



Quarterly Update

OCTOBER-DECEMBER 2021

Summary

50 political arrests were recorded during the three-month period from October to December 2021. Of these, 11 people remain in detention, 36 have been released, and the status of 3 remains unknown.

The vast majority of political arrests during the reporting period related to two key events:

- 34 were connected to the 1 December anniversary of West Papua's declaration of independence.
- 11 were connected to an attack on 2 September 2021 on Kisor military post in Maybrat regency.

New Cases

Maybrat : arbitrary arrest

On 14 October 2021, the Village Head of Imsun, South Aifat District, Maybrat Regency, was arrested by police in Sorong while he was reuniting with his son, from whom he had been separated when they fled their homes due to the ongoing security forces' operations in their village following the killing of four Indonesian soldiers on 2 September 2021. While the Village Head had no involvement in the killing, police believed him to have knowledge as to the identity and whereabouts of individuals on the police Wanted List who were suspected of the killings. He was released two days later on 16 October after his lawyer arrived at the police station.¹

Yahukimo: alleged arbitrary arrests

On 1 November 2021, there were three arbitrary arrests in Yahukimo, which were allegedly politically motivated. Papuans Behind Bars is unable to confirm the current status of the three individuals concerned at the time of writing.

Yahukimo: Yentinus Kogoya arrested

Yentinus Kogoya and a friend were arrested in Yahukimo on 2 November 2021 by the Nemangkawi taskforce. Yentinus was on the police Wanted List as a suspected member of the armed pro-independence group TPNPB (Tentara Pembebasan Nasional Papua Barat, National Liberation Army of West Papua). He is thought to still be in detention, and while his companion has likely been released, although this remains unconfirmed at the time of writing.²

Manokwari : Student dormitory raid

On 22 November 2021, 10 students were arrested during a student dormitory raid in Manokwari. During the joint police and military raid, security forces conducted an inspection at gunpoint, searching for sharp weapons and any items bearing the banned Morning Star flag logo. The students were questioned about the Maybrat killings and any possible knowledge of Wanted Persons related to the attack, which the students denied. They were also questioned about any membership of the pro-independence group West Papua National Committee (Komite Nasional Papua Barat, KNPB), and participation in a KNPB celebratory prayer event held several days previously.³ All those detained were soon released.

Jayapura: 1 December commemoration flag-raising

On 1 December 2021, eight young activists were arrested for raising the banned Morning Star flag in front of the Jayapura sports centre. They remain in police detention and have been charged with treason under Articles 106 and 110 of the Criminal Code.⁴ All eight activists are students. Two of them are sick, in which one is currently suffering lung disease and undergoing treatment while in detention.

Merauke: 1 December commemoration video

19 people were arrested on 30 November 2021 in relation to a video of spiritual and indigenous leader Mama Paulina Imbumar,⁵ in which she stated her intention to raise the Morning Star flag on 1 December. While 17 people were released, including Mama Paulina, the two still detained are reportedly members of video advocacy initiative Papuan Voices, who recorded and uploaded the video.⁶

Dekai: 1 December commemoration

On 1 December 2021, seven people were arbitrarily arrested in front of the Kingmi Papua Church, with police accusing them of wanting to attend a flag-raising ceremony.⁷ Several were minors who were released later that afternoon, with the remaining adults released the following day.

Ongoing Case Updates

West Papua Uprising

Victor Yeimo was arrested on 9 May 2021 and charged with multiple offences, including treason, with police alleging he was responsible for riots during the anti-racism protests in several cities during the West Papua Uprising in August 2019. He was initially denied medical treatment or proper food, and in October 2021 Yeimo's lawyer reported that, despite much-delayed hospital treatment, Yeimo remained seriously ill and would require another 6–12 months' treatment.⁸

The UN Special Rapporteurs on Human Rights Defenders, the Right to Freedom of Assembly, the Right to Health, and Anti-Racism have all intervened calling on the Indonesian Government to ensure adequate medical treatment for Yeimo while in detention.⁹ His trial continues to be delayed on grounds of ill health,¹⁰ and he continues to be treated at Jayapura Regional General Hospital Dok II. On 10 December, Human Rights Day 2021, Amnesty International and Tapol published an online animation about Yeimo's activism, reiterating the fact that he has never used violence in his activism rejecting racism and demanding self-determination.¹¹

Frans Wasini was arrested on 20 May 2021 in Jayapura in relation to his role in the 2019 West Papua Uprising. Wasini is a student activist who took part in an anti-racism protest in Jayapura on 29 August 2019. According to reports, he was placed on the police Wanted List for taking part in an anti-racism coordination meeting and distributing pamphlets relating to the protest. Charged with treason and incitement, Wasini's trial began on 30 September 2021 and has been subject to numerous delays.¹² On 7 December his lawyer submitted a rebuttal to the indictment. However, it was rejected, with the trial set to continue on 21 December.¹³ Wasini remains in detention at Papua regional police headquarters in Jayapura.¹⁴

Arso: 7 treason suspects

On 28 July 2021, seven people were arrested in Skofro Lama village, East Arso district, Keerom regency. Accused of attending 1 July pro-independence activities in Papua New Guinea, they were charged with treason and incitement. They are being tried in two groups, and the trials began on 13 and 14 of December 2021.¹⁵

Yahukimo: possession of ammunition

Enet Silak, a civil servant of the Yahukimo district government, was arrested on 21 September 2021 for possession of ammunition. During a traffic inspection, police stopped Silak's vehicle, went through his phone and found pictures of ammunition, which were used as the basis for his arrest. He told the officers that he had found the bullets in 2019 in the woods when collecting firewood. Afraid of being arrested, he didn't report the find, instead keeping the bullets at home. On 13 December 2021 he was sentenced to 2 years and 10 months' imprisonment.¹⁶

Maybrat: 2 September related detentions and trial

Following the 2 September 2021 attack on Kisor military post in South Aifat District, at which four military personnel were killed, there were up to 43 arrests.¹⁷ Seventeen-year-old MY was among those arrested, and under torture he was forced to give names at random, which were added to the Police Wanted List. On 28 September, three of those on the list were arrested in Kokas village along with LK, a fourteen-year-old child who was not on the Wanted List but happened to be present, along with another minor.¹⁸ All had reportedly been seeking shelter in Kokas village after being displaced by security operations in the area. On 3 December, LK was found guilty of murder and sentenced to eight years imprisonment.¹⁹ His conviction followed a trial fraught with irregularities, which did not follow legal procedures for children accused of having broken the law (*anak berhadapan hukum*) and was subject to significant pressure from the Indonesian military.²⁰ Two other minors among the detainees are yet to stand trial.²¹ See more in 'Issues of Concern' below.

Issues of concern

Transfer of political prisoners

Six defendants in the Maybrat case, including two minors, were transferred to Makassar, Sulawesi on 29 December 2021, on the grounds of 'security concerns'. The transfer violates provisions of the Indonesian Criminal Procedure Code (KUHAP), stipulating that the trial should be held in the legal area of responsibility where the crime was committed.²²

The transfer was done suddenly and without prior notice to any of the parties concerned. It places significant pressures on the defendants, their families and their legal team, from whom they are separated. In the case of the two minors this separation is of acute concern, placing them in an extremely vulnerable position.

The transfer follows a persistent pattern whereby defendants in high profile political cases are transferred to other islands. Notable previous cases include prisoners in the 2003 Wamena weapons store case, also transferred to Makassar, Sulawesi, and the seven prisoners convicted of treason in 2020 for their involvement in the West Papua Uprising, who were transferred to Balikpapan in East Kalimantan.

Torture in detention

Seventeen-year-old MY, arrested in connection with the Maybrat case, was tortured in detention. He was reportedly punched with a jade-ringed fist until his temple was torn, and subjected to repeated electric shocks. Those he was forced to name randomly under this duress, as well as fourteen-year-old LK, who was not among those named but happened to be with the others at the time, were bound and blindfolded with duct tape and taken to Aifat Police Station and then South Sorong Police Station. They were then subjected to torture and inhumane treatment, including being forced to lick their own blood from the floor. One detainee had his ears repeatedly stapled using a stapler.²³

Flawed trial convicts minor

During the arrest, detention and trial of LK, a fourteen-year-old child convicted in connection with the Maybrat killings, there were multiple failures to apply the Child Criminal Justice System. The child's full name was initially published, denying him the legal protections to which children are entitled. Out of two interrogations, LK was only accompanied by a lawyer once, and this was a police lawyer. The points of evidence on which LK's eight year prison sentence was based ('factual witness' testimony and the post-mortem results) were inconsistent with each other. Furthermore, a police officer testifying at the trial said that LK was suspected of involvement based on the statement of another detainee, AK, and yet AK was not presented as a witness in court. LK wasn't on the Wanted Persons List and was in another location at the time of the Kisor military post attack, as stated by MY, the crown witness put forward by the prosecutor. Finally, MY himself admitted in court that all his statements recorded in the police investigation report were given under torture.²⁴

Procedural violations on arrest

The Police Mobile Brigade's arrests of students at their dormitory in Manokwari, which took place at gunpoint and with no arrest warrant, failed to follow due legal process. Furthermore, the arrests were reportedly perceived by the students as racist, both due to the targeting of Papuan students and the manner of arrest. Lawyers from LP3BH are supporting the students to take forward their complaint against police.²⁵ The arrest and detention of Tomas Ky took place with no warrant for his arrest, and no basis for his detention. His lawyer Yohanis Mambrasar underlined the need for the police to work professionally and follow the correct procedures and rules for investigation, as well as uphold the rights of the suspect.²⁶

Death in police custody

Ananias Yalak had been on the police 'Wanted List' since the West Papua Uprising in 2019, for his alleged involvement in setting fire to a BRI Bank ATM in Dekai, Yahukimo. Police later linked him to the murder of Hendry Jovinsky, a staff member of the General Elections Commission (Komisi Pemilihan Umum, KPU) in August 2020, to the killing of Muhammad Toyib, a furniture shop worker, nine days later, and to arms trading. On 2 September 2021, Yalak and five others were arrested by the Nemangkawi task force. While Yalak was to be charged under the Emergency Law No. 12 /1951 and Articles 55, 187 and 388 of the Indonesian Criminal Code, potentially subject to the death penalty, he was never brought to trial. Having been shot in the leg by police on arrest, an amputation was later performed without Yalak's consent, and he reportedly died of blood loss on 26 September 2021.²⁷

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PAPUANS BEHIND BARS

Papuans Behind Bars, launched in April 2013, is an online resource which aims to draw attention to and campaign for the release of West Papua's political prisoners. Many political prisoners have suffered arbitrary arrest, violence, abuse, torture, unfair trials, intimidation and neglect. Several organisations are involved in compiling documentation on Papuan political prisoners. The site is currently managed by TAPOL. Visit Papuans Behind Bars and TAPOL websites to find out more information.

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