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INDONESIA: Maluku political activist in critical condition after being denied access to medical care in prison

The Indonesian prison authorities must ensure that political activist Yusuf Sapakoly receives full and immediate access to the medical care he urgently requires, in accordance with provisions set out in international human rights law and standards, as well as in Indonesian law.

The Indonesian government must also immediately initiate an independent, effective, and impartial inquiry into allegations that Yusuf Sapakoly was consistently denied access to adequate medical care in Nania prison, Ambon. He is now in a critical condition at the Kuda Mati hospital in Ambon.

Amnesty International believes that such denial of urgently needed medical care amounts to cruel, inhuman or degrading treatment.

Yusuf Sapakoly, aged 52 and a father of four, was arrested on 29 June 2007 for assisting a group of peaceful political activists in Maluku province who unfurled the “Benang Raja” flag, a symbol of South Maluku independence, while performing a traditional “Cakalele” dance in front of President Susilo Bambang Yudhoyono. The police then reportedly tortured him in detention. He was subsequently charged with “rebellion” under Articles 106 and 110 of the Indonesia Criminal Code and sentenced to 12 years’ imprisonment.

According to local sources, Yusuf Sapakoly was denied medical treatment by the Nania prison authorities for kidney failure which required dialysis. He had also made complaints that he did not receive adequate treatment for rib injuries he had received during his detention. On 7 September 2010, prison authorities released him into the care of his family. However, he is still considered to be a prisoner by the Indonesian authorities.

The treatment of Yusuf Sapakoly violates Indonesia’s obligations under international human rights law. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health is outlined in Article 12 of the International Covenant on Economic, Social and Cultural Rights, to which Indonesia is state party. Moreover, the United Nations Standard Minimum Rules for the Treatment of Prisoners state, among other things, that medical services, including specialized services, must be freely available to sick prisoners (Rules 22 and 25.1).

The denial of medical care for Yusuf Sapakoly also violates the guarantee of the right to health in Article 28H (1) of the Indonesian Constitution and Article 14(1) of Law No. 12/1995 on Correctional Institutions on the right to medical care for prisoners.

Over the last year, Amnesty International has highlighted two cases related to the right to health for prisoners of conscience in Indonesia. In July 2010, Papuan prisoner Filep Karma had prostate surgery after suffering for almost nine months while waiting for permission from the authorities to travel to Jakarta from Abepura prison. The same month Amnesty International highlighted the suffering of Johan Teterissa, the leader of the “Cakalele” dancers from Maluku, who is imprisoned in Malang. He has not received adequate medical treatment for injuries he suffered after being beaten and kicked by police officers in 2007. He reports that he can no longer see properly, and cannot sleep as a result of the pain he suffers.

The Indonesian authorities must take steps to ensure that conditions in prisons are consistent with the requirements of international law and standards, in particular the United Nations Standard Minimum Rules for the Treatment of Prisoners. The government must review the prison health services and ensure that all prisoners have adequate access to regular health check-ups and are provided with proper medical care in accordance with their specific needs.

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For more information please contact Amnesty International's press office in London, UK, on +44 20 7413 5566 or press@amnesty.org

Amnesty International, 1 Easton St., London WC1X 0DW, <http://www.amnesty.org>

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