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## **INDONESIA**

### **MOLUCCAN ACTIVISTS' APPEAL REJECTED**

Pieter Likumahua, Aleksander Workala, and Benjamin Naene – pro-independence activists from Maluku – were convicted for participating in committing acts of treason on 28 December 2021 and sentenced to three years in prison each. On 23 February 2022, the Ambon High Court rejected their appeal and upheld the lower court's guilty verdict. Amnesty International is calling on President Widodo to immediately and unconditionally release them, as they have been targeted for peacefully exercising their rights to freedom of expression, association and assembly.

The three activists were convicted of violating Article 106 of the Indonesian Criminal Code (KUHP). Prior to their appeal submission, they were arbitrarily arrested on 8 April 2021 and charged with treason. On 28 December 2021, the District Court found them guilty of treason. They have been punished simply for their affiliation with the RMS and expressing their opinion, as guaranteed by Article 19 International Covenant on Civil and Political Rights (ICCPR), which Indonesia has also ratified.

#### **Write to the President urging him to:**

- immediately and unconditionally release Pieter Likumahua, Aleksander Workala, and Benjamin Naene
- ensure that they are protected from torture and other ill-treatment and have access to adequate medical care on request or as necessary

#### **Write to:**

Ir. H. Joko Widodo  
President of the Republic of Indonesia  
State Secretariat, Jl. Veteran No. 17-18, Kota Jakarta Pusat,  
DKI Jakarta, Indonesia (10110)  
Email: [persuratan@setneg.go.id](mailto:persuratan@setneg.go.id)  
Salutation: Dear President Widodo:

#### **And copy:**

Embassy of the Republic of Indonesia  
55 Parkdale Avenue  
Ottawa, ON K1Y 1E5  
Phone: 613 724 1100  
Fax: 613 724 1105  
Email: [publicaffairs@indonesia-ottawa.org](mailto:publicaffairs@indonesia-ottawa.org)

## **Additional information**

On 7 April 2021, as many as twenty fully armed soldiers raided Aleksander Workala's house. Upon finding a book and the "Benang Raja", a flag of the Republic of South Maluku (RMS), Aleksander was taken by the troops to the West Seram (SBB) Police. At the police station, Aleksander received a beating to his head. That same night he was questioned, and he confessed to being an activist of the Republic of South Maluku (RMS) and that he got the flag from Pieter Likumahua. The police accused him of treason.

The next day, 8 April 2021, the police came to Pieter's house to question him related to Aleksander's case. However, after one night of investigation, Pieter was named a suspect and detained at the SBB police prison. Benjamin Naene, who accompanied Pieter, was also arrested and detained after confessing to the police that he is an activist of the RMS. Both were charged with treason.

On 30 June 2021, the police informed the lawyer that Pieter's detention time would be prolonged until 6 August for the sake of investigation. On 19 August 2021, the trial of Pieter, Aleksander, and Benjamin started at Dataran Hunipopu District Court. During the trial period from August to December 2021, the three activists were detained in West Seram Prison. On 28 December 2021, the judges found the three activists guilty of treason. Pieter was sentenced to three years and three months in prison, while Aleksander and Benjamin were sentenced to three years in prison.

On 4 January 2022, Pieter, Aleksander, and Benjamin sent an appeal to the Ambon High Court. On 23 February 2022, the Ambon High Court rejected their appeal and upheld the District Court's guilty verdict. Due to the Covid-19 pandemic, geographical situation, and the absence of lawyers, Pieter, Aleksander, and Benjamin missed the deadline to appeal for cassation to the Supreme Court, thus they were legally deemed to have accepted the High Court's decision.

The "treason" (makar) articles in the Criminal Code are so broad that they are widely used by the Indonesian government to silence critics and activists. The treason articles in the Indonesian Criminal Code were adopted from those in the Dutch Colonial Criminal Code, which had the purpose to silence critics and pro-independence activists during the colonial era. Now, the same articles have been used by the Indonesian government to imprison political activists in Maluku and Papua. The Indonesian authorities have used the criminal code provisions, mainly Articles 106 and 110 KUHP, to prosecute pro-independence political activists in Maluku and Papua simply for peacefully exercising their rights to freedom of expression, association, and assembly. Since 2007, dozens of Moluccans have been charged with "treason" (makar) under articles 106 and 110 of the Indonesian Criminal Code (KUHP).

Amnesty International does not take any position on the political status of any province or region in Indonesia, or any other state, including calls for independence. However, the organization believes that the right to freedom of expression also includes expression of political nature.