

STATEMENT
UPR Pre-session on Indonesia
Geneva, 31 August 2022
Delivered by: Amnesty International Indonesia

1- Presentation of the Organisation

This statement is delivered on behalf of Amnesty International Indonesia, an independent research and advocacy organization set up to advance and protect human rights, and the Alliance of Independent Journalists (AJI), an independent organization that promotes press freedom.

2- National consultations for the drafting of the national report

The Indonesian Ministry of Foreign Affairs held a national consultation from 1 to 4 June 2022 for the development of the National Report, involving relevant ministries, the National Commission of Human Rights (Komnas HAM, Indonesia's National Human Rights Institution / NHRI), and Civil Society Organizations (CSOs).

3- Plan of the Statement

This statement addresses the following issues: (1) Freedom of peaceful assembly (with a focus on the implementation of treason provisions) (2) Press freedom and the safety of journalists

4- Statement

I. **Freedom of peaceful assembly**

A. Follow-up to the last review

In the previous review, Indonesia supported two recommendations from New Zealand and Germany on the right to freedom of peaceful assembly that specifically highlighted Papua and West Papua, but only noted recommendations from the United States and Germany to repeal or amend and to end prosecutions using Articles 106 and 110 of the Criminal Code on Treason.

Indonesian authorities have used these criminal code provisions to criminalize and imprison dozens of human rights defenders and political activists in Maluku and Papua, where there was history of pro-independence movement, for their participation in peaceful protests or for expressing their political views.

B. New developments since the last review

There has been no significant improvement, as prosecutions under treason provisions continued. As of May 2022, Amnesty International recorded at least 14 prisoners of conscience from Papua and three from Maluku who were detained solely for peacefully exercising their rights.

Activists in Maluku and Papua were often charged with treason simply for possessing or displaying flags that serve as their cultural symbols. Protests around sensitive issues, like the conflict in Papua, were also targeted. In June 2020, for instance, seven Papuans were convicted of treason for their peaceful involvement in antiracism protests in Jayapura, Papua, in 2019.

Treason provisions particularly contributed to the restriction of the freedom of peaceful assembly, as authorities have often failed to make a distinction between peaceful activism and acts of incitement. These provisions are also still found in the latest draft of the Criminal Code (July 2022 version).

Amnesty International takes no position on the political status of any province of Indonesia, including on calls for independence. However, we consider that the right to freedom of peaceful assembly protects the right to peacefully advocate for independence or any other political ideas that do not involve incitement to discrimination, hostility, or violence.

C. Recommendations

With regards to this issue, we therefore urge that the Government of Indonesia:

- a) Immediately and unconditionally release all prisoners of conscience who are detained simply for exercising their rights to freedom of expression and peaceful assembly;
- b) Repeal or substantially amend Articles 106 and 110 regarding treason of Indonesia's Criminal Code, ensuring that these provisions can no longer be used to criminalise people who express critical opinions or protest peacefully;
- c) Together with the parliament, eliminate treason provisions from the current draft of the Criminal Code amendments and from other draft legislation.

II. Press Freedom and the Safety of Journalists

A. Follow-up to the last review

The safety of journalists remains an important issue as attacks against journalists, including by state actors, continued to be reported. In some cases, journalists faced reprisals and accused of defamation for reporting on sensitive issues, such as corruption cases. Foreign journalists faced restrictions from entering Papua.

In the previous review, several countries urged Indonesia to ensure protection of journalists and press freedom, with Mexico making specific recommendation for Indonesia to adopt legislative measures to prevent and combat intimidation, repression, or violence against human rights defenders, journalists, and CSOs. Indonesia supported all these related recommendations.

B. New developments since the last review

Journalists still face threats of intimidation, physical and digital attacks. There has yet to be a draft of legislation for comprehensive protection of human rights defenders and journalists from threats and attacks that aim to undermine their work.

The Alliance of Independent Journalists (AJI) recorded 43 cases of attacks against journalists in 2021, including physical and digital attacks, threats, and imprisonment. In November 2021, for instance, a journalist was sentenced to three months in prison for defamation under Article 27 of the Electronic Information and Transactions (EIT) Law for reporting about alleged corruption in South Sulawesi Province.

Furthermore, the government still limited access to foreign journalists to enter Papua. From 2016 to 2022, 14 of 69 requests from foreign journalists to enter Papua were denied by the Indonesian government.

Some media outlets were hit by digital attacks after publishing reports on sensitive issues and those critical of the government's policies. None of the digital attacks were properly investigated by the authorities.

C. Recommendations

With regards to the issues, we make the following recommendations to the Government of Indonesia:

- a. Adopt a more comprehensive policy for the protection and safety of journalists;
- b. Decriminalize defamation by repealing Article 27 section 3 of EIT Law and ensure that defamation is treated as a matter for civil litigation;
- c. Ensure that attacks against journalists, including digital attacks and intimidation online, are investigated promptly, independently, impartially, and effectively, and perpetrators are brought to justice to stop impunity.
- d. Ensure free and unimpeded access to foreign journalist to Papua.

Thank you for your attention.