

Death in Custody of Daniel Yairus Ramar

Daniel Yairus Ramar, a 51 year old school teacher at the Wondamawi village school in Wasior Sub-district, Manokwari District, and the deputy head of the Wondama Tribal Council (DPMA), died in police custody in Manokwari Police Resort (Polres) on 20 or 21 July 2001. He had been arrested around 10 days previously on Yapen Island. According to local human rights groups, the police insisted that Daniel Yairus Ramar was ill and had died of natural causes. However, medical personnel at Manokwari General Hospital reportedly claimed that his body was covered in lacerations and bruises. The police only agreed to release his body for burial on the condition that his family did not request an autopsy.



Daniel Yairus Ramar, ©Private

Daniel Yairus Ramar was arrested during Police Mobile Brigade (*Brigade Mobil*, Brimob) operations to capture those responsible for attacks on two logging companies on 30 March and 13 June 2001, in which nine people were killed, including five members of Brimob. He was suspected of being behind the attacks because of his prominent role in the DPMA which had represented local claims against the logging company PT Darma Mukti Persada (DMP), the target of the first attack. Daniel Yairus Ramar was accused of working with the pro-independence movement, Free Papua Movement (*Organisasi Papua Merdeka*, OPM) in planning the killings. His membership of the Papuan Taskforce (*Satuan Tugas Papua*, Satgas Papua), a security group set up in early 2000 to protect leading pro-independence figures may also have been a factor in the suspicions against him.

Daniel Yairus Ramar and family members left their home village of Wondamawi I, Wasior Sub-district, Manokwari District, by boat on 18 June 2001. Initially the party stopped at the home of Daniel Yairus Ramar's brother-in-law, Yotam Aronggear, in Sanoba village, where they heard that Daniel Yairus Ramar's house had been burnt down during Brimob operations to capture him.

On 9 July, around 30 Brimob forces are reported to have arrived to Sanoba village in search of Daniel Yairus Ramar. He was not in the village at the time, but **Marthinus Daisiwa**, his 21-year-old son-in-law, and two other men were arrested. The house of Yotam Arrongear, where Daniel Yairus Ramar and his family had been staying was burnt down and outboard motors, fishing nets and other equipment destroyed. The two men arrested with Marthinus Daisiwa were released the following day.

After the news of the attack on Sanoba village reached Daniel Yairus Ramar and his family, they continued their journey, together with Yotam Arrongear and his family, to Yapen Island. On 11 July 2001, almost immediately after arriving, they were captured. Daniel Yairus

Ramar, Yotam Arrongear and Marthinus Daisiwa were transferred by boat to Manokwari Police Resort (Polres) on 18 July 2001. Little is known about what happened to them in the following days. No lawyers, family members or others had access to Daniel Yairus Ramar during this time. According to one report, another detainee at Polres Manokwari claimed to have seen Daniel Yairus Ramar being dragged, unable to walk, back to his cell after an interrogation session. He died on 20 or 21 July 2001, apparently as a result of torture.

In the meantime the wives and children of Daniel Yairus Ramar, Yotam Arrongear and Marthinus Daisiwa were detained at Polres Serui on Yapen island. The three women and seven children were held in a single cell where conditions amounted to cruel, inhuman and degrading. Food was only provided once a day and they were forced to drink from the toilet. Armed police officers outside the cell threatened them and on one occasion shots were fired into the air apparently to intimidate them.

On 21 July 2001, all were taken to Manokwari town on board a boat in which they were kept confined to a small cell for the duration of the journey. They were released after arriving in Manokwari, but Daniel Yairus Ramar's wife was detained again in August 2001 and taken to Polres Nabire where she was held for approximately seven weeks. She was reportedly taken to Awaso village on Yapen Island by members of Brimob to look for weapons which Daniel Yairus Ramar was accused of having hidden there.

Marthinus Daisiwa was tried and sentenced to seven years imprisonment in a trial which failed to meet with international standards for fair trial.

Recommended action

Please send politely worded letters in English, Bahasa Indonesia or your own language,

- ✍ expressing concern at reports that Daniel Yairus Ramar died in police custody at Manokwari Polres on 20 or 21 July 2001, apparently as a result of torture;
- ✍ urging the authorities to carry out an effective and independent investigation into Daniel Yairus Ramar's death and urging that the findings of the investigation be made public;
- ✍ urging that anyone suspected of human rights violations in this case be brought to justice in a process that meets international standards for fair trial;
- ✍ urging the authorities to ensure that Daniel Yairus Ramar's family is given adequate reparations, including compensation, restitution and rehabilitation;
- ✍ urging the authorities to bring an end to the wide-spread practice of torture by introducing practical safeguards. These include ensuring that detainees are given access to independent lawyers and doctors of their choice as soon as they are detained, and that anyone detained is brought promptly before a judge. The authorities should also be urged to implement the recommendations of the UN Committee against Torture to Indonesia.

Please send appeals to:

President

Megawati Sukarnoputri

President RI

Istana Merdeka

Jakarta 10110

Indonesia

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E-mail: presiden@ri.go.id

Salutation: Dear President

Chief of Police, Papua

Brig. Gen. Made Mangku Pastika

Head of Regional Police Papua

Jl. Sam Ratulangie No. 8

Jayapura, Papua

Indonesia

Fax: 62 967 531717

Salutation: Dear Brigadier General

National Commission on Human Rights (Komnas HAM)

Abdul Hakim Garuda Nusantara, Chairman

Jl. Latuharhary No. 4B

Menteng

Jakarta Pusat 10310

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Salutation: Chairman

Please send copies of your letter to the Indonesian Embassy in your country

Arbitrary detention and torture and ill-treatment of Marthinus Daisiwa

Marthinus Daisiwa was shot in the leg by members of the Police Mobile Brigade (*Brigade Mobil*, Brimob) and beaten in police detention after his arrest in July 2001. While in detention, he was denied access to adequate medical care for his gunshot wound. He was brought to trial and sentenced to seven years' imprisonment for his alleged involvement in an armed attack on a logging company. Amnesty International is concerned that his trial did not meet with international standards for fair trial.

Marthinus Daisiwa was arrested in Sanoba village, Nabire Sub-district, Paniai District during Brimob operations to capture individuals suspected of involvement in attacks on two logging companies in Wasior Sub-district in which nine people, including five members of Brimob had been killed. Two other men, Gasper Aronggear and Willem Koromat were also arrested during the operations in Sanoba village, but were released the following day. According to reports received at the time, both were bruised and Gasper Arrongear's ear was torn and one of his teeth had been knocked out.

Two days after his arrest, on 11 July 2001, Marthinus Daisiwa was taken back to Sanoba village by members of Brimob and ordered to lead them to the place where weapons stolen during the attack on one of the logging companies had allegedly been hidden. As he walked ahead of the Brimob members, he was shot in the left leg.

Marthinus Daisiwa initially received treatment for his gunshot injury at Nabire General Hospital where he was handcuffed to the bed and closely guarded. On 18 July 2001 he was transferred to Manokwari Police Resort (Polres), Wasior Sub-district. At Manokwari Polres he was reportedly beaten. In October 2001, local human rights groups in Manokwari reported that Marthinus Daisiwa was not receiving adequate medical care for the wound to his leg.

Marthinus Daisiwa's trial began on 23 October 2001. He was charged with a variety of articles under the Indonesian Criminal Code (KUHP) which are known collectively as rebellion, as well as murder, manslaughter and maltreatment. In addition to involvement in the attack on a logging company in Wasior, he was accused of involvement in the pro-independence Free Papua Movement (*Organisasi Papua Merdeka*, OPM) and its armed wing the National Liberation Army (*Tentara Pembebasan Nasional*, TPN); of training members of the Papuan Taskforce (*Satuan Tugas Papua*, Satgas Papua) a pro-independence security group; of taking part in armed resistance in Wasior, and of participating in security operations in Wasior with the intention of achieving Papua's independence from Indonesia.



Marthinus Daisiwa,
©Amnesty International

Marthius Daisiwa denied involvement in the attack on the logging company. Witnesses who may have been able to support this claim refused to appear in court for fear of retaliation against them. He was interrogated without a lawyer, and claims that his confession was extracted under torture were never investigated. He was found guilty and sentenced to seven years imprisonment. Amnesty International believes that his trial did not conform to international standards for fair trial.

Recommended action

Please send politely worded letters in English, Bahasa Indonesia or your own language,

- ✍ expressing concern about allegations that Marthinus Daisiwa was shot and beaten, and denied adequate medical care while in custody;
- ✍ urging the authorities to carry out an effective and independent investigation into the allegations of torture and ill-treatment, to make the findings of the investigation public and to bring to trial anyone suspected of committing human rights violations in this case;
- ✍ expressing concern that Marthinus Daisiwa's trial did not meet with international standards for fair trial and calling on the authorities to conduct a prompt and independent review of the trial;
- ✍ urging the authorities to provide effective protection for witnesses and victims so that they can assist in the investigations and trials without fear of threats, intimidation or other human right violations.

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Salutation: Dear Chairman

Please send copies of your letter to the Indonesian Embassy in your country

Detention and torture of school teachers

Eight junior school teachers and one school guard were among those detained during Police Mobile Brigade (Brimob) operations to capture those responsible for two attacks on logging companies in Wasior Sub-district, Manokwari District, in March and June 2001. All are believed to have been tortured or otherwise ill-treated in custody. One school teacher, Daniel Yairus Ramar died in custody, apparently as a result of torture (see separate appeals case).

According to reports in the local media, teachers had been identified as being among those suspected of carrying out the attacks and were targeted for arrest. The police chief for Papua Province was quoted in a local newspaper on 5 July 2001 as saying that *“according to preliminary investigations, it appears that those involved in the attack included village heads and teachers so we are hunting them down”*.¹

Teacher A (name withheld to protect his identity), a 42 year old teacher from a village close to Wondiboi, Wasior Sub-district, fled to Manokwari town together with a number of his colleagues soon after the news of the 13 June 2001 attack on a logging company in Wondiboi and subsequent Brimob operations reached them. He returned to Wasior Sub-district on several occasions as part of a team delivering humanitarian assistance. On one occasion, on 25 October 2001, in addition to delivering food, he had also taken the opportunity to return to his home village and pick up some of the belongings he had left when he fled. As he was unloading his belongings from a truck in Wasior town, he was grabbed by the collar, beaten and thumped on the head by a member of Brimob who then ordered him to perform somersaults along the road - ten forwards and ten back. He was taken to Wasior Police Sector (Polsek) where five other members of Brimob joined in beating him with rifle butts and kicking him, including on his head and face. The beatings lasted from 7 to 9 pm, after which he was taken to a second police post where he was questioned for approximately half-an-hour before being released.

Teacher B (name withheld to protect his security), a 60 year old principal of a primary school, was detained by members of Brimob on 17 June 2001 as he was making his way to the harbour in Wasior to flee the Sub-district, together with his wife and daughter. He was taken to Polsek Wasior where he recounted seeing three men being kicked, punched and sliced with a bayonet in front of him. He was then beaten himself. He said that he counted 21 blows to his head and was kicked on his chest and hit with the butt of a rifle on his shoulders. He described feeling dizzy and holding on to the side of his chair for support.

After the beating stopped, he reported overhearing a conversation among Brimob members in which one of them said that they had made a mistake in detaining him. One of the officers even came up to him and apologized and asked to be forgiven. He was released later the same day. However, two days later, while still recovering from his injuries in Wasior town, he was summoned to return to Polsek Wasior. As he entered the building he said that he was grabbed by the arms and pulled into a room where he was beaten for two hours before once again being released.

He remains confused about why he was detained, but believes it may be because he

¹ See local newspaper, Cenderawasih Pos, 5 July 2001

belongs to the same clan as one of those arrested in connection with the attack on one of the logging companies. He also speculated that it may be because he has been demanding compensation for land that was taken by a logging company in the mid-1980s. He left Wasior on 7 July and was meant to return for the beginning of the school term in November, but because he fears for his safety has decided not to return to his home or his job.

Tonche (Hengki) Baranso was detained in his home village in Wasior Sub-district on 20 July 2001, by members of Brimob. He and three other men from his village were taken to Polsek Wasior where they were held for two days, during which time they were beaten both with fists and rifles. The four were then taken by boat to Polres Manokwari where they were held in a cell with 25 other detainees.

Tonche Baranso was handcuffed to another prisoner for a week. On the third day in Polres Manokwari, members of Brimob entered the cell and beat the handcuffed detainees, including him. The following day he underwent interrogation during which he was hit with rattan sticks and rifle butts - one person would ask questions while another police officer stood behind him and hit him if he did not respond quickly enough. Tonche Baranso was accused of providing food to Daniel Awom who is widely believed to have led the attack on a logging company in Wondiboi. The teacher claimed to have no connection with the attack, but eventually confessed to it to stop the beatings. Despite having confessed, the beatings continued on and off for the three months that he was held at Polres Manokwari.

He was released in early November 2001, but was still required to report to the police in Manokwari daily. In the meantime, he was unable to return to his village and his job. His wages were not being paid and he feared that any future prospects for promotion had been destroyed by the arrest. He was eventually brought to trial and according to information from his lawyers was sentenced to one year and three months in prison for participating in a training of the armed independence movement National Liberation Army (*Tentara Pembebasan Nasional*, TPN) in June 2000. Amnesty International is concerned that his trial did not meet international standards for fair trial.

Recommended action

Please send politely worded letters in English, Bahasa Indonesia or your own language,

- ✍ expressing concern about reports that the teachers were arbitrarily detained and tortured or otherwise ill-treated during Brimob operations in Wasior;
- ✍ urging the authorities to carry out an effective, independent investigation into the allegations of torture and ill-treatment and urging that the results of the investigation be made public;
- ✍ expressing concern that Tonche Baranso's trial did not meet international standards for fair trial and urging the authorities to carry out a prompt and independent review of his trial, including into the allegations of torture;

- ✍ urging that anyone suspected of human rights violations in this case be brought to justice in a process that meets international standards for fair trial and that the victims and their families are given reparations;
- ✍ urging the authorities to implement the recommendations of the UN Committee against Torture to Indonesia, including by establishing an effective and independent complaints system to investigate allegations of torture and by inviting the UN Special Rapporteur on torture to visit Indonesia.

Please send appeals to:

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Salutation: Dear President

Chief of Police, Papua

Brig. Gen. Made Mangku Pastika

Head of Regional Police Papua

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Jayapura, Papua

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Salutation: Dear Brigadier General

National Commission on Human Rights (Komnas HAM)

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Salutation: Dear Chairman

Please send copies of your letter to the Indonesian Embassy in your country

Possible extrajudicial executions of Willem Korwam and Johan Calvin Werianggi

The dismembered remains of **Willem Korwam**, a health worker and father of three who was around 30 years old and from Wasior II village, Wasior Sub-district, Manokwari District, were discovered in a plastic sack floating in the sea close to Wasior harbor on 10 September 2001. He had been missing since the night of 6 September 2001, when he had been ordered to accompany members of the Police Mobile Brigade (Brimob) who had come to his home. According to one witness, he was seen walking along the beach with armed members of Brimob, some of whom were masked. A piece of cloth had been tied around Willem Korwam's mouth to gag him.

Willem Korwam had returned to Wasior on 5 September 2001 from Manokwari where he had gone to seek medical treatment. In the early evening of 6 September 2001 he had gone fishing. Later that evening three members of Brimob are said to have come to his house and asked for some fish. They were invited in and given food and drink. They then asked for cigarettes, but because Willem Korwam did not have any they ordered him to give them the money to buy them and to accompany them. He was last seen alive, gagged and accompanied by members of Brimob, at around midnight on 6 September 2001.



Funeral of Willem Korwam ©Elsham

It is not known precisely how or when Willem Korwam was killed. The brutality of his murder - his head and limbs had been cut off his body - is unusual even within the context of the violent operations which were taking place in Wasior at the time. Local officials are said to have claimed that he was a member of the Pro-independence movement Free Papua Movement (*Organisasi Papua Merdeka*, OPM) and its armed wing the National Liberation Movement (*Tentara Pembebasan Nasional*, TPN) and that he supplied medicines to the armed group. Whatever the truth of these accusations, they are no justification for his killing.

Johan Calvin Werianggi, the head of Werianggi village in Windesi Sub-district, is thought to have been extrajudicially executed in September 2001 after being arrested by members of Brimob. Witnesses claim to have seen him being tortured before being taken to a boat which left the port in Windesi and returned several hours later without him. He has not

been heard of since.

Johan Calvin Werianggi was arrested on 4 September 2001, soon after his arrival by boat from Wasior to Windesi. His house was reportedly surrounded by members of Brimob who claimed that they were searching for weapons. Failing to find any weapons they took Johan Calvin Werianggi to Windesi Police Sector (Polsek). Witnesses claim that during the short journey of several hundred meters Johan Calvin Werianggi was punched, kicked and beaten with the butt of a gun. According to one unverified report he was tied to a flagpole in front of Polsek Windesi and beaten before being taken inside the Polsek building where the torture continued. Local people are said to have heard him screaming *APlease help me God, I want to be dead@* (“*Tuhan tolong, saya sudah mau mati*”). At 2 am, Johan Calvin Werianggi was apparently seen being taken to a boat that was moored on the beach, reportedly by members of Brimob. He was said to have been moving, but did not say anything. His fate remains unknown.

It is unknown precisely why Johan Calvin Werianggi was detained. However, he was a strong advocate of independence for Papua and local human rights activists have speculated that he may have been detained because he participated in Papuan Taskforce (*Satgas Papua*) and TPN training in Wondiboi in late 2000 and early 2001. They also believe that he may have been targeted because, as the representative of the local community, he had persuaded local government, police and military officials to allow the Morning Star flag – a symbol of Papuan independence – to be raised in Windesi in the past.

Recommended action

Please send politely worded letters in English, Bahasa Indonesia or your own language,

- ✍ expressing concern about reports that **Willem Korwam**, who was last seen with members of Brimob, was later found dead and that the fate of **Johan Calvin Werianggi** who was also last seen with members of Brimob, remains unknown;
- ✍ urging the authorities to carry out an effective and independent investigation into the allegations of torture and the death of Willem Korwam and the “disappearance” of Johan Calvin Werianggi, and urging that the results of the investigation be made public;
- ✍ urging that anyone suspected of human rights violations in these cases be brought to justice in processes that meet international standards for fair trial and that the victims’ families be given reparations;
- ✍ urging the authorities to take measures to prevent extrajudicial executions in accordance with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;
- ✍ urging the authorities to invite the UN Special Rapporteur on torture and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Papua.

Please send appeals to:

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Salutation: Dear President

Chief of Police, Papua

Brig. Gen. Made Mangku Pastika

Head of Regional Police Papua

Jl. Sam Ratulangi No. 8

Jayapura, Papua

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Fax: 62 967 531717

Salutation: Dear Brigadier General

National Commission on Human Rights (Komnas HAM)

Abdul Hakim Garuda Nusantara, Chairman

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Salutation: Dear Chairman

Please send copies of your letter to the Indonesian Embassy in your country

Arrest, torture and unfair trial

A group of 16 men arrested during military operations in Manokwari District, were subjected to torture and their trial did not meet with international standards for fair trial.



were denied adequate medical treatment.

The 16 men were part of a group of people who had traveled to Rasiei village, Wasior Sub-district, in late April 2001. According to their version of events, they had made the journey in order to attend a traditional ceremony at Nabi Mountain, a sacred site in the area. There are other reports that they were in the area to attend training by the armed independence movement, National Liberation Army (*Tentara Pembebasan Nasional*, TPN) or the Papuan Taskforce, a pro-independence security force. However, the training had already taken place so they did not participate. As they were preparing to return to their homes on 3 May 2001, their boat was ambushed by around 30 members of the Police Mobile Brigade (Brimob). Two men, **Musa Kulla** and **Mandinus Jikwa**, were shot in their right legs, allegedly at point blank range. Stevanus Tabuni reportedly received a bullet wound to the shoulder. Six others were initially thought to have been shot dead or drowned. However, recent reports indicate that at least some of them may have survived and gone into hiding.

The 16 who were detained, including those with gunshot wounds, are reported to have been beaten and kicked before being thrown into a boat and transported to Wondiboi village, Wasior Sub-district and then on to Manokwari the same day. All but Musa Kulla and Mandinus Jikwa were taken to Manokwari Police Resort (Polres). Conditions in Polres Manokwari were poor. The men were held in a cell already crowded with other detainees. Because there was no door on the cell, they were guarded during the day by members of Brimob and overnight were put in a metal plated prison vehicle. Even at night temperatures in Manokwari are high and would have been almost unbearable in a metal vehicle. While in Polres Manokwari they were forced to assist in the building of a new cell block.

Musa Kulla and Mandinus Jikwa initially received hospital treatment in Manokwari and Jayapura, the capital of Papua Province. They were taken back to Polres Manokwari in late June 2001. Here medical care was inadequate and their condition deteriorated. In August the whole group was transferred to Manokwari Prison. Musa Kulla was eventually permitted to visit Manokwari General Hospital on 15 November 2001, but the condition of both Musa Kulla and Mandinus Jikwa remains an issue of concern. It is likely that Musa Kulla will be partially crippled as a result of inadequate medical care for his injuries while in detention.

The trials

The detainees first had access to their appointed team of lawyers on 12 June 2001, over six weeks after their arrest. In the meantime they had been interrogated and forced to make and sign confessions extracted under torture. A police appointed lawyer cross-signed their statements, but according to their own lawyers, the detainees had never met with the police lawyer and he was not present when they were being questioned.

The trials of the 16 began in October 2001. All were charged with separatism; rebellion; conspiracy to commit the crimes of separatism and rebellion; and participation in a group which has the intent of committing crimes. Three were additionally charged with possessing weapons.

The prosecution argued that the 16 had come to Wasior to support the activities of the local armed opposition movement, the Free Papua Movement (*Organisasi Papua Merdeka*, OPM) and its armed wing the National Liberation Army (*Tentara Pembebasan Nasional*, TPN). The prosecution case appears to have been based primarily on their confessions. Their legal representatives complained to the panel of judges that the information in the defendants' statements was false; that the defendants had been tortured; the confessions extracted under pressure; and that most of the 16 defendants could not in any case read the statements that they had signed because they could not read or fully understand Bahasa Indonesia. The judge dismissed the complaint and only queried why the defendants signed the statements if they could not understand them. The defendants also did not have official interpreters at any point during the proceedings. Those who had a better command of Bahasa Indonesia were asked by both the police and the judges to interpret for those who did not.

The 16 were all found guilty and sentenced to terms of imprisonment between 14 and 15 months. Their lawyers advised them that they had a strong case to appeal the verdicts, but none of the 16 chose to exercise their right to appeal, apparently because they feared that they might be subjected to further torture or ill-treatment. Soon after the convictions they were transferred to Nabire town, Nabire Sub-district, Paniai District to serve out their sentences closer to their home villages. All have now been released, after serving their sentences. Amnesty International believes that their trials were unfair and should be reviewed. If no evidence is found their sentences should be quashed.

Recommended action

Please send politely worded letters in English, Bahasa Indonesia or your own language,

- ✍ expressing concern that the group of 16 men arrested in Puncak Jaya were subjected to torture and that complaints by their lawyers that torture had been used was dismissed by the judges without any further investigation;
- ✍ urging the authorities to carry out an effective and independent investigation into the allegations of torture and ill-treatment; urging that the results of the investigation be made public; and that anyone suspected of human rights violations in this case be brought to justice;
- ✍ stating that you are concerned about reports that Musa Kulla and Mandinus Jikwa were shot and denied adequate medical assistance while in detention. Remind the authorities that this contravenes the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles);
- ✍ urging the authorities to conduct a prompt and independent review of the trials of the 16 prisoners, which did not meet international standards. If no evidence is found their sentences should be quashed.

Please send appeals to:

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