

URGENT ACTION

AUTHORITIES REFUSE PRISONER MEDICAL CARE

Papuan political prisoner Kimanus Wenda is in urgent need of medical treatment. He has a tumour in his stomach, and needs to be transferred to a hospital to undergo an operation. Prison authorities have refused to pay for his transport and medical costs.

Kimanus Wenda is being held at the Nabire prison in Papua province, Indonesia. He has a tumour in his stomach and is constantly vomiting. Prison doctors have confirmed that he needs an operation; however, Nabire does not have the necessary medical facilities available. Kimanus Wenda needs to be transferred to Jayapura, also in Papua province, where he can receive the medical treatment he urgently requires. His family and lawyer have requested that he be transferred to Jayapura but the Nabire prison authorities have refused to cover the cost of his transport and medical treatment. Under Indonesian Government Regulation No. 32/1999 on Terms and Procedures on the Implementation of Prisoners' Rights in Prisons, all medical costs for treatment of a prisoner at a hospital must be borne by the state.

Kimanus Wenda has been ill-treated in detention in the past. During his arrest and interrogation in April 2003, he was reportedly tortured or otherwise ill-treated by military officers, who beat, kicked and stamped on him. On 25 May 2011 Kimanus Wenda was beaten by prison guards after he and another political prisoner, Linus Heluka, attempted to file a complaint about a prison officer who had insulted a Papuan prisoner. At least four prison guards beat Kimanus Wenda with a thick piece of rubber and kicked him. The guards also hit Linus Heluka on the head and hand. Linus Heluka was then put in an isolation cell for two weeks.

Please write immediately in English, Indonesian or your own language urging the authorities to:

- Ensure that Kimanus Wenda receives full and immediate access to the proper medical treatment he requires;
- Allow Kimanus Wenda to travel to Jayapura to receive urgent medical care as recommended;
- Cover the cost of such treatment in accordance with the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Principle 24) and Indonesian regulations;
- Immediately conduct an independent and impartial investigation into all allegations of torture or other ill-treatment by prison guards in Papua and ensure that, should the allegations be verified, those responsible be brought to justice in fair trials and the victims receive reparations; and
- Ensure that prison conditions and the treatment of prisoners meet standards provided for in Indonesian law as well as UN Standard Minimum Rules on the Treatment of Prisoners.

PLEASE SEND APPEALS BEFORE 3 OCTOBER 2011 TO:

Head of Nabire Prison
Arif Rachman
Lapas Klas IIb Nabire, Jl. Padat Karya,
Nabire 98801, Papua,
Indonesia
Fax: +62 984 24721
Salutation: Dear Arif Rachman

Head of the Papuan Provincial
Department of Justice and Human
Rights
Daniel Biantong
Jl. Raya Abepura No. 37,
Kotaraja - Jayapura 99117,
Papua
Indonesia
Fax +62 967 586112
Salutation: Dear Daniel Biantong

And copies to:
Director General of Prisons
Drs. Untung Sugiyono
Ministry of Justice and Human Rights
Jl. Veteran No. 11
Jakarta Pusat
Indonesia
Fax: +62 21 384 1711

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

In April 2003 Kimanus Wenda was accused of attacking a military warehouse in Wamena, Papua province, an accusation which he denies. According to his lawyers, he was arbitrarily detained at the barracks of the Wamena District Military Command 1702 by the military and police and initially denied access to a lawyer. There, he was reportedly tortured or otherwise ill-treated by military officers, including being beaten with a piece of wood, kicked on his chest, stamped on, and dragged around with a piece of rope around his neck. According to Kimanus Wenda, the ill-treatment continued while the police were interrogating him. A translator was not provided during the police interrogation, even though Kimanus Wenda did not speak Indonesian. He was forced to sign a confession he could not read. In January 2004 he was sentenced to 20 years' imprisonment for "rebellion" under Articles 106 and 110 of the Indonesian Criminal Code. He continues to suffer physically on account of the ill-treatment he experienced in 2003.

In December 2005 Kimanus Wenda was transferred to Gunung Sari prison in Makassar, South Sulawesi, thousands of miles from his family in Papua. While he was there he was forced to sleep on a cement floor. In January 2008 he was transferred to Biak prison, Papua and then to Nabire prison.

The Indonesian authorities have an obligation under national law and standards to provide medical treatment to all prisoners in the country. Article 17 of the Indonesian Government Regulation No. 32/1999 on Terms and Procedures on the Implementation of Prisoners' Rights in Prison requires the prison authorities to provide adequate access to medical treatment. International standards also provide for medical treatment for prisoners. The UN Standard Minimum Rules for the Treatment of Prisoners provides that prisoners needing treatment not available in the prison hospital, clinic or infirmary should be transferred to an appropriate institution outside the prison for assessment and treatment. Furthermore, Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment requires that prison authorities cover the costs of such treatment.

Amnesty International believes the denial of medical care to Kimanus Wenda could amount to cruel, inhuman or degrading treatment.

Name: Kimanus Wenda

Gender m/f: m

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