuan political activist, Steven Itlay, has been convicted of 'incitement' and sentenced to one year imprisonment in Timika, Papua province.**

**Steven Itlay**, leader of the Timika branch of the West Papuan National Committee (KNPB) was sentenced on 22 November to one year imprisonment for 'incitement'. The Timika District Court (PN Timika) found him guilty under Article 160 of Indonesia's Criminal Code (KUHP, *Kitab Undang-Undang Hukum Pidana*), which punishes "any person who orally or in writing incites in public to commit a punishable act, a violent action against the public authority or any other disobedience". The time he has already spent in detention since 5 April will be deducted from his sentence.

15 political activists were arrested on 5 April at a joint peaceful prayer activity and demonstration in the backyard of a church in Utikini village, Kuala Kencana district, Mimika, Papua province. Mimika Resort Police released 13 of the activists after two days. Steven Itlay was prosecuted for delivering a political speech during the prayer activity and distributing flyers for a demonstration in the run-up to the same prayer event. He was cleared of the original charges of 'rebellion' (*makar*) under Articles 106 and 110 of the Indonesian Criminal Code but convicted and sentenced for the lesser offence of 'incitement' which carries a lighter sentence. Amnesty International considers Steven Itlay a prisoner of conscience for being prosecuted and imprisoned solely for the peaceful exercise of his rights to freedom of expression and peaceful assembly.

### **Please write immediately in English, Indonesian or your own language:**

- Urging the authorities to immediately and unconditionally release Steven Itlay as he has been convicted and imprisoned solely for the peaceful exercise of his human right to freedom of expression;
- Urging them to stop evoking vague and overbroad legislation to arrest, prosecute and punish persons for peacefully exercising their human rights;
- Calling on them to ensure that Steven Itlay receives any medical attention he may require fully and immediately.

### **PLEASE SEND APPEALS BEFORE 6 JANUARY 2017 TO:**

#### Head of Presidential Staff Office

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

**Salutation: Dear Mr**

#### Co-ordinating Minister for Political, Legal and Security Affairs

General Wiranto  
Ministry for Political, Legal and Security  
Affairs  
Jl. Medan Merdeka Barat No. 15,  
Jakarta Pusat 10110, Indonesia  
Fax: +62 21 345 0918

**Salutation: Dear Minister**

#### **And copies to:**

Chairperson National Human Rights  
Commission (Komnas HAM)  
Mr. Imdadun Rahmat  
Chairperson National Human Rights  
Commission (Komnas HAM)  
Jl Latuharhary No.4 Menteng Jakarta  
Pusat 10310 Indonesia  
Fax: +62 21 39 25 227

**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. This is the second update of UA 80/16. Further information:

<https://www.amnesty.org/en/documents/asa21/4085/2016/en/>

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### ADDITIONAL INFORMATION

The joint prayer activity in Utikini village, Kuala Kencana district, Mimika, Papua province on 5 April was a gathering in support of a peaceful Papuan pro-independence umbrella group, the United Liberation Movement for West Papua (ULMWP) to be accepted as a member of Melanesian Spearhead Group (MSG), a sub-Pacific intergovernmental organization. The police argued they allowed the prayer activity, but that they had to disband the gathering by firing warning shots because someone had delivered a political speech on the stage. The police also destroyed many banners and flags belonging to the KNPB group.

Another man arrested together with Steven Itlay, Jus Wenda, was sentenced to ten months' imprisonment by the PN Timika on 10 August for maltreatment against the Head of Mimika Resort Police Force under Article 351(1) of the Criminal Code.

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.

At least 12 people are currently imprisoned in the Papuan region (provinces of Papua and West Papua), some sentenced to as long as 20 years' imprisonment, for attending, organizing or participating in peaceful political activities or protests, or possessing, raising or waving the prohibited pro-independence 'Morning Star' flag of Papua. Many of those arrested are charged with "rebellion" (*makar*) under Articles 106 and 110 (crimes against the security of the state) of Indonesia's Criminal Code.

Article 160 of the Indonesian Criminal Code has been used in the past against human rights defenders and political activists in various parts of Indonesia including Aceh, Java, Papua and Maluku to suppress freedom of expression and assembly.

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.

Further information on UA: 80/16 Index: ASA 21/5216/2016 Issue Date: 25 November 2016