

AMNESTY INTERNATIONAL URGENT ACTION

PAPUAN POLITICAL ACTIVIST AT RISK

Former prisoner of conscience Yusak Pakage is being denied access to medical treatment while in police detention in Papua province, Indonesia. He has reportedly been threatened with torture and has not had access to a lawyer since his arrest.

Yusak Pakage was arrested on 23 July and is being detained at Jayapura city police station. According to sources he is suffering from stomach pains and has not been able to eat. He is being denied access to medical treatment by the Jayapura police authorities and has reportedly been threatened several times with torture and other-ill-treatment. He has been beaten in detention in the past.

Yusak Pakage was arrested during the trial of Papuan political activist Buchtat Tabuni. While waiting for court proceedings to begin, he is reported to have kicked a bin in frustration, which hit a nearby civil servant. Police who were also in the court room approached Yusak Pakage and searched him. They found a pen-knife in his bag. He was arrested and later charged under Emergency Regulation 12/1951 for "possession of a weapon", which carries a maximum sentence of ten years' imprisonment. He has not had access to a lawyer since his arrest.

Amnesty International has also received information that Yusak Pakage's interrogation has not focused on the incident in the court on 23 July. Instead, police have questioned him about his political activities and his recent efforts to raise funds for sick political prisoners. He has also been questioned about his connection with the pro-independence movement in Papua.

A former Amnesty International prisoner of conscience, Yusak Pakage is currently the co-ordinator of a local movement in Papua called the Street Parliament (Parlemen Jalanan). He has raised concerns about security for Papuans and the situation of political prisoners in Papua. He was recently involved in supporting local non-governmental organization Solidarity for Victims of Human Rights Violations (SPKP HAM) in raising funds for political prisoners who are sick. He and dozens of other activists were arbitrarily arrested on 20 July by the Jayapura police in connection with their fundraising activities. All were released a few hours later.

Please write immediately in English, Indonesian or your own language asking the authorities to:

- Ensure that Yusak Pakage is not tortured or otherwise ill-treated while in detention;
- Ensure that Yusak Pakage has access to medical treatment, and to lawyers of his choosing; and
- Ensure that prison conditions, conditions in detention facilities, 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 5 OCTOBER 2012 TO:

Jayapura City Police Chief

AKBP Alfred Papere

Jl. A. Yani No.11 Jayapura

Papua

Indonesia

Fax: +62 967 533763

Salutation: Dear Alfred Papere

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:

Head of the Division on Professionalism & Security (Propam)

Inspector General Drs. Herman Effendi

Kadiv Propam Mabes Polri

Jl. Trunojoyo No. 3

Jakarta Selatan, Indonesia

Fax: + 62 21 7220669

Additional Information

Yusak Pakage was arrested on 1 December 2004 when he and a group of around twenty activists arrived at the Jayapura police station to protest against the arrest of peaceful political activist Filep Karma earlier in the day. Filep Karma and Yusak Pakage had been among approximately 200 people who had taken part in a peaceful ceremony in Abepura, Papua province during which the "Morning Star" flag – a banned symbol of Papuan independence – was raised.

Filep Karma was arrested at the site of the ceremony. All of those who gathered at the police station were arrested, most were then released, but Yusak Pakage was detained. He and Filep Karma were later charged with "rebellion" (*makar*) under Articles 106 and 110 of the Indonesian Criminal Code (KHUP). On 26 May 2005 Filep Karma was sentenced to 15 years' imprisonment and Yusak Pakage to 10 years. Their sentences were upheld by the Supreme Court on 27 October 2005. Both men were adopted as prisoners of conscience by Amnesty International. Yusak Pakage was released on 7 July 2010 after receiving a presidential pardon; however Filep Karma remains in prison. Amnesty International continues to call for Filep Karma's immediate and unconditional release.

The Indonesian authorities have an obligation under national law and standards to provide medical treatment to all prisoners in the country. Article 58 of the Criminal Procedure Code (KUHAP) obliges the government to provide detainees access to independent medical treatment.

Further, Article 10 (f) of the Regulation of the Chief of the National Police regarding the Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police (No. 8/2009) states the police must ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

International standards also provide for medical treatment for prisoners. Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment requires that the authorities provide medical care and treatment whenever necessary, and further, that they cover the costs of such treatment.

Amnesty International continues to receive credible reports of torture or other-ill-treatment by police during arrest, interrogation and detention. As a state party to both the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), Indonesia has a legal obligation to prohibit torture and other ill-treatment in all circumstances. The Indonesian Constitution and the Law on Human Rights (No. 39/1999) also provide for the right for all people in Indonesia to be free from torture and other ill-treatment.