

**PUBLIC**

**AI Index: ASA 21/013/2006**

**31 August 2006**

**UA 234/06**      **Fear of torture or ill-treatment/ Unfair trial**

**INDONESIA**      **Nelson Rumbiak (m), aged 20**  
**Ferdinando Pakage (m)**  
**Fourteen other men imprisoned after an unfair trial**  
**Aris Mandowen (m), and six other men currently on trial**

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Sixteen men, a number of whom are students, have been convicted of alleged involvement in violence in Papua province in March, following an unfair trial. One of the men, Nelson Rumbiak, was reportedly beaten by police officers after revealing in court that he had been intimidated and ill-treated in police custody. Amnesty International is concerned that all 16 men, as well as seven others whose trial is still in progress, are at risk of torture or ill-treatment.

All 23 men were arrested following violence on 15 and 16 March which caused the death of four police officers and an Indonesian Air Force officer in the town of Abepura, Jayapura district, in Papua. Sixteen of them have already been sentenced to between five and 15 years' imprisonment, while seven are still awaiting judgment. They are all detained at Abepura prison, Papua.

The 16 men already convicted were reportedly intimidated and ill-treated during police interrogation in order to force them to 'confess' their involvement in the violence. One of the 16 reported that a senior police officer threatened to shoot him if he did not disclose certain information. The defendants also reported that, two hours before their trial in May, they were kicked by police officers, who also beat them around the head and body with rifle butts and rubber batons in order to compel them to admit that they were guilty before the court. Those who refused to acknowledge the charges of which they were accused were allegedly beaten and kicked by police when they returned to detention.

Amnesty International is also concerned that other fair trial safeguards may not have been provided to the 16 men during their trial before the Jayapura district court. Some of the detainees reported that they had no contact with the lawyer who was assigned to them before the trial started and so were unaware of their rights and of the legal procedures. Furthermore, reports indicate that during trial, judges may have undermined the principle of presumption of innocence and the right of the defendant to examine the witnesses testifying against them.

On 23 August, Nelson Rumbiak and Ferdinando Pakage, who have already been sentenced respectively to six and 15 years' imprisonment, were asked to testify before Jayapura district court against three of the seven men whose trial is still in progress. However, Nelson Rumbiak and Ferdinando Pakage told the court that statements they had made earlier against the three accused were false, and that they were coerced into making these statements by police. One of the men currently standing trial, Aris Mandowen, told the court that he too had suffered similar treatment at the hands of police. On the basis of these statements, the prosecutor agreed to call additional witnesses to testify about the alleged ill-treatment by police at the next court hearing on 28 August. However, the police officer whom Nelson Rumbiak had alleged was responsible for ill-treating him was not called to testify, leading to a dispute between Nelson Rumbiak's lawyers and the judge.

On their return to Abepura prison, the three accused men and Nelson Rumbiak were confronted by dozens of police officers outside the front gate of the prison. The police reportedly started beating Nelson Rumbiak's head with a rattan stick. When he fell to the ground, several police officers kicked him in the ribs and

stamped on his body. Several police officers then chased the three accused men into the prison, and threatened to beat prison officers who were trying to keep the police officers out of the prison.

Nelson Rumbiak was taken by prison officers to Abepura hospital for treatment for the injuries he had sustained in the attack. However, doctors were unable to examine him fully as police and intelligence officers, as well as military personnel, entered the hospital and attempted to gain access to him, and he was returned to prison. His current medical condition is not known.

The seven accused men still on trial have now refused to appear in court, because of concerns for their safety. Their next court hearing is due to take place on 1 September.

In the past in Papua province, reprisals by security forces personnel for the killing or wounding of police officers have been arbitrary and have involved both extrajudicial executions and torture. After two police officers and a security guard were killed in December 2000, armed police raided student dormitories in Abepura. One student was killed at the scene, and more than one hundred others were arbitrarily detained and tortured. Two students died as a result of the torture. No-one has been held to account for these crimes. Two officers brought to trial in the Human Rights Court in Makassar were acquitted in September 2005.

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

- expressing concern for the safety of Nelson Rumbiak, Ferdinando Pakage, Aris Mandowen and 20 other men detained in relation to violent events of 15-16 March, which caused the death of four police officers and one Indonesian Air Force officer;
- calling upon the authorities to guarantee that they will not be subjected to torture or ill-treatment, and that all necessary steps will be taken to ensure that they do not face reprisals from security forces personnel;
- urging the authorities to conduct an independent investigation into allegations of torture and ill-treatment during interrogation of the detainees, and into allegations that Nelson Rumbiak was attacked after leaving court on 28 August;
- calling on the authorities to ensure that Nelson Rumbiak and the other detainees are given access to all necessary medical care;
- expressing concern at reports that both the trial of the 16 men already convicted, and the ongoing trial of seven others, have not conformed to fair trial standards;
- urging the authorities to ensure that all fair trial safeguards that are contained under Indonesia's criminal procedure code and international legal standards are observed.

**APPEALS TO: (Please note that fax numbers may be switched off outside office hours, 7 hours ahead of GMT. Please keep trying).**

Head of Police

Jl. Jend A. Yani,  
Jayapura, Papua, Indonesia  
**Fax: + 62 96 7531027**  
**Salutation: Dear Kapolres**

National Police Chief

General Sutanto  
Jl. Trunojoyo 3, Kebayoran Baru, Jakarta Selatan, Indonesia  
**Fax: + 62 21 720 1402**  
**Salutation: Dear General Sutanto**

**COPIES TO:**

President Susilo Bambang Yudhoyono  
Istana Merdeka, Jakarta 10110, Indonesia  
**Fax: + 62 21 345 2685 / 526 8726**

and to diplomatic representatives of Indonesia accredited to your country.

01 September 2006

We have just learnt that on 31 August, the state prosecution office ordered the transfer of seven of the men detained at Abepura prison to the Jayapura Police Station. Pastors, students and other groups have been sitting peacefully in front of the prison all night to prevent the transfer of the detainees to the Jayapura Police station as they fear for their safety.

While this does not affect the Recommended Actions in the UA, it would be useful if appeals could also be sent to these additional targets:

Police station where the detainees would be transferred to

Head of Police [Kapolda Papua]

Jl. R. Samratulangi No.8

Jayapura, Papua

**Fax: + 62 967 - 537211**

**Salutation: Dear Kapolda**

AND

Prosecutor's office Papua

Jl. Angrek No.6

Base G Pasir II Tanjung Ria

Jayapura - Papua

**Fax: + 62 967 541140**

**Salutation: Dear Sir**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 31 October 2006.