BRIEFING ON THE CURRENT HUMAN RIGHTS SITUATION IN INDONESIA

1) Introduction: the human rights situation deteriorates as the reform process stalls

The human rights situation in Aceh continued to worsen during late 2000 and early 2001. A similar deterioration was experienced in Papua (formerly Irian Jaya), where the authorities have also taken an increasingly hardline approach against both peaceful and armed pro-independence activists. The situation in Maluku also continues to be of serious concern where, despite the implementation of a state of civil emergency in June 2000, the security forces have failed to contain communal conflict or to prevent armed militia groups from carrying out serious crimes, including widespread killing and forced displacement of civilians.

While the nature of the situation in Maluku, where the conflict is manifested in inter-religious fighting, is in many ways very different from the situation in either Aceh or Papua, many of the causes can be traced to similar roots. These include:

- the absence of legal protection and credible institutional structures, including a competent and independent judiciary, through which tensions can be mediated and by which perpetrators of human rights violations can be held to account;
• the lack of an effective, well trained civilian police force to enforce law and order;
• the continued reliance on the military or paramilitary-style police units, particularly in areas of conflict or where there is opposition to Indonesian rule;
• the failure of members of the security forces (both police and military) to observe basic human rights standards, including the right to life and liberty and the right not to be subjected to torture;
• the continued unwillingness of the authorities to hold those responsible for human rights violations to account.

The process of legal and judicial reform in Indonesia, which began in May 1998 after 32 years of authoritarian rule under President Suharto, has all but stalled in the face of mounting political crisis. Amnesty International is seriously concerned that unless the reform process is greatly accelerated to bring about the urgently needed strengthening of institutions which should protect human rights and punish perpetrators, the human rights situation in Aceh and elsewhere in Indonesia could deteriorate further.
2) Key concerns

a) Extrajudicial executions and torture

A rise in the number of extrajudicial executions was recorded in both Aceh and Papua towards the end of the year 2000. This appeared to be linked to an increasing intolerance by the security forces and some civilian politicians towards demands for independence.

In Aceh, a local non-governmental organization (NGO) reported that 35 people had been extrajudicially executed by members of the security forces in December 2000. The organization was unable to establish who was responsible for another 53 killings which took place in the province during the same month, although it is likely that the security forces were responsible for some of them.

In November 2000 a province-wide operation by the security forces to prevent Acehnese people from attending a pro-independence rally in the provincial capital of Banda Aceh resulted in the unlawful killing of up to 30 people. The majority of the victims were killed when members of the security forces opened fire on the convoys in which they were travelling after they had been stopped at roadblocks. Many others who were blocked from travelling to Banda Aceh were subjected to torture or cruel, inhuman or degrading treatment by the security forces. At least five people involved in organizing the peaceful rally were detained and one is now facing trial in relation to his pro-independence activities (see attached cases).

Both the police and military have called for additional powers to deal with the armed opposition group, the Free Aceh Movement (Gerakan Aceh Merdeka - GAM), and have repeatedly threatened full-scale military operations against separatists in the province. In the meantime, the civilian government has continued with initiatives intended to resolve the conflict peacefully, but these have been undermined by the actions of the security forces in the province, including the committing of serious violations of human rights.¹

¹ An agreement between the government and GAM, known as the Joint Agreement on a Humanitarian
A moratorium on violence by both the security forces and GAM, which officially began on 15 January 2001, has failed to curb the violence. Amnesty International continues to receive reports of human rights violations, including during security force “sweeping operations” to disarm GAM and as reprisals for GAM attacks on members of the security forces. Many of the victims of such operations are believed to be civilians.

In Papua, efforts by President Wahid to pursue a more conciliatory approach have also been undermined by the repressive approach taken by the security forces to demands for independence. At least 13 people were extrajudicially executed or died as a result of torture in the month of December 2000.

The level of tension in Papua increased around the 1 December anniversary of a declaration of independence made in 1961. A series of contradictory statements and policy changes by the government regarding the flying of the Morning Star flag - a symbol of Papuan independence - contributed to the increased tension. The enforcement of a ban on flying the flag from 2 December 2000 led to a number of clashes which resulted in at least nine extrajudicial executions in December 2000 (see attached cases).

Serious cases of torture continued to come to Amnesty International’s attention in both Aceh and Papua. In Papua, an eyewitness described seeing police officers beating detainees with clubs and split bamboo whips in police detention in the provincial capital of Jayapura. Two of the detainees died as a result of torture. The two were among a group of around 100 people who had been detained after members of the police and the Police Mobile Brigade (Brimob) raided student hostels on 7 December 2000, apparently in reprisal for
b) Repressive legislation

Articles under the Criminal Code which were widely used in the past to imprison prisoners of conscience came back into use at the end of the year 2000 and were applied against activists in both Aceh and Papua. Known as the “Hate-sowing Articles” (Haatzaai Artikelen), Articles 154, 155 and 160 of the Criminal Code (KUHP) forbid the spreading of hostility, hatred or contempt towards the government or “inciting” others to disobey the government. They carry prison sentences of between four-and-a-half and seven years' imprisonment.

Among those who have been recently been detained under this legislation is Muhammad Nazar, the chair of the Information Centre for a Referendum in Aceh (Sentral Informasi Referendum Aceh, SIRA). Muhammad Nazar was arrested on 20 November 2000, soon after the pro-referendum rally in Banda Aceh which he was involved in organizing. He is accused of pro-independence activities, including the raising of a UN flag in place of the Indonesian flag in August 2000, and has been charged under the Hate-sowing Articles. He is considered to be a prisoner of conscience (see attached case).

In Papua, five political leaders from Wamena have been accused of charges under a range of articles including 106 (relating to treason) 154, 155 and 160 of the Criminal Code. Rev Obed Komba, Rev Yudas Meage, Yafet Yelemaken, Murjono Murib and Amelia Yigibalom were arrested in December 2000 following violent clashes in Wamena triggered by the killing of two pro-independence supporters by the security forces on 6 October 2000. During the clashes, at least 11 people are believed to have been shot dead by the members of the security forces. Another 19 people, all migrants from other parts of Indonesia, were killed by locals in apparent retaliation for the actions of the security forces. The five are accused of masterminding the violence although there is no evidence that
they were involved. They are currently in detention awaiting trial. They are considered to be prisoners of conscience.

Amnesty International has campaigned against the Hate-sowing and associated articles for many years and has repeatedly recommended that they be repealed. In the months following the resignation of former President Suharto in May 1998 prisoners of conscience and political prisoners, including those convicted under these provisions, were released and the articles fell out of use although they were not removed from the statute books.

c) Human rights defenders

Human rights defenders continue to be specifically targeted. In Aceh, three staff members of a humanitarian organization, Rehabilitation Action for Torture Victims in Aceh (RATA) were tortured before being extrajudicially executed on 6 December 2000. The perpetrators are believed to include members of the Indonesian military. No one has yet been arrested or brought to trial for the killing of the US-based Acehnese human rights activist, Jafar Siddiq Hamzah, who went missing in Medan, North Sumatra in August 2000 and whose badly tortured body was found the following month. Although it is not known who is responsible for Jafar Siddiq Hamzah's death, incidents such as this, combined with ongoing threats and harassment by the security forces continue to prevent human rights defenders from carrying out their work in the province.

In Papua, human rights defenders are also experiencing increasing levels of harassment and intimidation. In December members of two leading human rights groups were summoned by the police for questioning in connection with statements they had made about a police raid on student hostels on 7 December 2000. The head of one human rights group which publicised the violations has been accused of slandering the police, but has so far not been charged. A
newspaper journalist was also summoned by the police because he had printed the statements.

On 26 January 2001, the Indonesian Foreign Minister, Alwi Shihab, announced that foreign journalists would have to obtain special permission before travelling to Aceh, Papua and Maluku. He stated that the new restrictions were necessary for their own safety. Amnesty International is concerned at this apparent move to restrict the freedom of the press and prevent independent monitors from reporting on ongoing human rights violations in these regions.

d) Accountability

Justice for victims of human rights violations and their families in Indonesia remains a remote prospect both because of weak institutional structures and because of political obstacles. However, there was an encouraging development in early January when the Indonesian National Commission on Human Rights (Komnas HAM) agreed to establish Commissions to investigate two specific cases, one in Aceh and one in Papua. The Aceh Commission will look into the case of the 6 December 2000 killing of three humanitarian workers from the organization Rehabilitation Action for Torture Victims in Aceh (RATA), while the Papua Commission will focus on the arbitrary detention, torture, extrajudicial execution and deaths in custody of students resulting from a police raid on student hostels in Jayapura on 7 December 2000.

The latest Komnas HAM initiative should be regarded as a positive step. However, past investigations in Aceh and elsewhere have often failed to deliver justice to the victims of human rights violations. The failure has contributed to the growth of resentment against the Indonesian government and has helped fuel demands for independence in Aceh and Papua. Considerable pressure, support and technical assistance from the international community will therefore be required in order to ensure that these latest investigations lead to prosecutions of all suspected perpetrators, including those with command responsibility, and trials which conform to international fair trial standards.
The recent adoption of the legislation on Human Rights Courts is also regarded by Amnesty International as a positive step by the Indonesian government in its efforts to combat impunity. However, a number of obstacles remain that are likely to prevent the Courts from being effective. The legislation itself requires further amendment to ensure that it complies with international standards. In particular Amnesty International is concerned that certain provisions in the legislation could impact on the independence of the Courts. This includes the role of the executive branch of government in appointing judges and prosecutors and in deciding whether or not a Human Rights Court should be set up on cases of gross human rights violations which occurred before the legislation became law. In addition, Amnesty International is concerned that provision for a maximum penalty of death for a number of crimes under the jurisdiction of the Human Rights Courts was reintroduced into the final legislation after having been removed from earlier drafts.

There also continues to be considerable political resistance to bringing to justice perpetrators of human rights violations, particularly more senior military and government officials. The resistance is evident in the slow progress being made on investigations and trials regarding the crimes against humanity committed in East Timor in 1999. Komnas HAM also set up a Commission to investigate these events and its findings were delivered to the Attorney General in January 2000. Subsequent criminal investigation into five cases were completed in mid-October 2000, but so far no indictments have been issued and the Indonesian parliament has not yet agreed to set up an ad hoc Human Rights Court which would be needed try the cases.

e) Abuses by armed opposition groups

In Aceh, GAM is believed to be responsible for widespread and serious human rights abuses. Although there is little verified information on individual cases there continue to be reports that they are responsible for hostage taking, arbitrary killings and torture.
There have also been recent cases of human rights abuses by the pro-independence, armed opposition group the Free Papua Movement (Organisasi Papua Merdeka – OPM) in Papua. According to newspaper reports, two men were killed when the timber company base camp where they worked as lumberjacks was attacked by the OPM on 6 December 2000. A few days earlier, on 3 December 2000, OPM leaders were quoted in the media threatening to target soldiers and non-Papuans in retaliation for the increasingly hard line being taken by the security forces against pro-independence activities.
3) Recent cases of serious human rights violations in Aceh

a) The torture and extrajudicial execution of humanitarian workers in Lhokseumawe, North Aceh

Three members of an Aceh-based humanitarian organization were tortured and shot dead in the Kedang area of Lhokseumawe, North Aceh on 6 December 2000. A fourth person, Nazaruddin Abdul Gani, managed to escape and has since fled the country because of fears for his security. There are strong indications that members of the military were among those directly involved in the killings and that other members of the security forces were complicit in the violations. An investigation has been initiated by the authorities and a number of people, including members of the security forces and civilians have been detained.

On 6 December 2000, three male volunteers, Idris Yusuf (approximately 27), Bakhtiar (approximately 24) and Nazurridin Abdul Gani (22) and one female nurse, Ernita binti Wahib (approximately 23), with the organization, Rehabilitation Action for Torture Victims in Aceh (RATA), were travelling in a vehicle carrying the RATA logo when they were intercepted by three unmarked vehicles carrying around 14 people at Mantang Baru village in Tanah Pasir Sub-district, North Aceh. The men were all armed and were wearing plain clothes. Nazurridin Abdul Gani has since testified that he recognized four of the men as being military informers and that he believed that the others were members of the military.

The RATA volunteers were questioned at gunpoint and accused of reporting information about human rights violations in Aceh and of belonging to the armed opposition group, the Free Aceh Movement (Gerakan Aceh Merdeka - GAM). The four were beaten with rifle butts and shots were fired near their feet.

According to Nazaruddin Abdul Gani, they were then forced into the vehicles. A family, including a man, a woman and several small children who witnessed the events were also ordered to join them. They were driven for some distance, during which time they passed three different military posts. At each
one they stopped and their captors talked with the military officers on duty. At
one post, Nazaruddin Abdul Gani said that he heard one of the captors asking
the military commander whether they “should finish them off here”. The
commander was heard to reply “No, not here”.

The convoy eventually stopped in Kandang, an area on the outskirts of the
town of Lhokseumawe. By then a man called Rusli had been forced to join them
after being detained, beaten, kicked, shot at and hit on the head with a rock
when the convoy had stopped in the village of Cot Mat Tahe where a bomb
reportedly exploded earlier in the day. In Kandang, Nazaruddin Abdul Gani
witnessed Idris Yusuf and Ernita binti Wahab being shot in the head before he
escaped. As he fled he heard two more shots which he believes killed Bakhtiar
and Rusli. There has been no further information about the fate of the family.

The authorities have initiated an investigation into the incident and a
number of people, including members of the police and the military, have been
detained. Amnesty International welcomes the efforts being made to investigate
this case. Successful prosecutions of all of those involved could contribute greatly
to the rebuilding of confidence in the judicial system and to the credibility of the
government’s efforts to resolve the problems in Aceh. It is therefore necessary
that shortcomings experienced in previous investigations and trials of human
rights cases, including failure to prosecute officers with command responsibility
and intimidation of victims and witnesses, are not repeated and that every
effort is made to ensure that the highest standards of impartiality, independence
and thoroughness are observed throughout the process.

Amnesty International calls upon the Indonesian government to:

• ensure that the investigation is thorough and impartial and that all those
  suspected of involvement in the torture and killings are promptly brought
to justice in trials which meet with international standards for fair trial;
• suspend from duty members of the security forces suspected of
  involvement in torturing and unlawfully executing the RATA volunteers
  and Rusli;
• take immediate measures to protect victims and witnesses to this incident
  and to provide guarantees of security to humanitarian and human rights
workers in Aceh so that they can carry out their work without risk of being subjected to human rights violations.

b) Extrajudicial execution of pro-independence supporters travelling to a rally in Banda Aceh

Over 20 people are believed to have been unlawfully killed by the Indonesian security forces during operations to prevent people from travelling to the provincial capital of Banda Aceh for a mass rally in support of a referendum on independence in November 2000. Others were subjected to torture and cruel, inhuman or degrading treatment or otherwise threatened and intimidated in order to prevent them from travelling to Banda Aceh. At least five people involved in organizing the rally were detained and one is still held, awaiting trial on charges of “spreading hatred” against the government. No members of the security forces have been arrested or brought to trial for their part in the unlawful killings.

The “Mass Rally for Peace” - known by its acronym SIRA Rakan - was scheduled to take place on 11 November 2000. It had been organized by the Information Centre for a Referendum on Aceh (Sentral Informasi Referendum Aceh - SIRA), an organization advocating the holding of a referendum on independence for Aceh, to commemorate an event which had taken place one year earlier when an estimated one million people had gathered in Banda Aceh to demonstrate in support of a referendum on Aceh’s political future. The 1999 event had taken place without major incident. According to the organizers, the November 2000 rally was intended to be a peaceful event and participants had been asked not to carry weapons or display the flag of the armed opposition group, the Free Aceh Movement (Gerakan Aceh Merdeka, GAM), in order not to provoke the Indonesian security forces.

However, the November 2000 event took place in an atmosphere of greater intolerance by the security forces towards displays of support for independence and an increasing level of activity by GAM. In the days preceding
the rally, both the police and military were involved in operations to prevent participants from travelling to Banda Aceh. There were reports from across the province of convoys, often carrying hundreds of people, being stopped at checkpoints and fired upon by members of the security forces. Amnesty International has not been able to independently verify the number of people killed. However, a prominent local non-governmental organization (NGO) has confirmed that 30 people were extrajudicially executed. At the time the police in Aceh admitted that 14 people had been killed, but claimed they had been forced to shoot them in self-defence. Indonesia’s National Commission on Human Rights (Komnas HAM) has stated that at least 40 people died. Dozens of people are thought to have been injured.

In some cases, people were subjected to torture or cruel, inhuman or degrading treatment. According to reports from NGOs, in one incident on 8 November 2000 up to 150 men and women were forced out of their vehicle by members of the Police Mobile Brigade (Brimob) at Simpang Mamplan in Tanah Laus Sub-district in North Aceh. They were forced to strip to their underwear and ordered to lie on the road where they were kicked and beaten with rifle butts. A similar incident was reported to have taken place on the same day in Gunung Klein Sub-district, West Aceh when a convoy consisting of around 300 buses and trucks was stopped by a joint team from the military and the police. Again the passengers were forced to strip and were said to have been tortured. Some 165 of them were said to have been detained while the others were dispersed and chased away.

The total number of people detained around the SIRA Rakan event is not known, nor is accurate information on the fate of most of the detainees available - in large part because conditions in Aceh have prevented human rights monitors from carrying out investigations. However, it is known that among those detained were individuals involved in organizing the rally. Three members of the SIRA Rakan organizing committee, Taufik Abda, Iqbal Selian and Bustami were arrested when the NGO building in which they were meeting was raided by members of Brimob and the local police on 10 November 2000. The three were detained overnight before being released without charge. The Chairman of SIRA, Muhammad Nazar, was accused publicly by a police spokesperson of “inflaming
separatist passions”, and was summoned for questioning. He has since been detained and is currently awaiting trial [see separate case].

The reaction of the Indonesian government was mixed. President Wahid publicly criticised the security forces for their handling of the rally. However, the Coordinating Minister for Politics, Social and Security Affairs, General Susilo Bambang Yudhoyono, appeared to support the efforts of the security forces to prevent the rally from taking place. He was quoted by the media as saying “people are free to express their aspirations in a democratic country, but such a huge mass mobilization is feared and it certainly must be stopped”.

The actions of the security forces received international criticism. In a letter sent on 22 November 2000, three experts from the United Nations Commission on Human Rights, called on Indonesia to investigate allegations of extrajudicial executions, torture and arbitrary detention of civilians in Aceh. Although two members of Komnas HAM visited Aceh in December 2000 to investigate the events, there has been no investigation by the Indonesian authorities and no one has been arrested or brought to justice in connection with this case.

Amnesty International urges the Indonesian government to:

- immediately carry out impartial and thorough investigations into the reports of human rights violations which took place around the SIRA Rakan rally;
- ensure that members of the security forces or civilian officials suspected of involvement in committing human rights violations, both directly or by virtue of command responsibility, are brought to justice in trials which meet with international standards of fairness;
- take immediate steps to ensure that basic rights, including the right to life, the right to physical and mental integrity and the right to freedom of expression are respected in Aceh.

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2 The Jakarta Post, 11 November 2000.
Muhammad Nazar - Prisoner of conscience

Muhammad Nazar, chair of the Information Centre for a Referendum in Aceh (Sentral Informasi Referendum Aceh - SIRA), was arrested on 20 November 2000 in connection with his role in organizing pro-independence protests in Aceh. He has been charged with spreading hostility and inciting violence against the government. Amnesty International considers Muhammad Nazar to be a prisoner of conscience and is calling for his immediate and unconditional release.

The arrest of Muhammad Nazar took place one week after a mass pro-independence rally in the provincial capital of Banda Aceh. The rally had been organized by SIRA to commemorate an event in November 1999 when around one million people gathered in Banda Aceh in support of independence. The second rally, known as the “Mass Rally for Peace” - or by its acronym SIRA Rakan - took place on 12 November 2000 but only after at least 20 people, and possibly many more, had been unlawfully killed by the security forces in operations to stop convoys of vehicles from transporting people to the rally. Many people were also subjected to torture or cruel, inhuman or degrading treatment and arbitrary detention during the security forces' operations.

Muhammad Nazar is among a number of members of SIRA Rakan's organizing committee who were detained around the time of the rally. The others were quickly released but Muhammad Nazar has been charged and is currently awaiting trial. The accusations against him focus on his political activities, including flying a United Nations instead of an Indonesian flag on the anniversary of Indonesia's independence from the Netherlands in August 2000. However, the timing of the arrest indicates that it was prompted by his role in organizing the SIRA Rakan rally.

Muhammad Nazar has been charged under a series of articles in the Criminal Code (KUHP), commonly referred to as the “Hate-sowing Articles”. These were widely used to imprison and intimidate political opponents during the 32 years between 1966 and 1998 when President Suharto governed
Indonesia. The precise charges against him are: Article 154 which punishes the public expression of feelings of hostility, hatred or contempt towards the government with up to seven years' imprisonment; Article 155 under which the expression of such feelings through public media is punishable by four-and-a-half years' imprisonment; Article 160 which prescribes a maximum of six years' imprisonment for “inciting” others to disobey a government order or break the law; and Article 161 under which those who disseminate or demonstrate such incitements can be punished with up to four years' imprisonment. The trial is expected to take place in February 2001. If found guilty, Muhammad Nazar will be the first convicted prisoner of conscience in Indonesia since the fall of President Suharto's government.

There are reports that Muhammad Nazar has been tortured and ill-treated while in police custody. According to information received from his lawyer, officers from the Police Mobile Brigade (Brimob) have threatened to kill him, sometimes at gunpoint, and have thrown stones and water at him. They have also pounded on the furniture and walls in an effort to intimidate him.

Amnesty International urges the Indonesian government to:

- immediately and unconditionally release Muhammad Nazar;
- ensure that no one is arrested or imprisoned for exercising their legitimate right to peacefully express their views;
- investigate reports that Muhammad Nazar has been subjected to torture and ill-treatment while in police custody;
- immediately repeal the “Hate-sowing Articles” from the Criminal Code.

4) Recent cases of serious human rights violations in Papua (Irian Jaya)

a) Extrajudicial executions, arbitrary detentions and torture in Wamena
Two people were shot dead during a police operation to forcibly lower Papuan flags flying in and around Wamena town in Papua’s Baliem valley on 6 October 2000. This triggered a violent clash in Wamena during which at least 11 more people were shot dead by the security forces. Around 200 people were arrested in connection with the disturbances, many of whom were tortured in police custody. All but 17 were later released. Five political activists were also detained three months after the clash and accused of masterminding the disturbances. There is no indication that the five were involved, and Amnesty International considers them to be prisoners of conscience.

Two people, Agustinus Murip (28) and Eliezer Alua (32), were unlawfully killed on 6 October 2000 during a joint operation by members of the Police Mobile Brigade (Brimob), the Army Strategic Reserve Command (Kostrad) and other military units to forcibly lower Morning Star flags - a symbol of Papuan independence - which were flying in several locations in Wamena, Papua. Around 28 others were wounded. Local people took to the streets in protest and during the ensuing violence at least 11 people were reportedly shot dead by the security forces. Around 19 others are believed to have been killed by local people who targeted migrants from elsewhere in Indonesia for attack.

Around 200 people were arrested in connection with the disturbances, although most were later released. The detainees included 25 children who later reported that they had been beaten by the police. Another detainee said that he and several others were ordered to strip to their underwear and were then kicked and beaten with rifle butts and canes. They were also forced to drink urine and had guns pointed into their mouths. According to some of those released, another detainee, Yohannes Udin, a journalist from the island of Flores, died in police custody as a result of being beaten and kicked by police and Brimob officers. He had been detained after taking photographs of the police operation to pull down the flag. A local human rights organization confirmed that Yohannes Udin was pronounced dead on arrival at Jayawijaya Hospital.

On 9 October 2000, the Indonesian National Commission on Human Rights (Komnas HAM) issued a statement in which it called on the government to “respond through fair legal process to all the parties involved in the Wamena incident”. It also urged the authorities to “abandon repressive approaches and
replace them with democratic approaches which prioritise dialogue.” However, according to a report published in the BBC Summary of World Broadcasts on 1 November 2000, Indonesia’s Coordinating Minister for Political, Social and Security Affairs, General Susilo Bambang Yudhoyono, stated on a visit to Wamena on 30 October 2000 that the security forces’ handling of the unrest was “extremely well done, appropriate and relatively speedy”.

Seventeen people remain in detention in connection with the violence. For around two weeks after first being detained, they were denied access to their families, lawyers and medical treatment. When a team of lawyers were able to visit them on 20 October 2000, several detainees told them that they had been beaten by the security forces upon arrest causing a number of injuries, including cuts to the face and damage to their hearing. The detainees also said they had been interrogated without legal representation and kicked and beaten by the police in detention.

Sixteen of the detainees are believed to be members of the pro-independence militia group, the Papua Taskforce (Satgas Papua). They have been accused of rebellion under Article 214 of the Criminal Code (KUHP) as well as the illegal use or possession of firearms under Article 2(1) of Emergency Law No.12/1951. Their names are: Yohakim Huby, Frans Huby, Heri Kosay, Hendrik Siep, Agus Sorabut, Jakson Itlay, Edi Marian, Timatus Kogoya, Pilius Wenda, Les Wenda, Atinus Wenda, Teri Wenda, Isak Wenda, Elius Wenda, Yoel Wenda and Jules Wenda. The other detainee, Sudirman Pagawak, has been charged with “inciting” others to disobey a government order or to break the law under Article 160 of KUHP. He has also been charged with causing deliberate damage to public facilities under Article 192 of KUHP. Although the detainees now have access to lawyers, they continue to be denied adequate medical treatment. While Amnesty International recognizes the responsibility of the Indonesian government to bring to justice those involved in the killings of migrants in Wamena, the organization is concerned that serious irregularities during arrest and detention mean that the suspects are unlikely to receive a fair trial.

Three months after the disturbances took place, five leading political activists in Wamena, Rev Obed Komba, Rev Yudas Meage, Yafet Yelemaken, Murjono Murib and Amelia Yigibalom, were also detained. They have been
accused by the police of masterminding the violence. All five are members of
the Papuan Council, a pro-independence body. Local NGOs say that none of the
cfive were involved in the violence and, indeed, some had tried to calm the
situation. The activists were arrested on 13 December 2000. The precise
charges against them are: Article 106 which prescribes a maximum of life
imprisonment for attempting to commit separatism; Article 110 which punishes
conspiracy to commit separatism with a maximum of six years' imprisonment;
Article 154, which punishes the public expression of feelings of hostility, hatred
or contempt towards the government with up to seven years' imprisonment;
Article 155, under which the expression of such feelings through public media is
punishable by four-and-a-half years' imprisonment; Article 160 which
prescribes a maximum of six years' imprisonment for “inciting” others to disobey
the government or break the law; and Article 169 which punishes with up to six
years' imprisonment participation in an association that intends to commit
crimes or misdemeanors, or that is prohibited by general regulations.

Articles 154, 155 and 160 are commonly referred to as the
“Hate-sowing Articles”. These were widely used to imprison and intimidate
political opponents during the 32 years between 1966 and 1998 when
President Suharto governed Indonesia. Amnesty International is concerned that
the five have been detained for their peaceful political activities and considers
them to be prisoners of conscience.

Amnesty International urges the Indonesian government to:

carry out full, impartial and independent investigations into reports of
human rights violations that took place in Wamena during and following
the forced removal of Morning Star flags on 6 October 2000;
suspend from duty members of the security forces suspected of
committing human rights violations, including extrajudicial executions and
torture or ill-treatment, pending a full investigation into their conduct.
Those against whom there is a case, both directly and by virtue of
command responsibility, must be brought to justice in trials which meet
international standards for fair trial;
release immediately and unconditionally the five prisoners of conscience in Wamena: Rev Obed Komba, Rev Yudas Meage, Yafet Yelemaken, Murjono Murib and Amelia Yigibalom;
ensure that the other seventeen detainees in Wamena are brought to trial through processes which meet with international human rights standards.
immediately repeal the “Hate-sowing Articles” from the Criminal Code.

b) Extrajudicial executions of pro-independence supporters in Merauke and Tiom

Six Papuans were shot dead by the security forces following a flag-raising ceremony in the town of Merauke on 2 December 2000. In a separate incident, two others were reportedly killed by the security forces after a Papuan flag was raised in Tiom on 17 December 2000.

On 2 December 2000, around 500 people raised a Morning Star flag - a symbol of Papuan independence - in a sports field in the town of Merauke, on the southeast coast of Papua, in spite of a government ban prohibiting the flying of the flag after 1 December 2000. When they refused to take it down, the police pulled it down forcibly. This triggered a violent clash between the police and the protestors, during which the security forces reportedly fired into the crowd. Seven people were killed in the clash, including six who died from bullet wounds to the head, and one non-Papuan settler, who died from an arrow wound after being beaten by a group of Papuans.

In a separate incident, two people were reportedly shot dead by the security forces after a group of local residents raised a Morning Star flag in Tiom, a small town in central Papua, on 17 December 2000. Three others were injured. The soldiers reportedly arrived at the scene and opened fire without warning. Several protestors then reportedly attacked the security forces with bows and arrows in retaliation, killing one soldier.
Amnesty International urges the Indonesian government to:

carry out full, impartial and independent investigations into the killings of Papuan pro-independence activists in Merauke on 2 December and Tiom on 17 December;
suspend from duty members of the security forces suspected of committing extrajudicial executions pending a full investigation into their conduct. Those against whom there is a case, both directly and by virtue of command responsibility, must be brought to justice in trials which meet international standards for fair trial;
take immediate steps to ensure that basic rights, including the right to life and the right to freedom of expression, are respected in Papua.

c) Extrajudicial executions and torture of students in Jayapura

One Papuan student was shot dead and 100 people were arrested following police raids on student hostels in the provincial capital Jayapura on 7 December 2000. At least 35 detainees were tortured and two died in police custody. Local human rights monitors were threatened with arrest and taken in for police questioning after they publicised the cases.

Police raids were carried out on student hostels in Jayapura on 7 December 2000 in apparent retaliation for the killing of two police officers and a security officer during violent attacks by pro-independence supporters on a market place and a police station in Jayapura the day before. A faction of the armed opposition group, the Free Papua Movement (Organisasi Papua Merdeka, OPM), known as the National Liberation Army (Tentara Pembebasan Nasional) later claimed responsibility for the attacks although there is some doubt about the validity of this claim. It is not thought that any students that were arrested were involved in the violence.

Eyewitnesses stated that the police fired shots during the raids on the hostels and beat and kicked students, many of whom were asleep when the raids began. Elkius Suhuniab, an 18-year-old high school student, was shot dead by
members of the Police Mobile Brigade (Brimob) during one of the raids. An autopsy conducted by the Jayapura General Hospital showed that he had been shot in the back.

Around 100 people were arrested during the raids and detained at Jayapura Police Resort (Polres). They included 19 children between the ages of seven and 18 who have subsequently been released. Oswald Iten, a Swiss journalist, who was being held in the same facility and was later deported for working as a journalist while on a tourist visa, said that he saw around 35 detainees being severely beaten by police officers on 7 December 2000. The following account is taken from his testimony which was published in the Sydney Morning Herald newspaper on 9 January 2001:

"About half a dozen policemen were swinging their clubs at bodies that were lying on the floor and, oddly enough, did not cry out; at most, only soft groans issued from them. After a few long seconds, a guard saw me looking and struck his club against the bars of the cellblock door. I quickly went back to my usual spot, from where I could still see the clubs, staffs and split bamboo whips at their work. Their ends were smeared with blood, and blood sprayed the walls all the way up to the ceiling. Sometimes I saw the policemen hopping up on benches, continuing to strike blows from there or jumping back down onto the bodies below (which I could not see from my cell)."

According to Oswald Iten, the beatings continued for around 45 minutes. The floor, which was covered with blood, was then washed before beatings resumed on a second group of detainees. At least two students died as a result of the beatings. Autopsies conducted by the Jayapura General Hospital revealed that the bodies of two high-school students, Johny Karrunggu (aged 18) and Orry Doronggi (aged 17) were covered in cuts and bruises. Both had died as a result of the impact of a blunt object to the back of the head.

Oswald Iten said he witnessed the death of Orry Doronggi in his police cell:

"The last one to enter was a large man, who fell over the bodies on the floor and lay there groaning horribly. He tried repeatedly to straighten
himself up, only to fall back down again. Now and again the faces of guards appeared at the barred window, looking down impassively at the tangle of maltreated bodies. In the back of the big man’s head, there appeared to be a coin-sized hole through which I believed to spot some brain tissue. After nearly an hour and a half of groaning and spasmodic movement, his suffering visibly neared its end. About two metres from me, his powerful body raised itself again and his head struck the wall. A final laboured breath issued from him, then his head dropped down onto the cement floor. At last his agony was over. After a while, three lackeys came and dragged the body out. Later I learned that the man who had been tortured to death was named Ori Dronggi [Orry Doronggi]. I saw a picture of his corpse in the newspaper Cenderawasih Pos.”

Most of those detained during the police raids were released after a few days and it is thought that all have now been released.

On 15 December, Yohanis Bonay, the director of a local human rights organization, the Institute for Human Rights Study and Advocacy (Elsham), was held for questioning by the police under Article 311 of the Criminal Code which punishes slander with up to four years’ imprisonment. He was accused of ‘discrediting public officials’ after Elsham had published statements publicizing the deaths of the students at the hands of the police. Yohanis Bonay was detained for 24 hours but released without being charged. A representative of Indonesia’s Legal Aid Association (Lembaga Bantuan Hukum, LBH) in Papua as well as a journalist who printed information about the human rights violations were also questioned by the police.

Six weeks later, on 26 January 2001, the Indonesian Foreign Minister, Alwi Shihab, announced that foreign journalists would have to obtain special permission before travelling to areas of conflict in Indonesia, including Papua. He stated that the new restrictions were necessary for their own safety. Amnesty International is concerned at this apparent move to restrict the freedom of the press and prevent independent monitors from reporting on ongoing human rights violations in these regions.

Amnesty International urges the Indonesian government to:
carry out full, impartial and independent investigations into the killing of Elkius Suhuniab during the police raid on student hostels in Jayapura on 7 December 2000 as well as the torture of detainees and deaths in custody of Johny Karrunggu and Orry Doronggi in Jayapura Police Resort (Polres); suspend from duty members of the security forces suspected of committing human rights violations, including extrajudicial executions and torture or ill-treatment, pending a full investigation into their conduct. Those against whom there is a case, both directly and by virtue of command responsibility, must be brought to justice in trials which meet international standards for fair trial; ensure that no one is arrested or detained for exercising their legitimate right to peacefully express their views; take immediate steps to ensure that human rights defenders and other independent monitors can carry out their work in Papua without fear of arbitrary arrest or intimidation.

d) Arrests of Papuan protestors in Jakarta

Seven pro-independence protestors were arrested following demonstrations in the Indonesian capital Jakarta on 1 December 2000. Three were later released, but four others remain in detention and have been charged with expressing hostility against the government and conspiring to commit separatism. Amnesty International considers them to be prisoners of conscience.

On 1 December 2000, around 300 students from Papua took part in a pro-independence rally outside the Netherlands embassy in Jakarta to mark the anniversary of a declaration of independence made by Papuan tribal leaders in 1961. Several demonstrators reportedly waved Morning Star flags – a symbol of Papuan independence – while others attempted to scale the perimeter fence of the embassy. Later the same day, the demonstrators moved to the US embassy in Jakarta where the police used tear gas to break up the protest.

According to news reports, a number of protestors were beaten by the police and seven protestors were arrested. Three of them were released the
following day, but Laun Wenda (23), Mathias Rumbrapuk (30), Hans Gobay (22) and Yoseph Wenda (27) remain in detention in Jakarta police headquarters (Polda Metro Jaya).

The four detainees have reportedly been charged under articles of the Criminal Code which prohibit the expression of hostility towards the government and separatism. The precise charges against them are: Article 106 which prescribes a maximum of life imprisonment for attempting to commit separatism; Article 110 which punishes conspiracy to commit separatism with a maximum of six years’ imprisonment; and Article 154 which punishes the public expression of feelings of hostility, hatred or contempt towards the government with up to seven years’ imprisonment.

Article 154 is one of a series of articles in the Criminal Code that are commonly referred to as the “Hate-sowing Articles”. These were widely used to imprison and intimidate political opponents during the 32 years between 1966 and 1998 when President Suharto governed Indonesia. Amnesty International believes the four are detained on account of their political beliefs and considers them to be prisoners of conscience.

Amnesty International urges the Indonesian government to:

immediately and unconditionally release Laun Wenda, Mathias Rumbrapuk, Hans Gobay and Yoseph Wenda;
ensure that no one is arrested or detained for exercising their legitimate right to peacefully express their views;
immediately repeal the “Hate-sowing Articles” from the Criminal Code.