

Human Rights Watch

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

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Clemency for 5 Papuans Leaves Dozens Behind Bars

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(Jakarta) Indonesian President Joko Widodo's move to grant clemency to five Papuan prisoners ignores the dozens of political prisoners who remain behind bars in Papua and the Moluccas islands, Human Rights Watch said today.

Widodo announced clemency for [Apotnalogolik Lokobal](#), [Numbungga Telenggen](#), [Kimanus Wenda](#), [Linus Hiluka](#), and [Jefrai Murib](#) while visiting Papua's provincial capital of Jayapura on May 9, 2015. The five men, convicted by a Wamena court in 2003 for their alleged role in a raid on an Indonesian Armed Forces [weapons arsenal](#) in Wamena on April 4, 2003, that resulted in the deaths of two soldiers, were serving prison terms ranging from 19 years and 10 months to life imprisonment. [They](#) were released during Widodo's visit to Abepura prison, in Jayapura. Only Telenggen and Murib, who were sentenced to life, were involved in the raid. The other three were arrested because of their pro-independence views.

The release of five prisoners raises hope that the many political prisoners still held would be freed, but they remain unlawfully behind bars, said Phelim Kine, deputy Asia director. The Indonesian government should release all political prisoners with an immediate presidential amnesty rather than demand prisoners admit guilt for convictions that violated their basic human rights.

The nongovernmental political prisoners advocacy organization [Papuans Behind Bars](#) lists a total of 38 Papuans imprisoned, detained, on trial, or awaiting trial on charges that violate their freedom of expression and association. There are an estimated 29 other political prisoners in the Moluccas Islands, according to the Ambon-based [Tamasu human rights group](#).

Most Papuan political prisoners reject the concept of clemency as it requires an admission of guilt in return for release.

The government consistently arrests and jails protesters for peacefully advocating independence or other political change. Many such arrests and prosecutions are of activists who peacefully raise banned symbols, such as the Papuan Morning Star and the South Moluccan RMS flags.

Human Rights Watch takes no position on the right to self-determination, but opposes imprisonment of people who peacefully express support for self-determination.

Under Indonesian law, the president has three options for releasing prisoners: clemency, amnesty, or abolition. Clemencies require a request for clemency from the prisoner and an admission of guilt. Indonesian law obligates the president to consult the Supreme Court prior to granting any clemencies. The president can also grant convicted prisoners an amnesty and grant prisoners whose legal process is not yet exhausted abolition. Neither abolitions nor amnesties require a prisoners request or admission of guilt, but the president must consult the House of Representatives prior to issuing either abolition or an amnesty.

Most of [Indonesias](#) political prisoners were [convicted](#) of *makar* (rebellion or treason) under articles 106 and 110 of the Indonesian Criminal Code. Article 6 of Government Regulation 77/2007, which regulates regional symbols and prohibits display of flags or logos that have the same features as organizations, groups, institutions or separatist movements. Both the Papuan Morning Star flag and the Benang Raja (rainbow) flag of the Republic of the South Moluccas (Republik Maluku Selatan, RMS) are considered to fall under this ban.

Many such prisoners have been sentenced to 10 years or more in prison. In many cases the activists were tortured by police while in pretrial detention. Some have faced mistreatment and denial of medical treatment while in prison. The government [justifies](#) its arrest of Papuan activists as part of its ongoing conflict with the small and poorly organized Free Papua Movement (Organisasi Papua Merdeka, OPM). Tensions heightened in Papua in February 2013 following a suspected OPM attack on Indonesian military forces that killed eight soldiers the worst act of violence against the military in the area in more than 10 years.

Those Papuan political prisoners who refused the governments offer of clemency included Filep Karma, a civil servant, who is [serving 15 years](#) for raising the Morning Star flag a West Papua independence symbol in December 2004. In November 2011, the [United Nations Working Group on Arbitrary Detention](#) called him a political prisoner and asked the Indonesian government to release him immediately and unconditionally. Indonesia rejected the recommendation.

The conduct of the Indonesian security forces in Papua has also bred a deepening antipathy between native Papuans and Indonesian authorities. The security forces in Papua have been implicated in dozens of human rights abuses over the past decade, including the [killing](#) of five unarmed peaceful protesters in the remote town of Enarotali on December 8, 2014. Three separate [official probes](#) into the shootings, conducted by the [police](#), the national human rights commission, and an informal military-and-police effort, have yet to release the result of their investigations.

Redress for such abuses is often obstructed by a lack of transparency fueled by official restrictions on media freedom in Papua. The Indonesian government has for decades effectively [blocked](#) foreign media from freely reporting in Papua by only allowing access to foreign journalists who get special official permission to visit the island. The government rarely approves these applications or delays processing them, hampering efforts by journalists and nongovernmental groups to report on breaking events. Official minders invariably shadow journalists who do get official permission, strictly controlling their movements and access to people they want to interview.

Widodo told a group of foreign reporters on May 9 that he would declare a complete lifting of those [restrictions](#) on May 10. However, he did not provide any details and it is uncertain how quickly and how effectively Indonesias Ministry of Foreign Affairs, which has long regulated foreign media access to Papua, will implement the measure. There are also serious questions about the degree to which Papuan security forces will respect the right of foreign media to freely operate in Papua.

Indonesian authorities in August 2014 detained Thomas Dandois and Valentine Bourrat, two French journalists who were [producing a documentary](#), and threatened them with subversion charges for allegedly filming members of the separatist Free Papua Movement (OPM). On October 6, a court in Papuas city of Jayapura [convicted](#) them of abusive use of entry visas, sentenced them to time served, and released them the same day.

Although the government permits Indonesian domestic media to report from Papua, there are serious questions about the reliability and objectivity of their reporting in the face of [government efforts](#) to control the flow of information from the island. Official documents leaked in 2011 indicate that the Indonesian military employs about two dozen Papua-based Indonesian journalists as informers. The military has also financed and trained journalists and bloggers, warning them about alleged foreign interference in Papua, including by the US and other governments.

If President Widodo is serious about addressing Papuas toxic fear, impunity, and violations of human rights, he should start by releasing all political prisoners, freeing the media, and demanding meaningful investigations into abuses, Kine said. Every one of Indonesias political prisoners is an affront to basic human dignity and makes a mockery of Indonesias claim to be a rights-respecting nation.

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