

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2010/08/16/open-letter-president-indonesia-papuan-political-prisoners>

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Susilo Bambang Yudhoyono
President
Republic of Indonesia
Istana Merdeka
Jakarta Pusat 10110 Indonesia
Via Fax, E-mail

Dear President Yudhoyono:

As Indonesia's National Day on 17 August approaches, we the undersigned non-governmental organizations engaged in the defense of human rights in Indonesia are deeply concerned that dozens of Papuans are incarcerated in prisons in Papua and West Papua simply for having been involved in non-violent demonstrations or expressions of opinion.

In most cases, these prisoners have been sentenced under Criminal Code Articles 106 and 110 regarding "rebellion." These articles are a legacy from the Dutch colonial era and are in violation of the Indonesian Constitution, Articles 28(e) and 28(f) which respectively afford "the right to the freedom of association and expression of opinion," and "the right to communicate and obtain information for the development of his/her personal life and his/her social environment, and shall have the right to seek, acquire, possess, keep, process and convey information by using all available channels."

Moreover, Articles 106 and 110 are inconsistent with your country's international obligations under the International Covenant on Civil and Political Rights (ICCPR) which Indonesia ratified in 2006. While the ICCPR (article 19) notes that these rights are subject to certain restrictions "for the protection of national security and of public order or public health or morals," the 1995 Johannesburg Principles on National Security, Freedom of Expression, and Access to Information identify clear standards for application of national security restrictions. These Principles provide that persons should not be restrained for expressing their opinions. Governments should only take action against such expression of views on the grounds of national security if they can demonstrate that they would incite acts of imminent violence. The prosecution of the aforementioned Papuan political prisoners has offered no evidence of any such threat of imminent violence in association with their physical or verbal actions.

While we strongly believe that none of these prisoners should have been prosecuted in the first place, we are also deeply concerned about the disproportionately harsh sentences imposed on these political prisoners given their non-violent acts. One prisoner arrested in 2004 and charged under these articles is serving a 15-year sentence while others have been given sentences of three or four years. Moreover, there have been alarming reports of maltreatment of the prisoners by prison warders and the lack of essential medical facilities. In one case, a prisoner with a serious prostate disorder had to wait eight months before being allowed to travel to Jakarta for essential treatment recommended by the local doctor. Severe Beatings of prisoners and detainees are frequently and credibly reported.

We the undersigned have on a number of occasions welcomed the democratic progress in Indonesian since the fall of the Suharto dictatorship, inspired by the Indonesian people. We recognize that this progress had been achieved despite frequent threats by the as yet unreformed Indonesian security forces.

In view of the tradition to mark Indonesia's National Day on 17 August by announcing the release of prisoners and bearing in mind the restriction on essential freedoms such as those contained in Articles 106 and 110 of the Criminal Code we respectfully call on you to mark this year's celebrations by:

We look forward to your response.

Sincerely,

Aliansi Nasional Timor Leste Ba Tribunal Internasional (ANTI)/
Timor-Leste National Alliance for an International Tribunal
Australia West Papua Association Adelaide
Australia West Papua Association Brisbane
Australia West Papua Association Melbourne
Australia West Papua Association Newcastle
Australia West Papua Association Sydney
East Timor and Indonesia *Action* Network (ETAN) (U.S.)
Foundation Akar (The Netherlands)
Foundation Manusia Papua (The Netherlands)
Foundation of Papuan Women (The Netherlands)
Foundation Pro Papua (The Netherlands)
Free West Papua Campaign UK
Freunde der Naturvölker e.V./FdN (fPcN) (Germany)
Human Rights Watch
KontraS (Indonesia)
Land is Life (U.S.)
La'o Hamutuk (Timor-Leste)
Perkumpulan HAK (HAK Association) (Timor Leste)
Tapol (Britain)
West Papua Advocacy Team (U.S.)
West Papua Network Germany

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