

INDONESIA: APPEAL FOR RAPID ACTION (AFRA) 01/01

CONCERN: Harassment of human rights defenders in Papua

DATE: 21 September 2001

INDEX NO: ASA 21/046/2001

NAMES: Zandra Mambrasar, aged 30
Ronald Tapilatu, aged 33

The two human rights defenders named above have been summoned for questioning by the police in Papua in connection with “defamation” and “spreading hatred” against the government. Amnesty International is concerned that these summons are intended to restrict their activities and discourage them from carrying out their legitimate human rights work.

Zandra Mambrasar and Ronald Tapilatu are two staff members of the Institute for Human Rights Study and Advocacy (Elsham). They have been summoned twice for questioning by the police in Jayapura in connection with violating articles 311, 154 and 155 of the Indonesian Criminal Code. Article 311 relates to defamation while Articles 154 and 155 (known as the Hate-sowing Articles) ban the “public expression of feelings of hostility, hatred or contempt towards the government.” *Amnesty International considers the Hate-sowing Articles to violate the fundamental right to freedom of expression and has repeatedly recommended that they be repealed.*

Following receipt of the first summons around one week ago, Elsham wrote to the police objecting to the summons because it failed to give any further details of the alleged crime. The police failed to respond and sent the two activists a second summons on 18 September 2001 which contained no further details.

Elsham suspects that the two have been summoned in connection with their participation in a human rights investigation into the torture and unlawful killing of students at the hands of the police in Jayapura in December 2000. This was an official investigation carried out under the auspices of the National Human Rights Commission (Komnas HAM). The team of investigators found that the police had unlawfully killed one student, beaten two to death in custody and injured several others. If the summons relates to this case, Elsham has called on the police to direct their inquiries to Komnas HAM rather than any individuals who took part in the investigation.

Background

Amnesty International is concerned about a growing pattern of intimidation against human rights defenders in Papua over recent months, particularly those working with Elsham. *On 15 December 2000, Elsham’s Director, Yohannes Bonay, was detained overnight for questioning in connection with ‘discrediting public officials’ after Elsham had issued statements publicizing the case of the Jayapura students mentioned above. More recently, on 10 September 2001, he was asked to appear for questioning on similar charges, but this time after Elsham had*

publicised information about alleged military involvement in a recent “disappearance” case.

Other members of Elsham have also been summoned for police questioning in connection with their legitimate human rights activities. Fredy Sapari, an Elsham staff member based in Nabire, was summoned for questioning twice by the police on 13 and 14 June 2001 after the organization published a report on a series of suspicious deaths in the town which, they alleged, the police had failed to investigate properly. However, when he complied with the second summons, the police reportedly refused to interview him, denied having sent the summons letters and told him to go home and forget the matter.

RECOMMENDED ACTION

Please write:

- urging the authorities to clarify exactly why Zandra Mambrasar and Ronald Tapilatu have been summoned and expressing concern that they appear to have been summoned purely in connection with their legitimate human rights activities;
- urging the authorities to ensure that the two are not detained in violation of their fundamental human rights;
- calling on the authorities to provide guarantees that human rights activists are able to carry out their work free from threat of harassment, intimidation or arbitrary detention.

ADDRESSES

<p>Brig. Gen. Made Mangku Pastika</p> <p>Head of Regional Police Papua Jl. Sam Ratulangie No. 8 Jayapura, Irian Jaya Indonesia Fax: +62 967 531717 Salutation: Dear Brigadier General</p>	<p>Commissioner General Bimantoro</p> <p>National Police Chief Kapolri Markas Besar Kepolisian RI Jl. Trunojoyo 3 Kebayoran Baru Jakarta Selatan Indonesia</p>
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	<p><i>Fax: + 62 21 720 1402</i></p> <p><i>Salutation: Dear Commissioner</i></p>
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COPIES TO:

<p><i>Prof. Dr. Yusril Ihza Mahendra</i> <i>Minister of Justice and Human Rights</i></p> <p><i>Menteri Kehakiman</i></p> <p><i>Jl. H.R. Rasuna Said Kav. 6-7</i></p> <p><i>Kuningan</i> <i>Jakarta Selatan</i></p> <p><i>Indonesia</i></p> <p><i>Fax: +62 21 5253095 / 310 4149 /</i> <i>5225036</i></p>	<p><i>Asmara Nababan</i> <i>Secretary General</i> <i>National Commission on Human</i> <i>Rights (Komnas HAM)</i> <i>Jl Latuharhary No. 4B</i> <i>Menteng</i> <i>Jakarta Pusat 10310</i></p> <p><i>Indonesia</i></p>
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Please also send copies to the diplomatic representatives of Indonesia in your own country.

TIMING

Please send appeals immediately. Check with the Indonesia/East Timor Team at the IS if sending appeals after 28 September 2001.