

Indonesia: Prisoners of Conscience Action 2004

Case sheet: The Wamena prisoners

“The strange thing about 6 October 2000 is, I wasn’t even there...”

Reverend Obeth Komba



Wamena, 2002 ©AI

Case information

Reverend Obeth Komba (m), **Amelia Yiggibalom** (f), **Reverend Yudas Meage** (m) and **Murjono Murib** (m), all members of the Wamena Panel, the local branch of the civilian organization which supports independence for Papua Province, the Papua Presidium Council, (*Presidium Dewan Papua*, PDP) were sentenced to four years’ imprisonment each in 2001, after being found guilty of “rebellion” (*makar*) under Articles 106 and 110 of the Indonesian Criminal Code (*Kitab Undang-undang Hukum Pidana*, KUHP). They were released in late 2001 but re-arrested in December 2003 and are currently in prison in Papua. Amnesty International considers them to be prisoners of conscience who have been imprisoned purely for the peaceful and legitimate exercise of their right to freedom of expression and is calling for their immediate and unconditional release.

The four were initially questioned by police on the basis of accusations that they were responsible for instigating violence in Wamena town, Jayawijaya District, Papua Province on 6 October 2000. The violence began with a series of police raids on command posts (*Pos Komando*, Posko) which had been established throughout the district as centres for political and other discussions and where Morning Star flags – a symbol of Papuan independence – were flown. During the raids, flag-poles were cut down with chain saws and over 80 people were arrested. Many of them were tortured or otherwise ill-treated and one passer-by was shot dead. News of these events prompted a violent reaction among local people which resulted in revenge attacks by locals against non-Papuan residents, 24 of whom were reportedly killed. Thirteen Papuans also died in this violence, allegedly as a result of members of the security forces firing into the crowds.

The four Panel members were first summoned for questioning on 11 October 2000. After one week of daily interrogations which took place without lawyers and which often lasted into the night, it became apparent that there was no evidence of their involvement in the violence. Rather, it was clear that they had actively tried to prevent the violence. Reverend Obeth Komba had been in the provincial capital Jayapura on 6 October 2000 seeking advice from the PDP on how to avert the prospect of violence if the police went ahead with plans to remove Morning Star flags. Other Panel members tried to meet with the local police chief (*Kepala Kepolisian Resort*, Kapolres) on 6 October 2000 to negotiate a peaceful settlement and also attempted to calm the crowds.

In the absence of any evidence against them, the Panel members were told by the police that they must find those who were responsible. Unable and unwilling to do so, they were themselves arrested and charged. The evidence for the charges focussed on their membership of the PDP as Panel representatives and on their activities in informing local people of the results of two meetings, the *Musyawahar Besar* (Mubes) and the Second Papuan National Congress, held in Jayapura in February and May/June 2000 respectively. During the meetings, plans for developing and implementing a political strategy for the civilian pro-independence movement were discussed. The Second Papuan National Congress produced a resolution which focussed on non-violent methods of achieving independence for Papua. It made no reference to supporting the armed independence struggle.

In addition to the Panel members, 17 other people were brought to trial in Wamena in relation to the events of 6 October 2000. All but one was a member of the Papuan Taskforce (*Satuan Tugas Papua*, Satgas Papua), a security group set up in early 2000 to protect PDP members. The 16 Satgas members, who had been detained during the morning raids on the poskos, were held with other detainees in Wamena Police Resort (Polres) where they were subjected to beatings and racist abuse. They were denied food and water and prevented from sleeping. Interrogations were carried out without the presence of a lawyer, and at least two of the detainees are known to have been forced to sign statements without first being permitted to read them. While in police custody a number of them claimed to have witnessed the torturing to death of Yohanes Udin, a young photographer from Flores, Nusa Tenggara, who had been in Papua documenting the activities of the Satgas members.

On 4 February 2001, when the trials of the 17 were already in progress and the four panel members were waiting for their trial to begin, officers from the Police Mobile Brigade (*Brigade Mobil*, Brimob) entered Wamena Prison and kicked and beat with an iron rod six of the Satgas members. Murjono Murib, the head of the Wamena Panel, was also struck on the back with the butt of a rifle. He was also told that if he did not admit his involvement in the violence in court his nails would be pulled out.

The trials of the four panel members took place under tight security and international monitors were denied permission to attend. Reverend Obeth Komba, Amelia Yiggibalom, Reverend Yudas Meage and Murjono Murib were found guilty and sentenced to four years' imprisonment on 10 March 2001. In July 2001, the Supreme Court upheld their guilty verdicts, but they were released under "town arrest" in Wamena town in late 2001. A fifth Panel member who was also considered a prisoner of conscience, Yafet Yelemaken (m), was sentenced to four years and six months' imprisonment. He later died in 2002 while in town arrest. The 17 others brought to trial in connection with the violence in Wamena were given sentences of between one year and nine months' and three years and six months' imprisonment.

In December 2003, 20 of those sentenced, including the four prisoners of conscience, were summoned by the Wamena Court (*Kejaksaan Negri Wamena*). Sixteen people responded and were subsequently detained. The reason given for their detention was that they had not served their prison sentences. Four others have not yet responded to the summons.

On 21 December 2003, 12 of the prisoners, including Reverend Obeth Komba, Reverend Yudas Meage and Murjono Murib, were transferred from Wamena Prison to Abepura Prison, Jayapura District, Papua Province without prior notice to their lawyers or families. There is concern that the failure to allow the prisoners to inform their families at the time of their transfer may be contrary to the United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules). According to the Standard Minimum Rules, "Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution" (Article 44(3)). Four of the prisoners, including Amelia Yiggibalom, were not transferred and are still being held in Wamena Prison.

Other Prisoners of Conscience in Papua

Supporters of independence for Papua Province are among those who have been imprisoned as prisoners of conscience in Indonesia. Since late 1998, more than 60 people have been brought to trial in Papua in connection with activities in support of independence, of which around 25 are believed to have been engaged only in peaceful activities. These have included organizing or attending meetings in which the political status of Papua has been discussed, and ceremonies in which the Morning Star flag, a symbol of independence, has been raised.

Two other prisoners of conscience, Herman Wanggai and Edison Waromi are currently imprisoned in Abepura Prison. The two men were detained during a peaceful flag-raising ceremony on the campus of Cenderawasih University in Abepura town on 14 December 2002. In October 2003, they were found guilty of “rebellion” (Article 106 and 110 KUHP) and sentenced to two years’ imprisonment each. A third man, Jordan Ick, who was sentenced to 10 months’ imprisonment for knowing about the event but failing to report it to the authorities (Article 164 KUHP), has been released after serving his sentence.

In addition, seven prisoners of conscience are currently facing trial in Manokwari town, Manokwari District, Papua Province. They were arrested during a peaceful flag-raising ceremony on 27 November 2003, and have also been charged with “rebellion” (Article 106 KUHP). Nine men who were arrested during a similar demonstration on 27 November 2002 were sentenced to between 14 and 15 months’ imprisonment. Six of them were considered to be prisoners of conscience. All have been released following completion of their sentences.

Background

Following the forced resignation of former President Suharto in 1998, over 230 prisoners of conscience and political prisoners were released in a series of presidential amnesties. Repressive legislation which limits freedom of expression, under which many of them had been imprisoned, fell out of use for a brief period of time.

However, since early 2001, repressive legislation has once again been used with increasing frequency against government critics, including labour and political activists, journalists, and independence activists in Nanggroe Aceh Darussalam (NAD) and Papua Provinces. A number of human rights organizations have also been charged with “defamation”, in what appears to be an attempt by the authorities to discredit them and disrupt their legitimate work.

At least 58 prisoners of conscience have been sentenced to prison terms since 1998. Ten of them are currently imprisoned. In addition, 10 people who would be considered prisoners of conscience if convicted are currently facing trial. The imprisonment of prisoners of conscience in Indonesia indicates that the trend towards greater openness, which immediately followed the collapse of the Suharto regime in May 1998, is being reversed.

Amnesty International is calling on the Indonesian government to:

- Immediate and unconditionally release Reverend Obeth Komba, Amelia Yiggibalom, Reverend Yudas Meage and Murjono Murib, and all other prisoners of conscience in Indonesia.
- Make public commitments that there will be no further arrest of individuals purely for engaging in the peaceful exercise of their right to freedom of opinion, belief, expression and association.
- Repeal repressive legislation used to imprison prisoners of conscience including the “Hate-sowing Articles” (Articles 154, 155 and 156 KUHP) and articles which criminalize “insulting the President or Vice-president” (Articles 134, 136 and 137 KUHP).
- Ratify and implement the International Covenant on Civil and Political Rights (ICCPR).
- Carry out effective and independent investigations into the allegations of human rights violations by members of the security forces in Wamena in relation to the events of October 2000, including allegations of torture and ill-treatment of detainees; the death in custody of Yohanes Udin, allegedly as a result of torture; the possible extrajudicial execution of Papuans; and the killings of non-Papuans by the armed opposition group, the Free Papua Movement (*Organisasi Papua Merdeka*, OPM).
- Issue standing invitations for UN Mechanisms to visit Indonesia. Priority should be given to the Special Rapporteur on Freedom of Expression, the Special Rapporteur on Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Special Representative on Human Rights Defenders.