

URGENT ACTION

FEARS FOR HUMAN RIGHTS LAWYER AFTER THREATS

Papuan human rights lawyer Olga Hamadi has been threatened after investigating allegations of police torture and ill-treatment in Wamena, Papua province, Indonesia. There are concerns for her safety and she is at risk of further intimidation and attacks.

Amnesty International has received credible information that **Olga Hamadi**, a female human rights lawyer working for non-governmental organization KontraS Papua based in Jayapura, Papua province, has been threatened for investigating and legally representing five men in Wamena, who were allegedly tortured or otherwise ill-treated by police in detention.

On 23 August 2012 Olga Hamadi received information that police personnel from the Jayawijaya District police station slapped, punched and kicked five men accused of a murder that occurred on 14 August 2012 in Wamena in an attempt to force them to confess to their involvement in the murder. She agreed to investigate the allegations and to submit an application for a pre-trial hearing to raise concerns about the alleged violations by the police. On 14 September 2012 she received a call from one of the police investigators who interrogated the men. He was angry about the pre-trial application she submitted and said he could not guarantee her safety in Wamena. Further, Olga Hamadi was informed by local sources that before the pre-trial hearing text messages were being disseminated to the murder victim's family and local community stating that she was interfering with the case and wanted to stop the legal process.

On the morning of 19 September 2012, the third day of the pre-trial hearing, Olga Hamadi was blocked from entering the Wamena District Court by a crowd of people, including family members of the victim. They threatened to beat her and pressured her to withdraw the pre-trial application. She was then taken to the Jayawijaya District police station by the police. When she wanted to return to the court, she was again blocked by a crowd of people outside the police station. Police officers did not take any steps to assist her. On 20 September 2012, due to ongoing concerns about her safety and the lack of protection from the authorities, she withdrew the pre-trial application and returned to Jayapura. She fears for her safety if and when she travels to Wamena in the future.

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

- Take immediate action to ensure the safety of Olga Hamadi, in accordance with her wishes;
- Conduct a prompt, independent and impartial investigation into the threats against Olga Hamadi;
- Initiate an independent investigation into allegations of torture and other ill-treatment against five people by the police in Wamena and ensure that, should the allegations be verified, those responsible are brought to justice in fair trials and the victims receive reparations;
- Ensure that all members of the police are made aware of the legitimate role of human rights defenders and their responsibility to protect them, as set out in the UN Declaration on Human Rights Defenders.

PLEASE SEND APPEALS BEFORE 5 NOVEMBER 2012 TO:

Papua Police Chief (Kapolda)
Inspector General Tito Karnavian
Jl. Samratulangi No. 8 Jayapura,
Papua,
Indonesia
Fax: +62 967 531717
Salutation: Dear Kapolda

Head of the Division on Professionalism
and Security (Propam)
Inspector General Drs. Herman Effendi
Jl. H.R. Rasuna Said Kav No. 4-5
Kuningan, Jakarta Selatan 12950,
Indonesia
Fax: +62 21 7280 0947
Salutation: Dear Inspector General

And copies to:
Chairperson National Human Rights
Commission (Komnas HAM)
Mr. Ihdal Kasim
Jl Latuharhary
No.4 Menteng Jakarta Pusat
10310, Indonesia
Fax: +62 21 39 25 227

Also send copies to diplomatic representatives accredited to your country.

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INTERNATIONAL**



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ADDITIONAL INFORMATION

Under Article 2 of the UN Declaration on Human Rights Defenders, each state has a duty to create the conditions necessary to defend human rights within their jurisdictions. However, Amnesty International continues to receive credible reports of attacks against human rights defenders and journalists in Indonesia, and human rights defenders are regularly intimidated and harassed in Papua. International human rights observers, non-governmental organizations and journalists are severely restricted in their work there.

Most past human rights violations against human rights defenders, including torture and other ill-treatment, possible unlawful killings and enforced disappearances, remain unsolved and those responsible have not been brought to justice. Besides continued reports of intimidation and attacks against human rights defenders, they have also been the subject of criminal defamation proceedings due to their work.

Amnesty International calls on the Indonesian government to ensure an environment in which it is possible to defend human rights without fear of reprisal or intimidation. Further, the Indonesian government should adopt prompt, effective and impartial measures to provide remedy to human rights defenders who have suffered an attack or are at risk of attack, and provide compensation to human rights defenders who have been victims of abuses due to their work.

There also continues to be credible reports of human rights violations committed by the police in Indonesia, including torture and other ill-treatment, unnecessary and excessive use of force and firearms, unlawful killings, and failure to protect victims of human rights abuses. Investigations into reports of police abuses are rare, and police often subject complainants to further intimidation and harassment. Current internal police disciplinary mechanisms are inadequate to deal with criminal offences amounting to human rights violations and are often not known to the public. Furthermore, external police oversight bodies do not have the adequate powers to bring to justice those responsible for human rights violations.

Indonesia has yet to fully incorporate a crime of torture in its Criminal Code, thus failing to meet its obligations as a state party to the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT). The lack of sufficient legal provisions on “acts of torture” creates a loophole which has devastating consequences. It does not provide a sufficient legal basis on which state agents can be brought to court, and consequently does not provide an adequate legal deterrent to prevent state agents from committing such acts of torture.

Name: Olga Hamadi

Gender m/f: F

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