

URGENT ACTION

PRISONER'S MEDICAL TREATMENT PREVENTED

Indonesian prisoner of conscience Filep Karma is in urgent need of medical treatment. He needs to travel to receive this treatment, but the prison authorities have refused to pay for his transport and medical costs.

Filep Karma is serving a 15-year sentence at the Abepura prison in Papua province for raising a banned regional flag. Doctors at the Dok Dua hospital in nearby Jayapura conducted a medical examination last month and suspect a tumour of the colon. They have confirmed that he requires a colonoscopy and follow-up treatment. However the necessary equipment is not available in Papua province and they have referred him to the Cikini hospital in the capital, Jakarta. The Abepura prison authorities have given permission for Filep Karma to travel to Jakarta, but they have refused to cover the cost of his medical treatment and travel. By law, all medical costs for treatment of a prisoner at a hospital must be borne by the state (Regulation No. 32/1999 on Terms and Procedures on the Implementation of Prisoners' Rights in Prisons).

Filep Karma has suffered a number of medical problems in detention, including bronchopneumonia, excess fluid in the lungs and a urinary tract infection. In July 2010 he was sent to a hospital in Jakarta for prostate surgery and other care. In November 2011 he was transferred to the Dok Dua hospital in Papua for an operation after he experienced bleeding haemorrhoids, chronic diarrhoea and blood in his stool. He has continued to pass blood in his stool since the operation. Filep Karma is also undergoing physiotherapy for an injury to his hip bone from a fall he suffered in detention in 2006.

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

- Urging the authorities to ensure that Filep Karma receives full and immediate access to any medical treatment he may require;
- Urging them to cover the cost of such treatment in accordance with the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Principle 24) and Indonesian regulations;
- Calling on them to release Filep Karma, and all others prisoners of conscience in Indonesia, immediately and unconditionally;
- Urging them to ensure that prison conditions and the treatment of prisoners meet standards provided for in Indonesian law as well as UN Standard Minimum Rules on the Treatment of Prisoners.

PLEASE SEND APPEALS BEFORE 31 MAY 2012 TO:

Head of Abepura Prison

Liberty Sitinjak
Lembaga Pemasyarakatan (Lapas)
Abepura
Jl. Kesehatan 11, Jayapura
Papua 99351, Indonesia
Fax: +62 984 24721
Salutation: Dear Liberty Sitinjak

Head of Papuan Provincial Department of Justice and Human Rights

Daniel Biantong
Jl. Raya Abepura No. 37,
Kotaraja - Jayapura 99117,
Papua, Indonesia
Fax: +62 967 586112
Salutation: Dear Daniel Biantong

And copies to:

Director General of Prisons
Drs. Untung Sugiyono
Ministry of Justice and Human Rights
Jl. Veteran No. 11
Jakarta Pusat
Indonesia
Fax: +62 21 3483 2101

Also send copies to diplomatic representatives accredited to your country.

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ADDITIONAL INFORMATION

Filep Karma was arrested on 1 December 2004 after taking part in a peaceful ceremony in Abepura, Papua province. He was among approximately 200 people who took part in the ceremony during which the banned "Morning Star" flag, a symbol of Papuan independence, was raised. He was charged with "rebellion" (*makar*) under Articles 106 and 110 of the Indonesian Criminal Code, and sentenced to 15 years' imprisonment on 26 May 2005. His sentence was upheld by the Supreme Court on 27 October 2005. Amnesty International considers him to be a prisoner of conscience.

In November 2011 the UN Working Group on Arbitrary Detention (WGAD) declared Filep Karma's detention to be arbitrary on the grounds that he was imprisoned for the exercise of his rights to freedom of expression and peaceful assembly – Opinion No. 48/2011 (Indonesia). These rights are guaranteed in the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party, and in the Indonesian Constitution. The WGAD also found Filep Karma's detention to be arbitrary because he had been subjected to an unfair trial. Article 14 of the ICCPR guarantees the right to a fair and public hearing by a competent, independent and impartial tribunal established by law.

The Indonesian authorities have an obligation under national law and standards to provide medical treatment to all prisoners in the country. Article 17 of the Indonesian Government Regulation No. 32/1999 on Terms and Procedures on the Implementation of Prisoners' Rights in Prison requires the prison authorities to provide adequate access to medical treatment. International standards also provide for medical treatment for prisoners. The UN Standard Minimum Rules for the Treatment of Prisoners provides that prisoners needing treatment not available in the prison hospital, clinic or infirmary should be transferred to an appropriate institution outside the prison for assessment and treatment. Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment requires that prison authorities cover the costs of such treatment.

In view of the potentially serious nature of Filep Karma's medical problem, Amnesty International believes the authorities' refusal to arrange prompt and appropriate examination and medical care for him could amount to cruel, inhuman or degrading treatment.

Name: Filep Karma
Gender m/f: m

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