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Papua land of peace
faith based network on West Papua



ASIAN HUMAN RIGHTS COMMISSION



PRESS RELEASE

FORKORUS' AND FOUR OTHERS' SENTENCE VIOLATES HUMAN RIGHTS LAW

16 March 2012 - The Jayapura state court today found five Papuan leaders guilty of treason, sentencing them each to three years imprisonment. TAPOL, the Asian Human Rights Commission, the Faith-Based Network on West Papua, Franciscans International, and the West Papua Netzwerk seriously regret the verdict and question the fairness of the trial proceedings. The verdict is another example of the severe restrictions by the Indonesian authorities on the right to freedom of expression of the Papuans. We call upon Indonesian President Susilo Bambang Yudhoyono to order that all convictions which do not reflect international legal standards be overturned and the prisoners be immediately released.

Today's verdict represents a setback in the relationship between Jakarta and Papua, suggesting that Indonesian authorities still see arrest and detention as the best ways to respond to expressions of Papuan aspirations. As a country widely applauded for its burgeoning democracy, Indonesia should be promoting peaceful political activity, not punishing it.

Forkorus Yaboisembut, Edison Waromi, Selpius Bobii, Dominikus Surabut and August Kraar were arrested in October 2011 for their roles in the Third Papuan People's Congress, a peaceful gathering at which the leaders declared that Papua has been independent since 1961. As the gathering began to disperse, security forces fired shots into the crowd and carried out mass arrests and beatings. Three people were shot dead.

While the leaders of the Congress now face three years in jail for their peaceful actions, those responsible for the violent response to the Congress received a slap on the wrist, and investigations to determine who was responsible for the killings have led to neither justice nor accountability.

The five men were convicted of treason under Article 106 of the Indonesian Criminal Code. While the treason laws are intended to prosecute serious crimes against the state, alleged members of the armed resistance are rarely if ever brought to trial in Papuan courts; they are beaten, tortured or shot. Article 106 is instead used to charge those engaged in peaceful actions such as raising the Papuan national 'Morning Star' flag or organising and attending public events at which Papua rights and aspirations are asserted.

The denial made by the Coordinating Minister for Law and Human Rights of any political prisoners this month shows a lack of commitment to uphold human rights norms that are applicable to Indonesia according to international law, including that the peaceful expression of political opinions cannot be persecuted.

There are serious doubts about the fairness of the trial proceedings. Armed members of the security forces maintained a heavy presence during the trial sessions, and one of the senior lawyers for the defence, Gustav Kawer, is being threatened with prosecution, in violation of his right under Indonesian law and international standards to carry out his professional duties in defending clients in court. There have also been questions about the independence of the judges, who were reportedly visited by senior military, police and government officials just one hour before the trial began.

According to TAPOL's data, the five men will join at least 27 other Papuan political prisoners currently in jail for treason under article 106. All those detained for peaceful political activities should be immediately and unconditionally released.

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