

URGENT ACTION

ONE STUDENT RELEASED, OTHER STILL DETAINED

One of the two Papuan students tortured or otherwise ill-treated by police has been released. The other is still in detention and has been charged for his peaceful political activism in Indonesia's West Papua province.

Robert Yelemaken, a 16-year-old high school student, was released on 18 August from the Manokwari District Police Station and police have dropped charges against him. However, 21-year-old university student **Oni Wea** is still in detention and has been charged with "incitement". Both students were given access to a lawyer on 14 August. However, Oni Wea has yet to receive medical treatment for the torture and other ill-treatment he suffered.

Both the students, activists from the pro-independence West Papua National Committee (Komite Nasional Papua Barat, KNPB), were arrested on 8 August in Manokwari district for painting pro-independence graffiti including calls for an independence referendum for Papua. They were tortured and otherwise ill-treated by the police during arrest and detention and were held in a prison cell at the Manokwari District Police Station. Police hit them on the face and head with a rifle butt and kicked them. Both were forced to roll in a sewer filled with dirty water and to drink paint. The beatings continued while they were in detention.

Amnesty International considers Oni Wea a prisoner of conscience. There has been no independent investigation into the students' allegations of torture and other ill-treatment

Please write immediately in Indonesian, English or your own language:

- Calling on the authorities to release Oni Wea immediately and unconditionally, as he has been arrested solely for the peaceful exercise of his right to freedom of expression;
- Urging them to ensure that Oni Wea has access to any medical treatment he may require;
- Calling on them to order immediately an effective and independent investigation into Oni Wea and Robert Yelemaken's allegations of torture and other ill-treatment, bring all those responsible to justice in fair trials and provide reparations to the victims.

PLEASE SEND APPEALS BEFORE 10 OCTOBER 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: skm@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. This is the first update of UA 199/14. Further information:

<http://amnesty.org/en/library/info/ASA21/020/2014/en>

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ADDITIONAL INFORMATION

Indonesia's Constitution and national legislation guarantees freedom of expression and peaceful assembly. However, legislation is regularly used to criminalize peaceful political activities and to imprison people solely for the peaceful exercise of their rights to freedom of expression, conscience and religion.

Dozens of peaceful political activists are in prison in the Papuan region (provinces of Papua and West Papua), some sentenced to 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 have been charged with "rebellion" (*makar*) under Articles 106 and 110 (crimes against the security of the state) of Indonesia's Criminal Code.

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.

The organization 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. 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 has also documented the use of excessive force and firearms as well as torture and other ill-treatment against peaceful 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.

One of the reasons 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: Oni Wea, Robert Yelemaken

Gender m/f: m

Further information on UA: 199/14 Index: ASA 21/023/2014 Issue Date: 29 August 2014