

URGENT ACTION

POOR PRISON CONDITIONS FOR PAPUAN ACTIVIST

A Papuan political activist arrested on 5 April as a result of his peaceful political activities has been suffering from chest pain and frequent headaches due to poor detention conditions. The activist has been charged with “rebellion” (*makar*) and could face up to life imprisonment.

Steven Itlay, a Papuan political activist, has been denied access to adequate medical treatment and has been granted only limited access to meet with his family and lawyer by the Mimika Baru Sector Police (Polsek). He is suffering from chest pain and frequent headaches since being detained in a room without good air circulation and lack of natural light. The Mimika Baru Police limit his meetings with his family to only 10 minutes, their conversations are supervised and they are stopped from speaking their local dialect. Further, Steven receives only two meals a day of either rice or instant noodles.

On 5 April Mimika Resort Police arrested Steven Itlay and 14 other Papuan political activists for participating in a joint prayer, gathering in the backyard of the GKII Jemaat Gologota Church in Utikini village, Kuala Kencana district, Papua province. The gathering was to support the United Liberation Movement for West Papua (ULMWP), a peaceful Papuan pro-independence umbrella group, to be accepted as a member of the Melanesian Spearhead Group (MSG), a sub-Pacific intergovernmental organization. The police released 13 of the activists without any charges over the following two days. Steven Itlay has been charged with “rebellion” under Article 106 of the Indonesian Criminal Code (KUHP), and could face up to life imprisonment. Another activist, **Jus Wenda**, has been charged with maltreatment against the Head of Mimika Resort Police Force under Article 351(1) of the Criminal Code. Jus Wenda, who denies committing this violent act, could face up to 32 months’ imprisonment.

Steven Itlay and Jus Wenda are both being detained at the Mimika Baru Sector Police Headquarters in Mimika district, Papua province.

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

- Urging the authorities to immediately and unconditionally release Steven Itlay and drop the charges against him as he has been detained solely for peacefully exercising his right to freedom of expression and assembly;
- Calling them to ensure that pending the release of Steven Itlay and Jus Wenda, they are protected from torture or other ill-treatment, and have regular and unhindered access to their family and lawyer of their choice;
- Urging Indonesian authorities to ensure that Steven Itlay immediately and fully receives any medical treatment he may require.

PLEASE SEND APPEALS BEFORE 4 JULY 2016 TO:

Papua Regional Head of Police
 Irjen Paulus Waterpauw
 Papua Regional Police Headquarters
 Jl. Sam Ratulangi No. 8,
 Jayapura, Papua,
 Indonesia
 Fax: +62 967 533763 345 0918
Salutation: Dear Inspector General

Co-ordinating Minister for Political, Legal
 and Security Affairs
 Luhut Binsar Pandjaitan
 Ministry for Political, Legal and Security
 Affairs
 Jl. Medan Merdeka Barat No. 15,
 Jakarta Pusat 10110, Indonesia
 Fax: +62 21 345 0918
 Twitter: @lapor1708
Salutation: Dear Minister

And copies to:
Chairperson National Human Rights
 Commission (Komnas HAM)
 Mr. Imdadun Rahmat
 Chairperson National Human Rights
 Commission (Komnas HAM)
 Jl Lathuhary No.4 Menteng Jakarta
 Pusat 10310 Indonesia
 Fax: +62 21 39 25 227
Salutation: Dear Imdadun Rahmat

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY DR RIZAL SUKMA, Embassy of the Republic of Indonesia, 38 Grosvenor Square W1K 2HW, 02074997661, Fax 02074914993, kbri@btconnect.com, www.indonesianembassy.org.uk, Salutation: Your Excellency
 Please check with your section office if sending appeals after the above date. This is the first update of UA 80/16. Further information:
<https://www.amnesty.org/en/documents/asa21/3797/2016/en/>

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ADDITIONAL INFORMATION

Indonesia guarantees the right to freedom of expression and peaceful assembly in its Constitution and national legislation. But other 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, peaceful assembly, conscience and religion.

Dozens of peaceful political activists are currently imprisoned in the Papuan region (provinces of Papua and West Papua), some sentenced to as long as 20 years' imprisonment 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.

The United Liberation Movement for West Papua (ULMWP) is an umbrella organization established in December 2014 and is formed of different factions of the Papuan independence movement.

The Melanesian Spearhead Group (MSG) is an intergovernmental organization founded as a political gathering in 1983. It is composed of the four Melanesian states of Fiji, Papua New Guinea, Solomon Islands and Vanuatu, and the Kanak and Socialist National Liberation Front (FLNKS) of New Caledonia. Indonesia is an associate member, while ULMWP is an observing member.

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 protects the right to peacefully advocate referendums, independence or other political solutions.

Amnesty International has also documented the use of excessive force and firearms as well as torture and other ill-treatment against political activists and others accused of being linked to pro-independence groups. Accountability for such acts is rare, and at most security personnel receive disciplinary sanctions.

One of the reasons why cases of torture and other ill-treatment continue to occur in Indonesia is the failure to revise Indonesia's Criminal Code, to criminalize acts of torture and other ill-treatment. In 2008, the UN Committee against Torture called on Indonesia 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.

Further information on UA: 80/16 Index: ASA 21/4085/2016 Issue Date: 23 May 2016