

URGENT ACTION

PRISONERS OF CONSCIENCE BEING TORTURED

On 8 August two Papuan students, including a child, were arbitrarily detained for their peaceful political activism in Indonesia's West Papua province. They are believed to have been tortured or otherwise ill-treated by police.

Robert Yelemaken, a 16-year old high school student, and **Oni Wea**, a 21-year old university student, are activists with the West Papua National Committee (*Komite Nasional Papua Barat, KNPB*), a pro-independence movement in Papua. They were arrested on 8 August at 3am local time in Manokwari district for painting pro-independence graffiti including calls for an independence referendum for Papua.

The two students are prisoners of conscience and should be released immediately and unconditionally. They were arrested and remain in detention solely for the peaceful exercise of their right to freedom of expression.

Amnesty International has received credible information that the two students were tortured or otherwise ill-treated during their arrest and in detention. According to local sources they were beaten and kicked by two arresting police officers. Robert Yelemaken was allegedly hit on the head and face with a rifle butt. Both were reportedly forced to roll in a drain filled with dirty water and were drenched in paint. They were then taken to the Manokwari District Police Station where the beatings allegedly continued.

Robert Yelemaken and Oni Wea are currently detained in a prison cell at the Criminal Investigation Unit at the Manokwari District Police Station. It has been reported that their faces are now swollen, lips are bleeding and they have pains in their chest. It is not known whether Robert Yelemaken, a child under international law, is being treated according to international standards on juvenile justice.

Please write immediately in Indonesian, English or your own language, demanding that the authorities:

- Immediately and unconditionally release Robert Yelemaken and Oni Wea as they have been arrested solely for the peaceful exercise of their right to freedom of expression;
- Ensure that Robert Yelemaken and Oni Wea are not tortured or otherwise ill-treated;
- Ensure that the two students have access to their families, lawyers of their choice and any medical treatment that they require and moreover ensure that Robert Yelemaken is treated according to the international standards on juvenile justice;
- Immediately order an effective and independent investigation into the allegations of torture and other ill-treatment. All those responsible for torture and other ill-treatment, including persons with chain of command responsibility, must be brought to justice in fair trials and victims provided with reparations.

PLEASE SEND APPEALS BEFORE 19 SEPTEMBER 2014 TO:

Papua Regional Head of Police

Jotje Mende

Jl. Samratulangi No. 8 Jayapura,

Papua, Indonesia

Fax: +62 967 531014 / +62 967 533396

Salutation: Dear Brigadier General

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: +62 215 253095

**Salutation: Dear Harkristuti
Harkrisnowo**

And copies to:

Commission Secretary

Drs. Logan Siagian

National Police Commission

Jalan Tirtayasa VII

Nomor 20, Kebayoran Baru,

Jakarta Selatan, Indonesia

Fax: +62 217 392315

Email: sekretariat@kopolnas.go.id

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

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

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Indonesia enshrines guarantees to freedom of expression and peaceful assembly in its Constitution and in national legislation. But legislation continues to be used to criminalize peaceful political activities and to imprison people solely for the peaceful exercise of their rights to freedom of expression and opinion, conscience and religion.

Dozens of peaceful political activists are currently imprisoned in the Papuan region (provinces of Papua and West Papua), some sentenced for as long as 20 years, for attending, organizing or participating in peaceful political activities or protests, or possessing, raising or waving the prohibited pro-independence 'Morning Star' flag of Papua. Many of those arrested are charged with "rebellion" (*makar*) under Articles 106 and 110 (crimes against the security of the state) of Indonesia's Criminal Code.

Amnesty International has also documented the use of excessive force and firearms as well as torture and other ill-treatment against these activists by the Indonesian security forces.

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

The Indonesian security forces have a track record of committing human rights violations in the Papuan region with near impunity. Amnesty International has received credible reports of unlawful killings and unnecessary and excessive use of force and firearms by both police and military personnel during peaceful pro-independence protests and gatherings. The government has consistently failed to make a distinction between violent armed groups and peaceful activists. Further, political activists and others accused of links to pro-independence groups have been tortured or otherwise ill-treated during arrest and detention. Accountability for such acts is rare and at most security personnel receive disciplinary sanctions.

Amnesty International takes no position whatsoever on the political status of any province of Indonesia, including calls for independence. However, the organization believes that the right to freedom of expression includes the right to peacefully advocate referendums, independence or other political solutions.

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.

Under international law, anyone under the age of 18 is a child; and children suspected of a criminal offence should be treated according to the rules of juvenile justice. Principles of juvenile justice include: detention or imprisonment only as a measure of last resort – under regular review and for the shortest appropriate time and a commitment to the use of alternatives to detention whenever possible; prohibition of solitary confinement; separation of children in detention facilities from adult detainees; and attention to the particular needs of children in custody.

Name: Robert Yelemaken and Oni Wea

Gender m/f: m

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