

PUBLIC

AI Index: ASA 21/93/98

6 October 1998

Further information on UA 260/98 (ASA 21/90/98, 1 October 1998) and follow-up (ASA 21/91/98, 2 October 1998) - Fear of ill-treatment/possible prisoner of conscience

INDONESIA Don A L Flassy (correct spelling)

Agustinus Ansanai

Baas Yufuwai (correct spelling)

Laurence Mehuwe

Sam Yaru

Theys Eluay (new name)

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Amnesty International has learnt that Don Flassy, Agustinus Ansanai, Baas Yufuwai, Laurence Mehuwe and Sam Yaru, all of whom remain in police custody in Jayapura, have now had access to independent legal counsel. Amnesty International remains concerned that they are being detained for their peaceful activities in supporting dialogue on the status of Irian Jaya, or West Papua.

Don Flassy is the only one of the group who appears to have been charged. He is facing trial under article 110 of the Indonesian Criminal Code which covers acts of rebellion and attempts to separate part of the state. His arrest is based on his involvement in the West Papuan Independence Committee (*Komite Independen Papua Barat*) which issued invitations in Jayapura for a meeting to discuss the status of the province.

On 6 October 1998, another man was arrested in connection with the same case. Theys Eluay is the head of the official Irian Jaya Customary Council and a leader of the people in Sentani, Jayapura and a former MP. In recent months, Theys Eluay has become actively involved in efforts to hold dialogue on the status of Irian Jaya. He was believed to be planning to hold a ceremony on 7 October in which he would hand himself over to the police in a bid to secure the release of the five men above. He has been arrested under Articles 110 of the Criminal Code, Article 169 (which punishes those in associations with "intent to commit crimes", or members of organizations which are prohibited or which have the "intent to commit crimes"); Article 155 relating to the public display of hatred towards the government; and Article 310 relating to slander.

Lawyers attempting to visit Theys Eluay in police custody on 6 October were told by the police that they could not meet with him because they would interrupt the interrogation which was currently underway. Amnesty International is concerned for his safety and that he appears to be detained for his peaceful activities.

Two students were taken into custody and interrogated in connection with the planned meeting. The two, Marthinus Werimon and Ronald Tapilatu, were arrested on 2 October and told that they were wanted as "witnesses". They were interrogated in police custody, but military intelligence were involved in the interrogation. They have since been released, but Amnesty International is concerned that other individuals are at risk of arbitrary arrest as the authorities attempt to gather information about the meeting.

**FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Bahasa Indonesia or English or in your own language:**

- urging the authorities to clarify the charges against Agustinus Ansanai, Baas Yufuwai, Laurence Mehuwe and Sam Yaru and to release the four and Don Flassy if they are being held for their peaceful political activities;
- urging the government to grant Theys Eluay with immediate, on-going and regular access to legal representation of his choice and to ensure that he is not at risk of ill-treatment in custody;
- urging the authorities to ensure that there are no further arrests of individuals on the basis of their peaceful activities in connection with attempts to organise meetings in Jayapura on the status of Irian Jaya;
- reminding the government of Indonesia of its commitment to the Universal Declaration of Human Rights, in particular Article 19: *"Everyone has the right to freedom of opinion and expression."*

**APPEALS TO:**

**Please note that fax tones to Indonesia can be difficult to obtain. Tones may be more readily available during office hours local time in Jayapura, which is GMT +9 hours.**

**Military Commander Region VIII/Trikora, (covers Irian Jaya)**

Maj. Gen. Amir Sembiring  
Pangdam VIII/Trikora  
Markas Besar KODAM VIII/Trikora  
Jayapura  
Irian Jaya  
Indonesia

**Telegrams: Pangdam VIII/Trikora, Jayapura, Indonesia**

**Faxes: + 62 967 31642 / 967 34836**

**Salutation: Dear Major General**

**COPIES TO:**

**Chief Of Police For Irian Jaya**

Brig. Gen. (Pol.) Hotman Siagian  
Kapolda Irian Jaya  
Jayapura  
Irian Jaya  
Indonesia

**Faxes: + 62 967 33763**

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 17 November 1998.

***"Everyone has the right to freedom of opinion and expression."***

Article 19, Universal Declaration of Human Rights

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>