

**PUBLIC**

**AI Index: ASA 21/016/2003**

**UA 120/03**

**Fear of torture**

**02 May 2003**

**INDONESIA**

**Kanius Wenda (h) (also known as Kanius Murib)  
Nugungga Telenggeng (m)  
Kimanus Wenda (m)  
Emos Lokobal (h)  
Des Wenda (m)  
Mikael Heselo (m)  
Yapray Murib (m)  
Nine members of Jayawijaya District Military Command**

**Dead:**

**Yapenas Murib (h)**

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Amnesty International is concerned for the safety of those named above following reports that seven civilians have been tortured or ill-treated in police custody in Papua Province. One man has already died in military custody and there are concerns that despite the fact that the detainees have access to lawyers, they remain at risk of further torture or ill-treatment. (See UA 95/03, ASA 21/010/2003, 9 April 2003 and follow-ups).

The seven civilians named above were accused of being involved in an armed attack on the Jayawijaya Military District Command (Kodim 702) in Wamena town, Jayawijaya District on 4 April. They are among at least 22 people who are known to have been arrested during joint police and military operations to find those responsible for the attack in which two soldiers were killed and guns stolen.

The seven were originally held in military custody, where it is believed they were tortured. They were then transferred to police detention at Wamena Police Resort (Polres Wamena) on or around 25 April. Mikael Heselo, who was initially arrested on 19 April, was reportedly tortured whilst in detention at Poires Wamena. He reportedly had a thumb nail torn out, his fingers were placed under the legs of a table and his shins kicked. He was then transferred to police detention in the provincial capital of Jayapura on 29 April. The other six are reported to be badly bruised as a result of beatings which occurred in Poires Wamena.

Nine members of Kodim 1702 have also been arrested in connection with the attack and are now detained at the Headquarters of the Military Police in Jayapura. They have been charged with various offences under military law. Two of them have been charged with direct involvement in the attack and may face the death penalty. The others are reportedly charged with negligence or providing the attackers with weapons or ammunition, which are offences which carry lighter sentences. There is no information about the treatment of the nine, but there are concerns for their safety.

Yapenas Murib, who was arrested in connection with the attack, died in military custody in Jayawijaya Military District Command (Kodim 1702) in Wamena town on 14 or 15 April allegedly as a result of torture. Security force operations are still continuing in the Wamena area and have resulted in houses being burnt down and inhabitants fleeing to the forest.

## **BACKGROUND INFORMATION**

Serious human rights violations, including extrajudicial executions, “disappearances”, torture and ill-treatment and arbitrary detentions, have taken place for many years in Papua Province (formerly known as Irian Jaya) in the context of an independence struggle.

There have been a number of violent incidents in the Wamena area in the recent past. In October 2000 a series of raids by the police on command posts which had been established as centres for political discussion and where Morning Star flags, a symbol of independence were being flown, resulted in the death of one person and arrest of over 80 people. Revenge attacks by locals on non-Papuan residents of Wamena resulted in the deaths of some 24 people, while around a dozen Papuans were killed when security forces opened fire on the crowds. Many of those arrested were subjected to torture, and one person died as a result. Twenty-two Papuans were brought to trial and sentenced to terms of imprisonment in relation to the violence. Amnesty International believed many of them to have been prisoners of conscience. No member of the security forces has been brought to justice for human rights violations committed during the events.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Bahasa Indonesia or your own language:**

- expressing grave concern at reports that Mikael Heselo and the six other civilian detainees named above have been subjected to torture and calling on the authorities to provide guarantees that they, and the nine military detainees, will not be subjected to further torture or ill-treatment;
- urging the authorities to ensure that all the detainees have unrestricted access to legal representatives of their own choosing, to members of their families and to medical attention;
- urging the government to take immediate measures, in accordance with its obligations under the UN Convention against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment which it has ratified, to undertake an immediate, effective and impartial investigation of the allegations of torture, including of Mikael Heselo and the other six detainees and of the death of Yapenas Murib which is alleged to have resulted from torture;
- urging that the seven civilians be charged with a recognizable criminal offence or released unconditionally.

**APPEALS TO:**

Military Commander, Kodam VIII / XVII Trikora

Brig. Gen. Nurdin Zainal

Pangdam VIII/Trikora

Jl. Polimak Atas Jayapura, Papua, Indonesia

**Telegram: Kodam VIII/XVII Trikora, Papua, Indonesia**

**Fax: + 62 967 531642 / 967 537743 (if someone answers ask for the fax: “saya mau kirim fax”)**

**Salutation: Dear Brigadier General**

Chief of Police - Kapolda Papua

Insp. Gen. Budi Utomo

Head of Regional Police Papua

Jl. Sam Ratulangie No. 8

Jayapura, Papua, Indonesia

**Telegram: Kapolda, Papua, Indonesia**

**Fax: +62 967 531717**

**Salutation: Dear Inspector General**

**COPIES TO:**

The Chairman

National Human Rights Commission (Komnas HAM)

Abdul Hakim Garuda Nusantara

Jl Latuharhary No. 4B

Menteng, Jakarta Pusat 10310, Indonesia

**Fax: + 62 21 3925227**

**Salutation: Dear Chairman**

and to diplomatic representatives of Indonesia accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 13 June 2003.