

Public

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To: Health professionals
From: Medical office / Southeast Asia Sub-regional Team
Date: 6 November 2001

MEDICAL LETTER WRITING ACTION

**Inadequate medical care: Musa Kulua, Mandinus Yikwa and Marthinus Daisiwa
Indonesia (Papua)**

Key words ill-health / inadequate medical care

Summary

Amnesty International is concerned for the health of Musa Kulua, Mandinus Yikwa and Marthinus Daisiwa, held at Manokwari Prison, in Papua Province (also known as Irian Jaya) Indonesia. Musa Kulua and Mandinus Yikwa were shot by members of the Police Mobile Brigade (Brimob) on 3 May 2001 in Wasior Sub-district, Manokwari District. They initially received treatment in hospital but were transferred to prison in late August 2001 where they have not had access to adequate medical care. A third person, Marthinus Daisiwa, who is also in Manokwari prison is also in need of medical attention as a result of injuries sustained when he was shot by Brimob on 11 July 2001. All three have reportedly also been beaten by members of Brimob.

Recommended actions & addresses

Please write letters in English or your own language to the authorities below, using professionally-headed paper if you use this in your profession:

- expressing your concern about the health of Musa Kulua, Mandinus Yikwa and Marthinus Daisiwa, and the reports that they have been denied adequate medical attention since they have been detained at Manokwari Prison, Papua;
- urging the authorities to provide the three men with appropriate medical care, including transfer to a civil hospital if necessary, in line with international standards including the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners and the UN Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment;
- expressing concern at reports that Musa Kulua, Mandinus Yikwa and Marthinus Daisiwa sustained gunshot injuries and have been beaten. Urging the authorities to carry out an immediate and independent investigation into these allegations.

Addresses

(See over)

Chief of Police for Papua

Brig. Gen Mae Mangku Pastika
Kapolda
Jl. Sam Ratulangie No 8
Jayapura
Papua, Indonesia

Minister for Justice and Human Rights

Prof. Dr. Yusril Ihza Mahendra
Menteri Kehakiman
Jl. H. R. Rasuna Said Kav. 6-7
Kuningan
Jakarta Selatan
Indonesia

Copies to:**H. R. Djoko Soegianto SH**

The Chair
The Indonesian National Human Rights Commission (Komnas HAM)
Jl. Latuharhary No 4B
Menteng
Jakarta, Indonesia

If you receive no reply from the government or other recipients within two months of dispatch of your letter, please send a follow up letter seeking a response, referring to your previous letter(s). Please do not be discouraged by the possible lack of replies to your letters. They are noticed. Please check with the medical team if you are sending appeals after 13 January 2002, and send copies of any replies you do receive to the International Secretariat (att: medical team).

Date: 6 November 2001

MEDICAL CONCERN

**Inadequate medical care: Musa Kulua, Mandinus Yikwa and Marthinus Daisiwa
Indonesia (Papua)**

Introduction

Amnesty International is concerned for the health of Musa Kulua, Mandinus Yikwa and Marthinus Daisiwa, who are detained at Manokwari Prison, in Papua Province (also known as Irian Jaya) Indonesia. Musa Kulua and Mandinus Yikwa were shot by members of the Police Mobile Brigade (Brimob) on 3 May 2001 in Wasior Sub-district, Manokwari District. They initially received treatment in hospital but were transferred to prison in late August 2001 since when they have not had access to adequate medical care. A third person, Marthinus Daisiu, who is also in Manokwari Prison is also in need of medical attention as a result of injuries sustained when he was shot by Brimob on 11 July 2001. All three have reportedly also been beaten by members of Brimob.

Attacks and transfer to hospital

On 25 April 2001 Musa Kulua, Mandinus Yikwa and 20 others travelled from their homes in Nabire Sub-district in Paniai District to Wasior. As they were boarding a boat to return to Nabire on 3 May 2001 members of Brimob opened fire on them. Four people were killed instantly. Musa Kulua and Mandinus Yikwa both sustained gunshot wounds to their left thighs. According to their testimony they, together with other members of the group, were then kicked and beaten, including with rifle butts, by members of Brimob. Although the precise reason for the attack on the men by Brimob is not known, it is believed that they were suspected by Brimob of having links to the pro-independence armed opposition groups the Free Papua Movement (OPM) and National Liberation Army (TPN).

The same night Musa Kulua, Mandinus Yikwa and the 14 other men from Nabire were taken to Manokwari. When they arrived the next afternoon, the 14 were taken to Manokwari Police Resort (Polres) while Musa Kulua and Mandinus Yikwa were taken to Manokwari General Hospital. However, after ten days they were moved to a hospital in the provincial capital of Jayapura where their injuries were x-rayed and plaster casts put on.

Lack of medical treatment in prison

On 29 June 2001, Musa Kulua and Mandinus Yikwa were transferred back to Manokwari - initially to the Polres, but on 31 August 2001 they were transferred to Manokwari Prison. According to reports from a local human rights group, the prison authorities were initially unwilling to accept Musa Kulua and Mandinus Yikwa because of their medical condition.

Since their transfer to prison Musa Kulua and Mandinus Yikwa have not received proper medical treatment. The plaster casts on their legs have come off and they reportedly still have open wounds. Requests by the two men and their families that they be transferred to hospital or that a qualified doctor visits them in detention have been refused and they have only been seen by a nurse. The prison authorities have reportedly said they have no authority over the two men, because they are held on the orders of the public prosecutor.

On 27 October 2001 Musa Kulua and Mandinus Yikwa made a formal complaint to the prison director about the lack of medical treatment. Marthinus Daisiwa joined them in making the complaint.

Marthinus Daisiwa was shot and injured by members of Brimob during a police operation in Sanobe village, Nabire Sub-district, Paniai District in July 2001. On 9 July 2001, around 30 members of Brimob are reported to have arrived in the village searching for members of the TPN. Marthinus Daisiwa was detained and then, two days later, taken back to the village by members of Brimob who ordered him to lead them to the place where TPN weapons were hidden. As he walked ahead, Marthinus Daisiwa was shot in the left leg. It was claimed by Brimob that he was trying to escape. He was initially held at Nabire General Hospital where he was handcuffed to the bed (AI issued an *Urgent Action* - UA 171/01, 12 July 2001). He was later moved to Manokwari Polres, where it is reported that he was beaten, and subsequently transferred to Manokwari Prison.

The trials of Musa Kulua and Mandinus Yikwa and the 14 others from Nabire began in late September 2001. Among the charges against them are "attempting to commit separatism" and "rebellion". The trial of Marthinus Daisiwa began on 23 October 2001. He is also charged with "separatism" and "rebellion". Amnesty International is concerned that their trials may not be consistent with international standards of fairness.

Background to political situation in Papua (Irian Jaya)

Serious and widespread human rights violations have been committed by the Indonesian security forces in Papua province (Irian Jaya) in the context of operations against both armed and peaceful pro-independence groups. Extrajudicial executions, torture and other violations have frequently occurred as members of the security forces attempt to break up pro-independence demonstrations or in operations to capture members of the armed opposition groups, the Free Papua Movement (OPM) and the National Liberation Army (TPN). An intensification of military action since mid-2000 has elicited an increasingly violent response from these armed groups which has led, in turn, to retaliations by the security forces in which civilians have frequently been the victims.

The situation in Wasior Sub-district, Manokwari District has been particularly tense since March 2001 when three employees of a logging company were killed by an unidentified armed gang in the climax of a long running dispute between the company and local people over compensation for land. The situation deteriorated further after five members of Brimob, who were guarding the operations of another logging company, were also shot dead. Operations by Brimob to find those responsible have resulted in serious human rights violations, including extrajudicial executions, torture and unlawful detentions.

Members of human rights organizations and others involved in monitoring the human rights situation in Papua have had difficulty in gaining access to Wasior Sub-district since the operations began.

International standards for medical care

Amnesty International is seriously concerned for the health of Musa Kulua, Mandinus Yikwa and Marthinus Daisiwa and calls for them to be provided with medical care in accordance with international standards including the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules) and the UN Body of Principles for the Protection of All Person Under Any Form of Detention or Imprisonment (Body of Principles).

According to Rule 22 of the Standard Minimum Rules:

(1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers...

According to Principle 24 of the Body of Principles:

A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.