

Decision No. 32/1994 (Indonesia)

Communication addressed to the Government of Indonesia on
22 April 1994.

Concerning: Cheppy Sudrajat, on the one hand, and the Republic of
Indonesia, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the case in question. With the expiration of more than 90 days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of alleged arbitrary detention brought to its knowledge.

3. (Same text as para. 3 of Decision No. 10/1994.)

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Indonesia. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. Cheppy Sudrajat, a farmer from Rancamaya village in the Bogor of West Java, organized a peaceful protest against a real estate and golf course development in the Ciawi district of Bogor regency. For this, on 11 October 1993, he was sentenced to 10 months' imprisonment.

6. In organizing a peaceful protest Cheppy Sudrajat was doing no more than exercising his right to freedom of expression and opinion guaranteed under article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights. He could neither have been prosecuted nor punished for this. Any punishment to the exercise of a guaranteed right, in such circumstances, would be arbitrary.

7. In the light of the above the Working Group decides:

The detention of Cheppy Sudrajat, is declared to be arbitrary being in contravention of article 19 of the Universal Declaration of Human Rights, and article 19 of the International Covenant on Civil and

Political Rights and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

8. Consequent upon the decision of the Working Group declaring the detention of Cheppy Sudrajat to be arbitrary, the Working Group requests the Government of Indonesia to take the necessary steps to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 29 September 1994.