

URGENT ACTION

ENVIRONMENTAL RIGHTS DEFENDER MUST BE RELEASED

On 24 March 2023, environmental activist Heri Budiawan, known as Budi Pego, was jailed for the second time in Banyuwangi, East Java, Indonesia, for "crimes against state security" after the Supreme Court rejected his appeal and decided to increase his punishment from ten months to four years in prison. His case was the first conviction under the article banning a communist ideology since the downfall of Soeharto in 1998. Budi Pego is being targeted for his work as a human rights defender and must be immediately and unconditionally released.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Ir. H. Joko Widodo
President of the Republic of Indonesia
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Dear President Widodo,

I am deeply concerned by the incarceration of Heri Budiawan, known as Budi Pego, a human rights defender who was convicted in 2018 for "crimes against state security" following his involvement in a peaceful protest against a gold mining activity in Salakan Mountain, Banyuwangi, East Java, in April 2017. It was the first conviction of its kind, under a provision criminalising the propagation of communist ideology since the downfall of Soeharto in 1998. He is currently imprisoned in Banyuwangi for the second time after the Supreme Court rejected his cassation appeal and increased his sentence to four years behind bars – far longer than ten months given by the lower court. This conviction sets a new precedent and is believed to be linked to his work as an environmental human rights defender. As such, he is now seeking a Presidential amnesty to free him from prison.

In January 2018, Budi was sentenced to ten months in jail by the Banyuwangi District Court for "openly promoting pro-communism ideology by displaying hammer and sickle symbol on a banner during a protest in 2017", despite lack of reliable evidence presented during the trial. He served his prison term and was released in July 2018, but he was at risk of returning to prison after the Supreme Court rejected his cassation appeal in October 2018. However, his case seemed to have been delayed for nearly five years, with no reason given, until authorities decided to arrest and detain him in March 2023.

Budi Pego's case marked the first time that anti-communist article was used to restrain peaceful protest in Indonesia after Soeharto stepped down in 1998. I am concerned that this could set a dangerous precedent for similar cases in the future. Furthermore, his case is a testament to the continued attacks on human rights defenders in Indonesia who simply exercise their rights to freedom of expression and peaceful assembly, all of which are guaranteed under both international and national laws.

Budi Pego should not have been convicted in the first place. Therefore, I urge you to immediately grant Budi Pego an amnesty. I also call upon you and other Indonesian authorities to ensure that all human rights defenders can carry out their peaceful activities without fear of harassment, intimidation, persecutions, arbitrary detention or imprisonment, in line with the UN Declaration on Human Rights.

Yours sincerely,

ADDITIONAL INFORMATION

On 4 April 2017, villagers from Sumberagung in Banyuwangi, East Java Province, Indonesia, peacefully protested a new gold mine in Salakan Mountains as they believe that mining activities in the area are responsible for causing ecological destruction and endangering the safety of nearby villages. Budi joined the villagers in creating protest signs, which they later placed along the way from the Red Island Beach to the Pesanggaran District Office. Later that evening, two men who claimed to be from the military told Budi that they had received reports that a banner used in the protest bore a hammer and sickle logo, a symbol of communism. Budi said he did not know who had painted the logo on the banner.

The Banyuwangi Prosecutor's Office ordered the arrest of Budi on 4 September 2017 for allegedly displaying a communist logo, aiming to "spread communist ideology". As the sole individual arrested, he was sentenced to ten months imprisonment on 23 January 2018 by the Banyuwangi District Court for violating Article 107a of the Criminal Code for "Crimes against State Security". He was found guilty of three primary charges; spreading Communist ideology, not notifying local policy about a protest according to Law No. 9/1998 and, as the leader of the protest, openly promoting pro-communism ideology by displaying of hammer and sickle symbol during the protest. Budi's legal counsel and the public prosecutor appealed the verdict on 26 January 2018.

The East Java High Court upheld the lower's court ruling, prompting both sides to file appeals to the Supreme Court. Budi served his sentence until his release on 1 July 2018. However, on 16 October 2018, his cassation appeal was rejected, and the Supreme Court increased his punishment from ten months to four years imprisonment. In November and December 2018, Budi received two summonses from the prosecutor's office to serve the remaining of his sentence. However, at that time, Budi had yet to receive the copy of the verdict, which is a prerequisite for prosecutors to execute a court's ruling, as in accordance with Indonesia's Criminal Procedural Code (KUHAP). Subsequently, there were no further updates on his incarceration, as authorities did not take any further action.

On 24 March 2023, nearly five years after his release, dozens of officers from the police and prosecutor's office came to Budi's house and arrested him, claiming that they were executing the 2018 Supreme Court's verdict. The arrest was led by the police and came only three days after nine unidentified people reportedly came to Budi's house in the evening of 21 March 2023 and destroyed a protest sign against the gold mining that had been hung at his house for years. Less than a week before, a team from the mining company that operated in the area conducted a geological mapping in Salakan Mountain, escorted by members of the local police, military, and the public order agency on 16 March. The prosecutors denied that Budi's arrest was related to the company's activities. Budi currently remains in detention at the Banyuwangi Prison.

NGOs who advocate for the case believe the allegations to be based on false accusations against Budi and to be a form of criminalization aimed to stifle his work as a human rights defender who fights for his community's right to a clean, healthy and sustainable environment. According to his legal counsel, there were no reliable evidence presented during the trial that clearly demonstrates his involvement in any criminal activity. During the trial, prosecutors also did not present the physical evidence of the disputed banner before the court.

The legal provisions banning the spreading of communist ideology originally dated back to a period of severe human rights repression under then-president Soeharto's New Order regime between 1965 and 1998. The anti-communism campaign resulted in the death of hundreds of thousands and violations of other human rights, including to freedom of expression and peaceful assembly.

Human rights defenders in Indonesia are increasingly harassed and criminalized when state and economic actors perceive their activities as hindering natural resource extraction and production schemes. From January 2019 to May 2022, Amnesty International recorded 328 cases of physical and digital attacks against human rights defenders with 834 victims in Indonesia, including environmental activists who defended the right to a healthy and clean environment.

PREFERRED LANGUAGE TO ADDRESS TARGET: English, Indonesian

You can also write in your own language

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 7 September 2023

NAME AND PREFERRED PRONOUN: Heri Budiawan alias Budi Pego (he/him)