

URGENT ACTION

TWO MEN DETAINED, FEARED TORTURED IN PAPUA

Two Indonesian men now arbitrarily detained in Jayapura, Papua province, are believed to have been tortured or otherwise ill-treated by police.

Daniel Gobay and **Matan Klembiap** are currently detained at the Jayapura district police station in Papua province. Police officers allegedly tortured or otherwise ill-treated them and five other men while interrogating them about the whereabouts of two pro-independence activists. They have not received medical treatment and they have not had access to a lawyer since their arrest.

According to credible sources, plainclothes police officers arbitrarily arrested Daniel Gobay and two other men on the morning of 15 February 2013 in Depapre, Papua province. The three men were first forced to crawl on their stomachs to the Depapre sub-district police station approximately 30 metres away and then moved to the Jayapura district police station an hour later. There they were then forced to strip, were kicked in the face, head and back, and beaten with rattan sticks. Police officers allegedly pressed the barrels of their guns to their heads, mouth and ears. They were interrogated until late at night and in the morning of the following day.

Matan Klembiap and three other men were arbitrarily arrested separately by plainclothes police officers on the morning of 15 February in Depapre and taken to the Jayapura district police station. The four men were also forced to strip and were kicked and beaten with rattan sticks and wooden blocks by police officers. One of the men has testified on video that police gave him electric shocks.

On 16 February, five of the men were released without charge but Daniel Gobay and Matan Klembiap remain in police custody and are reportedly to be charged with "possession of a sharp weapon" under the Emergency Regulation 12/1951.

Please write immediately in English, Indonesian or your own language calling on authorities in Indonesia:

- To ensure that Daniel Gobay and Matan Klembiap are not tortured or otherwise ill-treated;
- To ensure that the two men have access to medical treatment, and to lawyers of their choosing; and
- To immediately order an effective and independent investigation into the allegations of torture and other ill-treatment of the seven men by police officers. Suspected criminal offences involving human rights violations must be dealt with through the criminal justice system, rather than only internally and as disciplinary breaches to ensure that all those responsible for torture and other ill-treatment, including persons with chain of command responsibility, are brought to justice in fair trials, and that victims are provided reparations. Particular attention must be paid to the protection of victims, witnesses and their families.

PLEASE SEND APPEALS BEFORE 5 APRIL 2013 TO:

General Timur Pradopo
Head of the Indonesian National Police
Jl. Trunojoyo No. 3
Jakarta Selatan
Indonesia
Fax: +62 21 722 0669

Salutation: Dear General

Head of the Division on Professionalism
and Security (Propam)
Brigjen Syafruddin
Jl. H.R. Rasuna Said Kav No. 4-5
Kuningan, Jakarta Selatan 12950,
Indonesia
Fax: +62 21 7280 0947
Email: info@propam.polri.go.id
Salutation: Dear General

And copies to:

Director General for Human Rights
Harkristuti Harkrisnowo
Ministry of Law and Human Rights
Jl. H.R. Rasuna Said Kav No. 4-5
Kuningan, Jakarta Selatan 12950,
Indonesia
Fax: +62 21 525 3095

Also send copies to diplomatic representatives accredited to your country.

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

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Amnesty International continues to receive credible reports of human rights violations committed by the security forces in the provinces of Papua and West Papua, including torture and other ill-treatment, unnecessary and excessive use of force and firearms and possible unlawful killings. Investigations into such reports are rare and only few perpetrators have been brought to justice. In the rare cases where victims have reported police abuses, police often subject them 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.

In January 2011 three soldiers who were filmed kicking and verbally abusing Papuans were sentenced by a military court to between eight and ten months' imprisonment for disobeying orders. The video was widely circulated via YouTube. The victims were too frightened to testify in person due to the lack of adequate safety guarantees. In November 2011, eight police officers involved in a violent crackdown on a peaceful gathering in Papua that left three people dead were only given written warnings.

International human rights observers, non-governmental organizations and journalists are severely restricted in their access to Papua, contributing to a climate of impunity there.

One of the reasons why cases of torture and other ill-treatment continue to occur in Indonesia is the failure to revise the Indonesian Criminal Code to criminalize acts of torture. In 2008 the UN Committee against Torture called on the Indonesian government to revise the Criminal Code to incorporate the crime of torture consistent with the definition in Article 1.1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to ensure that all acts of torture are punishable by appropriate penalties which take into account their grave nature. The Criminal Code has been under revision for about three decades.

As a state party to both the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), Indonesia has a legal obligation to prohibit torture and other ill-treatment in all circumstances. The Indonesian Constitution and the Law on Human Rights (No. 39/1999) also provide for the right for all people in Indonesia to be free from torture and other ill-treatment.

Further, the Regulation of the Chief of the National Police regarding the Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police (No. 8/2009) states that police must "refrain from instigating or tolerating any act of torture or other cruel, inhuman or degrading treatment or punishment".

Name: Daniel Gobay and Matan Klembiap

Gender m/f: m

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