The Practice of Torture: Business As Usual in Papua

"My hands and feet often feel pain. My heart has also yet to heal from the violence I experienced. I don't know when I will get better."

~Papuan woman, torture survivor



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ELSHAM PAPUA (Institute of Human Rights Studies and Advocacy), established on May 5, 1998, works to promote human rights principles and create critical awareness on the values of democracy and human rights in Papua. ELSHAM conducts monitoring, investigation, and advocacy on human rights issues.

AJAR (Asia Justice and Rights) is a regional human rights organization based in Jakarta. AJAR works to increase the capacity of local and national organization in the fight against entrenched impunity and to contribute to building cultures based on accountability, justice and a willingness to learn from the root causes of mass human rights violations in Asia Pasific region. See www.asia-ajar.org

TAPOL is a UK-based organization that campaigns for human rights, peace and democracy in Indonesia. For the past 40 years TAPOL has consistently campaigned for justice in Indonesia, including Aceh, East Timor and West Papua. See www.tapol.org

EIDHR (The European Instrument for Democracy and Human Rights) is an initiative by the European Commission that aims to promote human rights, democracy and conflict prevention in non-EU countries by providing financial support for activities supporting these goals.

Executive Summary

Since its emergence from thirty years of military dictatorship Indonesia has made significant advances in the protection of human rights in almost all areas of the country, with the notable exception of Papua. Indonesia's eastern-most provinces of Papua and West Papua (in this report referred to as Papua) have been scarred by a history of continuing conflict accompanied by serious human rights violations. Official tolerance for practices involving torture and inhuman treatment, accompanied by impunity for perpetrators has encouraged these abhorrent forms of human rights violations to the present day. President Joko Widodo's pardoning of five political prisoners in May 2015 is a step in the right direction. But more has to be done urgently.

Based on 18 case studies of torture[1] (5 cases prior to Indonesia's reformation in 1998 and 13 cases that took place after), this report contributes to the record of torture and large-scale human rights violations that are yet to be addressed by the government of Indonesia. The cases demonstrate entrenched impunity for torture involving state actors dating back to the conflict in 1963. The violations, denial and impunity have strongly contributed to the disillusionment felt by many Papuans. Non-violent expressions of dissent continue to be dealt with using force, mass detention and torture, contributing to a deep sense of injustice that create deeper divisions, resentment and an alienation from the goals of national unity.

The 18 case studies in this report provide but a small example of the much broader patterns of violations that have occurred and which continue to take place until today. The physical acts of torture reported as part of this study included, but were not limited to, injuries from handcuffing, being kicked with jackboots, slashed by bayonets, stripped, electrocuted, beaten with items such as rifle butts and the tail of a stingray, being dragged along the road, forced to pull carts, being cut and then doused in salt water or alcohol to sting the wounds, soaked in dirty water contaminated with worms and food remains, forced to drink bacteria-infected pond water, forced to drink urine, raped, having genitals burned with matches and candles, slashing of the skin around sexual organs and other sexual abuses.

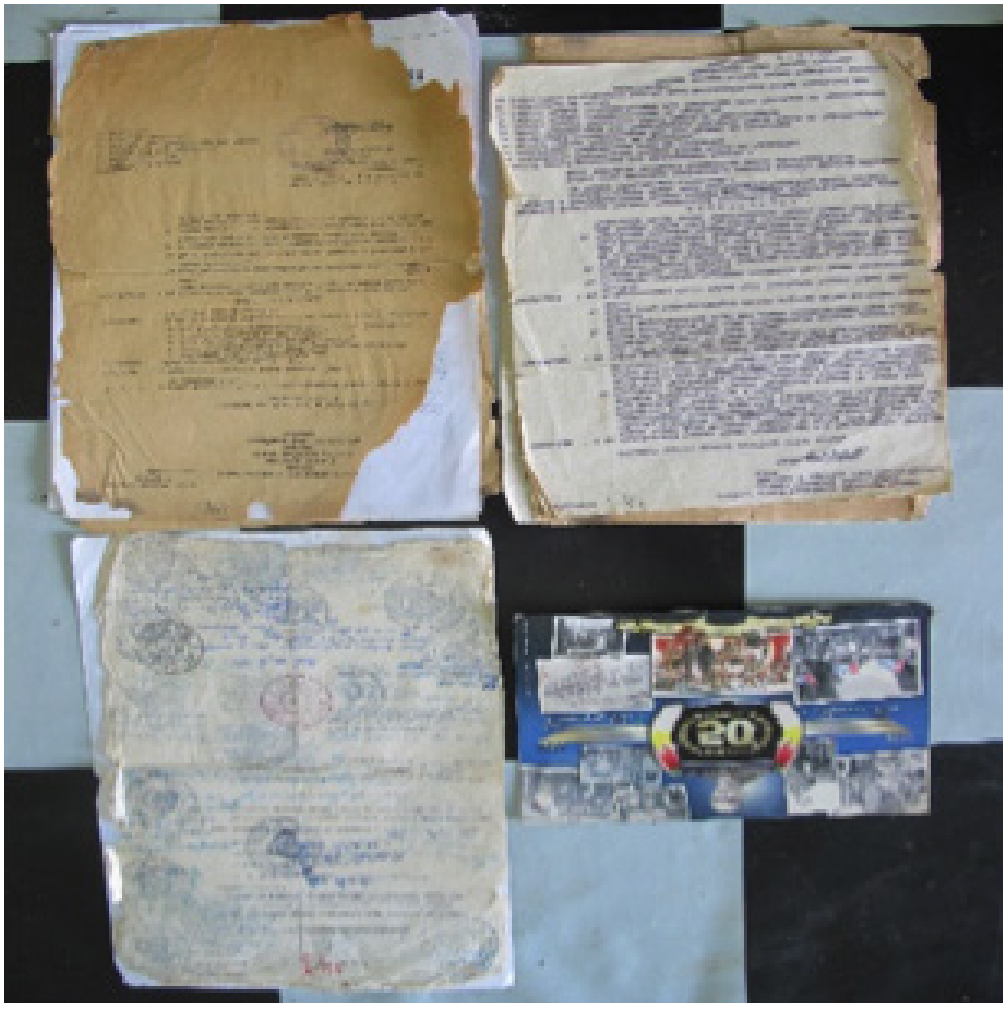
In addition to these physical abuses, detainees were also subject to mental and emotional torture by methods including threats and intimidation, verbal assault, being forced to eat ants, detention in tiny dark, wet rooms where they were unable to move or breathe properly, humiliation in front of other detainees, and provocation through insults to the victim's religious beliefs.

Those who provided their stories to the researchers of this report were mostly male. However, women survivors also shared their experiences of sexualized forms of torture. Authorities who received complaints often did not provide adequate medical treatment to the victims and did not take other appropriate steps to ease their suffering. The victims of torture have received no reparations for the harm done to them. Most victims of torture have to endure social and economic grievances today. Women survivors of sexual violence suffer continuing victimization through cultural stigma and community sanctions, as if they should in some way be blamed for being the innocent victims of horrific crimes.

[1] The term torture in this report is used to refer to all forms of torture and other cruel, inhuman or degrading treatment or punishment.

Perpetrators of torture and inhuman treatment contained in this report were representatives of the Indonesian security forces, including serving members of the police and military. These persons committed, encouraged and condoned widespread and systematic torture of victims. Despite the horrendous nature of the crimes committed, few perpetrators have been brought to justice. A military tribunal was held for some cases of torture in 2010, but even in that isolated example the perpetrators received light sentences. Reports on continuing cases of torture submitted to the relevant authorities at local and national levels have largely been ignored.

Unless the Indonesian government and international community take steps to address the ongoing practice of torture and its accompanying impunity it is difficult to see how efforts to bring peace and security in Papua can succeed. The pain, resentment and deep sense of injustice caused by these crimes is not restricted to the direct victims, but is shared by family and community members, and passed on to others and future generations. Allowing torture to be practiced with impunity will deepen the existing scars and divisions and further alienate the people of Papua from those they see as responsible.



Arrest warrant and a picture of hope of Hans Awendu, one of the torture survivors

Introduction

This year marks 17 years since Indonesia's *reformasi* following the Suharto dictatorship and 70 years since independence. While Indonesia has made significant progress in broadening its democratic base and upholding human rights for citizens, Papua remains a conflict zone, where force is used to supress expressions of discontent. This report, based on research conducted by the Institution for Research and Advocacy of Human Rights (ELSHAM), Asia Justice and Rights (AJAR) and TAPOL, documents acts of torture and inhuman treatment in Papua from the 1960's to the present. The purpose of the report is twofold. Firstly to highlight a pattern of ongoing torture taking place in Papua. Secondly, to encourage the Indonesian government to take effective steps to stop the on-going cycle of torture, take stock of the violations in the past and commit to forging a dialog based on the reality of the situation to ensure peace and security in Papua.



Inside Abepura prison
(Credit: Democracy Alliance For Papua (ALDP))

Methodology

A documentation team of researchers gathered information from both male and female victims of torture in Biak, Jayapura, Manokwari, Sorong, Fakfak and Paniai regions. Where possible, the team used participatory tools to listen to victims share their experiences, provided trauma support and using methods designed to build solidarity among survivors. Researchers visited prisons and also the homes of survivors. They recorded and photographed aspects of the victims' lives including portraits of locations and objects affiliated with their experiences. Participatory tools making use of items of particular significance to victims (collected in a "memory box"), community mapping and resource mapping were also used as methods to establish an understanding of the cycle of poverty experienced by the survivors, particularly women, in post-conflict situations.[2] The team collected testimonies from survivors and witnesses of torture to clarify and corroborate records, articles and reports on cases of torture already produced by Papuan civil society groups, including those working as a monitoring collective called Papuan Behind Bars.

[2] See AJAR's "Unlearning Impunity: A Guide to Understanding and Action for Women Survivors," 2015.

Background

The proclamation of independence on 17 August 1945 in effect claimed the entire former Dutch East Indies, including Papua, then known as West New Guinea as part of the territory of the Republic of Indonesia. However the Dutch as the former colonial power and the new Indonesian government remained in dispute over the sovereignty and future plans for the people of Papua. From 1954 to 1961 Indonesia pursued its claim over the territory at the United Nations General Assembly. The United States urged Dutch and Indonesian officials to reach a negotiated settlement, which led to the signing of the New York Agreement on 16 August 1962. Under the agreement, a United Nations Temporary Executive Authority would hold administrative power over the territory until this authority was transferred to Indonesia on 1 May 1963. A core condition of the agreement was the requirement for the administration of a referendum by 1969 to provide the people of the territory the opportunity to decide their future political status.

Prior to the scheduled referendum, Indonesian military forces began to suppress open expression of opinion and organization around the issue of self-determination in the territory. Many Papuan leaders were arrested, arbitrarily detained, tortured, exiled or killed. Instead of providing each eligible person in the territory one vote each in the referendum Indonesian authorities persuaded the United Nations officials to agree to a very different form of vote in which only 1,026 individuals were selected to represent all the people of Papua. In a process known as the Act of Free Choice those few representatives that had been carefully selected unanimously voted in favour for Papua's future to be under Indonesian sovereignty.[3] However, many people in the territory felt that they had been deprived of the opportunity to voice their opinion on their own self-determination, leading to continued resistance after the implementation of the Act. This resistance was met by ruthless military control resulting in mass human rights violations in Papua, which was designated as one of the three "militarized zones" in Indonesia together with Aceh and East Timor.

Suharto's resignation following the student uprising in 1998 resulted in a profound political shift across the region. The first years of the reform period allowed Papuans and others newfound freedom to express their feelings and ambitions. In an attempt to deal with the deep divisions on the issue of self-determination the government passed the Special Autonomy Law in 2000. This law recognized a legitimate Papuan identity while ensuring that the territory remained under Indonesian sovereignty. The law also mandated the establishment of a Human Rights Court, and a Truth and Reconciliation Commission in Papua, as a way to recognize the suffering and injustices that had taken place and provide some form of justice for victims. However the hopes of progress in these areas have continued to be denied. Fifteen years later no steps have been made to establish the mechanisms mandated by the Special Autonomy Law in 2000. This has dashed the hopes of victims and others hoping to provide a base of trust, truth and justice on which to move towards sustainable peace.

[3] UNSF-Background, http://www.un.org/en/peacekeeping/missions/past/unsfbackgr.html, p. 1-8.

Previous research conducted by ELSHAM together with the International Centre for Transitional Justice (2012) specifically documented 794 counts of human rights violations from 1960 to 2002, 97 of which were counts of torture, including sexual abuse against women.[4] From 2002-2014, a civil society monitoring collective, Papuan Behind Bars, has documented the political arrest of 1,288 people, of whom 106 experienced acts of torture. Until today, the perpetrators of these gross forms of human rights violations have avoided judicial processes and other forms of accountability. Many of those implicated as perpetrators have in fact been promoted to senior positions in the government and security forces. Serious forms of human rights violations continue to take place in Papua, with perpetrators protected and encouraged by a blanket of denial and impunity.

[4] https://www.ictj.org/publication/past-has-not-passed-human-rights-violations-papua-and-after-reformasi



A military building where one of the survivors was tortured

Case Studies

The following case studies of torture and other acts of ill treatment were recorded by the research teams in Papua.

1. Hans Awendu, Biak (1965)

Hans was first arrested in 1963 and detained for three months due to accusations of being involved with the Free Papua Movement. He was again arrested in 1965 along with his colleagues: Baldus Mofu, Noak Rumaropen and Sem Wambrauw. During his investigation, a guard would force him to run by pulling cards and shoot him if he fell. He stated: *"When we were hit, they used the butt of their rifles and wood. The food they gave us was their scraps. We mixed it with the food we had to eat."*

One night, Hans was questioned, beaten and put in a cell. He stated: *"At 2 am, I was woken up and given three big white tablets crushed up like grains of sugar and put in my black coffee. I drank it but it wasn't sweet, it was sour. I became forgetful. I was released that morning."*

Hans also witnessed the torture of his colleague Baldus, a former member of New Guinea Council who was working at the Biak Office of Education and Culture. Baldus was electrocuted and placed in a tank of water with worms and food scraps.

In the period after the Act of Free Choice, military operations focused on destroying members of the Free Papua Movement still fighting in the jungle. During that time, in 1972, Hans was arrested again by armed forces and brought to West Biak by sea. He was detained for 1 day, interrogated by the military commander and taken back to the city.

2. Konstan Atanay, Sorong (1965)

In Sorong in 1965, officers from regional military units in Pattimura, Cendrawasih, Hasanudin and Udayana conducted a joint operation across several villages to arrest residents who had raised the Morning Star flag, a symbol for Papuan independence.

Konstan Atanay was 16 when soldiers from Pattimura command arrested him in Sasnek village. His hands were bound and he was forced to the ground while soldiers kicked and stood on his body.

He and several other detainees were then bought to Sorong on navy ship and placed in a cell at the military compound. He stated: *"During the detention, we were beaten with a piece of wood and butts of their guns on my head. Then they forced me to drink my urine. I was released in 1970."*

He also witnessed sexual violence against women and girls in his village. Soldiers from Pattimura gathered women from in one house, and every night the women had to serve their sexual needs. *"I saw soldiers order women to take off their clothes and then walk naked before them. Soldiers forced them to become sex slaves every night. Not just at night, but also during the day soldiers took women they liked and made them walk through town with no clothes. I saw it but couldn't challenge them or become angry because they had guns. The people of Ayamaru couldn't complain. They only watched what the soldiers were doing to their daughters."*

3. Maryones Yarona, Jayapura (1980)

In August 1980, Maryones Yarona, a 24-year-old resident of Kampung Ormuwari, Refenirara Jayapura heard about plans to raise the Morning Star flag. Maryones and her two friends, Persila Jakadewa and Florida Jakadewa, took part in this effort. The next morning on August 2, 1980, the

three friends and three other women were arrested and taken to the police station in Jayapura where they were interrogated.

On August 3, 1980, they were taken to a military compound in Jayapura and detained in narrow, dark and wet cells. They were detained at the Military Command Office for nine months. While in detention, Maryones became ill and suffered from jaundice. She was sent to a hospital in Aryoko for treatment where she was handcuffed each night. The women were then transferred to a detention centre at the headquarters of Military Police Office in Klofkamp for one year. While the court gave two women freedom, Maryones and three others received a 4 year prison sentence. She stated: *"I just make God as motivation in the struggle of my life."* Years after her release, Maryones continued to suffer from stomach pains. She died on June 9 2015.

4. Frans Adolof Arfusau, Biak (1982)

On April 18, 1982, Frans was arrested at secondary school on the day of his final exam. He was not told of the reason for his arrest. A military officer, ordered by the Commander of Military Command 1708, took him away. He stated: *"On the way from the school to the police station, I was forced to drink water from a pond in the middle of the road, from 9am -12 pm. Earlier, one soldier would stir the pond so the water would turn brown. Then I was taken to the police station and detained for one week. During the period of detention I was tortured. I was electrocuted and beaten until my head was bleeding."*

After one week, Frans received an arrest warrant stating he was arrested for his alleged involvement in the student organization. For two years, he was moved to various custodies including District Military Command, Navy custody, Laksusda Jayapura Cendrawasih Dok V Mess, and lastly in the Military Detention Cendrawasih in Kolfkam. On April 14, 1984 he was released and returned home, however retained the status of a prisoner.

He was tried in a district court in Biak and served 13 years in prison. In Biak prison, he was hit by the tail of the stingray and forced to eat red ants. He was released on 17 August 1996.

Frans now is an active member of his church.

5. Naomi Masa, Jayapura (1983)

In 1983, the military came to Naomi Masa's house looking for her husband, a member of the Papua Free Movement (OPM). The military forced Naomi and her child onto a truck to direct them to her husband. On the truck, she was beaten until unconscious and her child fell from her grasp. Her husband was finally arrested and detained at a military post in Besum, Jayapura. Naomi was also detained and witnessed her husband being tied up and soaked in water. She stated: *"Five officers raped me in the military detention centre alternately. I was finally unconscious. My vagina was torn and I received 12 stitches. I felt trauma and shame."* Afterwards, she and her husband were taken to Jayapura and interrogated by Special Forces.

After release, she and her husband had to report regularly to the military (*wajib lapor)*. They fled into the forest and struggled to survive. In 1986, with support from the church, they returned to Besum Village, Jayapura.

However, in 2005, her husband re-married another women in their village. She stated: *"I feel sad that this happened to me. I experienced violence to save my husband, but then he left me and married another woman because of what I had been through."*

Now, Naomi's ex-husband has passed away and she is living with her two children and grandchildren in her village. Naomi still feels trauma and no sense of justice. She wants to overcome her past, open a kiosk and take care of her grandchildren in school.

6. Tinneke Rumbaku, Biak (1998)

From July 2-6, 1998, Filep Karma, a Papuan leader, organized a peaceful demonstration in Biak. Security forces broke up the demonstration, killing at least 8 and injuring

scores of others. One young woman, Tinneke Rumbaku, was sexually abused and witnessed torture during that time. She and her friend NB joined the demonstration at the water tower in Biak. They were suddenly attacked by military officers who pushed, hit and trampled on Tinneke and her friend. She was dragged, pulled by her feet onto the road, and hit on the neck. One of the officer said: *"Madam, I will have to shoot you. But you have to run. We have the same religion."* She and NB fled and hid inside a newly dug septic tank in an empty house. During their journey back to the village, they were stopped by officers, blindfolded and dragged into the back of a truck. She said: *"When they threw me into the truck, I fell on many bodies. I heard many people shout in pain and ask for help. It seemed the police tortured them. I was also tortured."*

Tinneke was beaten with rifle butts until she bled and doused in water while her hands were tied. A soldier cut her hands instead of the rope and she eventually fainted from blood loss. When she gained consciousness, she heard someone say: *"Rather than rape, let's kill these people."*

She witnessed people being tortured in a dark room where bodies were piled on a pool of blood. She heard them say: *"You see! Soon we will kill you madam. Get ready! Your turn soon!"* She continued, *"Then, the officers burned a large candle and inserted it into my vagina. They slashed from the vagina towards the buttock. I was bleeding from my genitals. We screamed but couldn't do anything. Our hands and feet were tied. They also lit a cigarette. It was like I was going to die. I heard the sound of boots passing, kicking and stomping all over our bodies."*

A soldier giving water to victims told them: *"I cannot give clothes. But this water from God will give strength for you to run. You get out of this place."* They ran and hid in the forests near the village for 3 months.

Due to the toll of sexual abuse on her body, Tinneke was taken to Jayapura for treatment. Now, she still suffers from the long-term consequences of the torture she experienced. In her community, some men blame victims of sexual violence for bringing shame upon the family. Tinneke finally divorced her husband, and found the courage to share her story.

7. Amion Karunggu, Jayapura (2000)

Amion Karunggu (15) was studying as a first grade high school student in Jayapura. He and his brother Johnny and his sister Irene lived in a student dorm called Ninmin, provided by missionaries.

In the early hours of December 7, 2000, a group of police attacked Ninmin. Amion and the other students were gathered in a field near the dormitories where member of Brimob (mobile police brigade) began to beat, kick and hit the students. The students were then thrown into truck and brought to the Jayapura police station. Upon arriving at the station, the students were separated into groups. Amion was shocked to see his younger brother beaten with a piece of wood. Officials ordered the students to strip and hold out their hands. They proceeded to beat the students using a rattan and wooden log. Students were doused in salt water causing their injuries to burn. Official also insulted them stating: *"You sleep with pigs, pig brains, you cannot do anything. Our people here in Jayapura were well. You people from Wamena came to destroy here! "They* were beaten from 3 am till noon. One of Amion's friends, Ori Doronggi was severely beaten on the head, he later died at the police station.

Amion and the other students were returned home without any explanation. Amion received stitches to his head, and his brother Johnny died from injuries sustained by severe beating.

8. Yoseph Yoweni, Wasior (2001)

On June 13, 2001, Brimob police raided residences in the villages of Wonoboi, Wasior, Manokwari, in search of the alleged murderer of six Brimob members. As many as four people were killed, one person suffered sexual violence, five people were forcibly disappeared and 39 people

suffered torture. The National Commission of Human Rights conducted investigation, however, the attorney general refused to follow up the investigation.

In 17 July 2001, Yosef Yoweni (59), a primary school teacher in YPK Wondoboi was arrested during a visit to family in Manokwari. He was arrested when he passed by the blockade of police brigade mobile, beaten with rifle butts and military boots. He stated: *"They severely tortured me. I was powerless. This beating caused blood to come from my eye socket. For three days, I spat blood."* An officer stated Yoseph was arrested for involvement in the attack that occurred in Wonoboi, which Yoseph denied. However, he and others accused were detained and severely tortured.

9. Wamena ammunition raids case (2003)

On 4 April 2003, a group of people raided the Wamena District Military Command and escaped with weapons and ammunition. Shortly after, the military responded brutally by conducting a sweeping operation in a village in Wamena. There were reportedly nine people killed, eleven people arrested and 38 tortured. While in military detention, Apotnalogolik Lokobal was handcuffed and kicked until unconscious by ten officers from the Special Forces Command in attempts to force him to sign a confession. Several days later, on 19 April 2003, members of the police Mobile Brigades tortured him again by ramming a bottle in his mouth and burnt his armpits, knees and genitals with cigarette butts. Many others were tortured by similar methods.

On 9 May 2015, five remaining detainees in the Wamena Ammunitions Raid case were released after being granted presidential clemencies.

10. Yalengga flag-raising case (2010)

On 20 November 2010, at least six men were arrested while they were on their way to a funeral in Piramid village near Bokondini District in Tolikara Regency. The deceased had reportedly fallen ill after being tortured by police a few months earlier and had subsequently died. Meki Elosak, Wiki Meaga, Obeth Kosay, Oskar Hilago, Meki Tabuni, Wombi Tabuni, Pastor Ali Jikwa and Peres Tabuni were tortured upon arrest for reportedly being in possession of a Morning Star flag. On April 2014, photographic evidence of the degrading treatment endured by these six men was revealed on social media. The photograph, which was verified by Meki Elosak during an interview with the Jayapura-based NGO, Democracy Alliance for Papua (ALDP), showed the men lying in a ditch. Elosak explained that they were forced to roll around repeatedly in the wide muddy ditch by police from Bolakme district in Jayawijaya regency. He testified that police officers used rifle butts to break his nose while he was lying in the ditch. He also stated a few police officers recorded the entire event on their mobile phones.

The six men were sentenced to eight years' imprisonment for treason. Meki Elosak and Wiki Meaga remain behind bars in Wamena prison.

11. KNPB Jayapura activist case (2012)

On 7 June 2012, Jefri Wandikbo was arrested alongside Buchtar Tabuni and Assa Alua. The three members of KNPB (West Papuan National Committee) were returning home after a meeting with the Papua Provincial Legislative Council when they were stopped and searched by Jayapura police in a sweeping operation. Wandikbo was detained in Jayapura Regional Police Station when police found a cassowary bone dagger (a traditional Papuan tool) in his bag. According to interviews with Wandikbo, he had bought the dagger at Sentani market to send to his parents in Wamena to use as a household tool. While being interrogated, police then accused him of murdering a taxi driver in Waena a month earlier. In order to extract a confession, Wandikbo's hands and feet were crushed, his clothes were stripped and his genitals were repeatedly stabbed with the end of a broomstick. Without the presence of a lawyer during his interrogations, Wandikbo was forced to sign a Police Investigation Report, threatened with death if he refused.

Despite having an alibi, Wandikbo was sentenced to eight years imprisonment for murder under Articles 340 and 56 of the Indonesian Criminal Code and Law 9/1981. He remains behind bars in Abepura prison.

12. Depapre Activists case (2013)

On 15 February 2013, seven men accused of connecting with pro-independence activists were arrested by Depapre police and brought to Jayapura District Police Station. For 3 days, they were tortured to force a confession as to the whereabouts of two pro-independence activists. While in detention, Daniel Gobay, Arsel Kobak and Eneko Pahabol were beaten with rattan sticks and electrocuted. Police forced the barrels of their guns into their mouths and ears. Yosafat Satto, Salim Yaru, Matan Klembiap and Obed Bahabol were arrested separately but suffered similar torture. They were forced to take their clothes off before being tortured.

While the other detainees were eventually released without charge, Matan Klembiap and Daniel Gobay were sentenced to more than six months imprisonment for possession of weapons under Emergency Law 12/1951. The two men were released in August 2013 following the completion of their sentences. While in prison, Klembiap's family members were subjected to an assassination attempt. On 1 April 2014, Klembiap was arrested again along with five of his friends. Police informed them that they were accused of sexual assault on minors but instead interrogated them on their involvement with Papuan activist group, KNPB. They have since been released.

13. Pirime church raid (2014)

On 26 January 2014, military and police officers conducted large-scale raids in Pirime district in Jayawijaya regency in retaliation for the alleged theft of firearms from Kurilik police post. Dozens of security forces raided a church during Sunday service. Security forces then reportedly fired shots, killing two members of the congregation.

Two teenagers, 15-year-old Oktovianus Tabuni, and 19-year-old Cabang Tabuni, were arrested and tortured in detention to force a confession to the theft. Oktovianus was shot 12 times in the knee and stomach while Cabang was shot 12 times in the arms, chest and knees. They were taken to Bhayangkara Hospital in Jayapura. However, Cabang was not operated on and intentionally left to die. After six months of suffering and pain, on 29 July 2014, Cabang passed away. Oktovianus received an operation, but continued to suffer pains in his stomach and knees. Local human rights workers were concerned Oktovianus was not receiving adequate medical treatment at Bhayangkara Hospital and arranged for him to be secretly taken out of hospital.

Two days later, Oktovianus was taken to Vanimo in Papua New Guinea. When doctors carried out an x-ray on Oktovianus, it showed a pair of surgical clamps in his stomach where he had previously been operated on in Bhayangkara Hospital. When operated on the following day, doctors found a small packet, allegedly containing poison, attached to the surgical clamps. X-rays of his knees indicated signs of chemical poisoning in the nerves.

Oktovianus is not able to return home to Pirime and is believed to be hiding in Papua New Guinea. The latest information received states that he has not yet received the medical treatment he needs.

14. Sasawa military raid case (2014)

On 1 February 2014, at least 17 men, women and children were arrested during a large-scale joint police and military raid in Sasawa village in Yapen Island.

Police and military officers tortured Jemi Yermias Kapanai, Septinus Wonawoai, Rudi Otis Barangkea, Kornelius Woniana, Peneas Reri, Salmon Windesi and Obeth Kayoi. Security forces chained the men together and forced them to crawl on the ground. Salmon Windesi testified: "*Because our hands were tied, it felt like being splashed with scalding water. The back of my head was wounded when it was hit with a pistol… I then felt dizzy and fell, but they still continued to*

kick me on my left side." Peneas Reri stated: "*Two police officers and one army officer took turns kicking and beating me. The army officer electrocuted me in the mouth. My hands were tied to my back and I was electrocuted repeatedly.*" Security forces also stamped on Jemi Yermias Kapanai's ear repeatedly until it bled. Otis Barangkea testified: "*I was also electrocuted and beaten until I was bleeding. When we were in the truck heading towards the police station, an army officer put a bayonet blade to my cheek and neck. He threatened me, saying "I will slice your neck until it snaps*."

Human rights lawyers from ALDP reported the seven men were not members of the armed group headed by Fernando Worawoai but were ordinary civilians of Sasawa village. According to lawyers, the trial could not be considered fair as it used falsified police reports as key evidence in their conviction.

15. Global Day of Action for Political Prisoners case (2014)

On 2 April 2014, Alfares Kapisa and Yali Wenda, Cenderawasih University (UNCEN) students were arrested at a demonstration in Jayapura demanding the release of Papuan political prisoners. They were arrested, detained and tortured for over 24 hours at Jayapura Regional Police Station.

Yali stated: "*After arresting us they beat us and threw us in the crowd control truck. For around 1.5 hours we were held in the truck while being beaten with firsts, rifle butts and rattan sticks then kicked with jackboots. There was nothing we could do, only protect our heads and faces with our hands*." The two students were brought to Jayapura Regional Police Station. On the way to the station, police officers laid their riot shields on top of them and trampled on them while they laid facedown. Alfares stated: "*We were beaten as if we were not human beings. Our bodies were covered in blood. In the middle of the night the police doctor came and bathed us and cleaned our wounds. He forced us to change our blood stained clothes for fresh ones in order to get rid of the evidence. We were beaten from head to toe. Our heads were bleeding. I my ribs were broken and Yali's ear is torn needing three stitches. It was very painful for us to sit, and we could barely eat. My body is still shaking*."

The two students were forced to sign a statement acknowledging the police did not beat them and that they would not carry out any other demonstrations. They were released the following day and were taken to Dian Harapan hospital to receive medical treatment. Since his release on 3 April, police have visited Wenda's home on two occasions to intimidate him.

16. Bloody Yotefa case (2014)

On 2 July 2014, a clash broke out between gamblers and two Jayapura police officers at an illegal gambling den in Yotefa market in Jayapura and one officer was killed. The remaining officer prompted other police and plainclothes Special Forces Command officers to conduct a search operation in the area.

14-year-old Meki Pahabol and his friend Abis Kabak were trading betel nuts in Yotefa market when they heard warning shots fired. Meki was chased by a group of non-Papuans who beat him with hammers and wooden planks and stabbed him with a knife. Abis was handed over to an awaiting mob who beat him until he fainted. Meki and Abis were then taken to Bhyangkara Police Hospital, where they endured further ill treatment. While Kabak was unconscious, police beat him with a metal stand. The two men were forced to kneel facing a wall with their hands and ankles tied while being repeatedly kicked by officers wearing jackboots.

A day after the search operation, Jayapura police officers raided a village community at Kilo 9 in Koya. Two men, Urbanus Pahabol and Asman Pahabel were arrested and at gunpoint, covered with black hoods and intimidated by two men. They were repeatedly beaten and kicked in turns by different police officers to interrogate the men about the stolen pistol and murder of the police officer at the gambling den. Asman was hit on the elbow and wrist. Urbanus was kicked and stabbed

with a bayonet blade in the leg and face whilst his back was beaten with wooden beams. Urbanus was then forced to stay in a water basin containing cold water for approximately five hours. He was then hauled out and forced to march. Following this, police brought the two men to a local police station and police whipped them with an electric cable along the way. Urbanus' wounds were so severe police were forced to send him to Bhayangkara Hospital where he received 12 stitches to his face. During his interrogation, Asman was beaten and stabbed reportedly to extract a confession that he supported pro-independence activity.

On 7 July, Meki, Urbanus and Asman were released without charge. On 8 July, Abis Kabak was sent to receive further medical treatment and was released from detention on 11 July 2014.

17. Pisugi Election Boycott arrests (2014)

On 12 July 2014, at least 18 people were arrested for allegedly participating in a boycott of the July Presidential Elections in Pisugi district, Jayawijaya regency. Yosep Siep, Jhoni Marian, Marthen Marian, Yali Walilo and Ibrahim Marian were later charged for conspiracy to endanger security of person or property under Articles 187 and 164 of the Indonesian Criminal Code, reportedly for making Molotov bombs, an accusation they have consistently denied. They were chained together with rope, beaten with rifle butts and dragged along a ditch towards a vehicle parked on a main road.

While being detained in Jayawijaya Regional Police Station, they were kicked, beaten and electrocuted. During court hearings in Wamena in March 2015, four of the detainees testified that they were forced to confess to the charges under torture. Jhoni Marian testified that during his interrogation he was repeatedly beaten and electrocuted by police officers and confessed to the charges, fearful police would kill him. Marthen Marian testified that a police officer forced him to remove his clothes and slashed him in the arm with a machete. He was also stabbed and beaten with arrows. Ibrahim Mariam testified that a Police Brigadier named Alex Sianturi punched him with knuckleduster gloves on, resulting in broken teeth and crushed his fingers under chair legs. He was also beaten on the head with hammers and was told that he would be killed if he did not admit to the charges against him. Yali Walilo stated that a Police Brigaier named Yeskel F.M. beat him with wooden beams and rifle butts and that his legs were stamped on by police officers.

In December 2014, Yosep, the fifth detainee in the case, was hospitalised for chest and ear pains endured as a result of being tortured in detention. He has since been declared unfit to stand trial and has been instructed to receive medical treatment before any proceedings can be resumed.

On 1 April 2015, the four other detainees were sentenced to one-year imprisonment. In May 2015, Yali Walilo and Ibrahim Marian reportedly escaped from Wamena prison. While Jhoni Marian and Marthen Marien have been released following the end of their prison terms, they are still at risk of re-imprisonment as a Supreme Court appeal to increase their initial prison sentences to three years' imprisonment is still being considered.

18. Lanny Jaya pistol case (2014)

On 9 December 2014, Kamori Murib travelled on his motorcycle from Lanny Jaya heading towards Wamena to hand over a pistol he had found that belonged to a deceased relative to authorities with the Papuan Legislative Council (*Dewan Perwakilan Rakyat Papua*, DPRD). Kamori had decided to do so after hearing a call from Lukas Enembe, the Governor of Papua province, urging those in possession of any firearms weapons to hand them over to governmental authorities. Kamori's friend, Kelpis Wenda, had found the pistol in a cupboard at a *honai* (traditonal hut) belonging to the deceased relative.

On his way to Wamena, Kamori came across a police roadblock outside Pirime District

police station. Fearing that he would appear suspicious as he was carrying a pistol, Murib decided to raise his hands and tell police officers that he was carrying a pistol and wanted to hand it over to authorities. Upon hearing his admission, police immediately started beating Murib and dragged him into the police station. Five Brimob officers proceeded to torture him for several hours. After shaving his hair off with a bayonet blade, Brimob officers slashed his head and rubbed the bleeding wound with chilli paste. Following this, scalding water was splashed onto the wound five times. His thighs were slashed four times with bayonet blades. The tip of his left toe, and parts of both his ears were sliced off. He was doused with scalding water resulting in serious burn injuries. He was also beaten in the back and ribs with rifle guns.

Under tight security, Murib was sent to Bhayangkara Hospital in Jayapura. He was forced to remain naked and his hands remained cuffed throughout the two months he spent in Bhayangkara hospital. While there, he underwent further torture and beatings. He was force-fed fish bones and chicken bones and was doused in scalding water three times.

On 16 February 2015, Murib was taken to the Papuan Police Headquarters in Jayapura. He was then allowed to wear clothes and his handcuffs were released. After being detained for 40 further days, he was taken back to Wamena. On 27 April Murib's trial began, but he was too ill to attend the hearing. Doctors in Wamena who examined Murib observed that he was suffering from trauma.

As police had not informed Kamori's family of his arrest, Kelpis attempted to locate Murib. Hewas first arrested in February 2015. On arrest, he was forced into a vehicle by being dragged along the ground and beaten with rifle butts on his upper abdomen. In detention, seven centimetre nails were hammered into his left forearms with wooden planks until they reached the bone. Kelpis lost two teeth and suffered facial wounds as a result of being beaten on the face with rifle butts. His left big toe was broken and he was beaten on the back with a chair. He was also beaten with wooden planks. The following day, Wenda was taken to Papuan Police Headquarters in Jayapura for further interrogation. Even though he was released shortly after, he was arrested again when Kamori, under torture, admitted that Kelpis too knew about the pistol.

Kamori and Kelpis are currently on trial under charges of Emergency Law 12/1951 and remain in detention at Wamena prison.

Conclusions and Recommendations

Conclusions

The lack of political will to prevent torture and punish those who are responsible has produced a situation where victims have little hope for justice, where perpetrators are confident that they can commit these crimes without fear of any form of redress. Although Indonesia signed the UN Convention against Torture in 1998 it has yet to amend its criminal laws to incorporate a definition of torture, one of the key national requirements for state parties to the Convention. The lack of a formal legal framework to deal with torture adds another layer of protection for perpetrators. However, even under the current weaker legal framework, perpetrators could be prosecuted for a variety of offences that already exist under the criminal code.

Although police and military institutions must comply with special regulations against torture (Chief of National Police Regulation on Human Rights, No. 8/2009 and Military Commander Regulation No. 73/IX/2010), the internal mechanisms for accountability remain weak. Other mechanisms, such as the mandate of the Division on Professionalism and Security (PROPAM) have also failed to seriously address reports of torture by security forces personnel.

A lack of legal deterrence against acts of torture has made it difficult to bring state officials to account. In the few cases where some form of accountability has been attempted perpetrators have been dealt with lightly, providing a message that the state and judiciary do not strongly condemn acts of torture. A perfect cycle of impunity has allowed the practice of torture to continue from Papua's turbulent past to the present. The Indonesian government has not demonstrated a serious commitment to recognize the truth about the widespread use of torture by state agents, prosecute perpetrators, prevent the recurrence of torture or other violations, and offer reparations to victims. Torture has become embedded in the functioning and culture of the state security apparatus after the transition to democracy.

Racism, stigma, labelling and accusations of being a separatist, associated with Free Papuan Movement, or accusations of treason were the common justifications for torturing victims. Survivors of torture continue to be victimized long after they have been released, with many enduring continued discrimination, as well as poverty, psychological trauma and health issues.

Recommendations

To the government of Papua and the Parliament of Papua:

- Urgently establish a special provincial regulation that establishes a mechanism designed to seek truth and reconciliation in Papua, as set out in Papua's Special Autonomy Law (2000), in consultation with civil society and victim's groups.
- Immediately pass the existing draft special provincial regulation to protect and assist women victims of violence, drafted by the Papuan People's Council (MRP) and the National Women's Commission (Komnas Perempuan.)

To the Indonesian government:

- Expedite the deliberation on the Bill of Amendment on the Penal Code and the Bill on the Crime of Torture to strengthen the legal framework around torture. The Bill of Amendment on the Penal Code must include provisions requiring effective punishment of perpetrators, while the Bill on the Crime of Torture should include comprehensive protection and prevention of torture and redress for victims.
- Ensure the National Commission of Human Rights conduct effective inquiries into allegations of torture and ill treatment in detention and in appropriate cases recommend fair and credible prosecutions to the Office of the Attorney General those suspected of committing or ordering torture.
- Ensure that the Office of the Attorney General take rapid and effective steps to prosecute those individuals implicated as perpetrators of torture as a result of formal inquiries conducted by the National Human Rights Commission.
- Establish reparation programs to assist victims of torture to repair and rebuild their lives this should involve the Witness and Victims Protection Agency (LPSK) and the National Commission on Violence against Women (Komnas Perempuan).
- Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to develop effective and adequate national torture preventive mechanisms.
- Develop an individual complaint mechanism, where victims of torture and human rights violations can provide details of their experience in safety, and ensure that the complaints of victims are adequately followed up by effective investigations and prosecutions.
- Resume the unfinished agenda of security sector reform in order to uphold the human rights standards of both individual and institutional accountability.
- Promptly create a Human Rights Court in Papua in accordance with the mandate of Law 21/2001 on Special Autonomy for Papua.
- Implement the recommendations to the Government of Indonesia already provided by UN bodies, particularly the Universal Periodic Review 2012 and recommendations from the UN Human Right Committee in 2013, as well as reports from the UN Special Rapporteurs as an indication of Indonesia's commitment to the prevention of all forms of torture and other cruel, inhuman or degrading treatment or punishment.
- Continue to release prisoners of conscience in Papua, particularly those who experienced torture during their investigation and detention.

To the international community:

- Continue engagement with the Indonesian government on reports of the practice of torture in Papua and other parts of Indonesia, including the demand for fulfillment of international obligations to prevent the use of torture and effectively prosecute those responsible.
- Continue to closely monitor the situation in Papua, including allegations of torture and the responses to situations in which torture has been reported.
- Actively promote the need for truth, justice and prevention of torture as fundamental element without which a peaceful settlement of ongoing conflict in Papua will be impossible.
- Encourage the government of Indonesia to fulfill its obligations to provide reparations to victims of torture.
- Support civil society organizations that are courageously engaged in documenting cases of torture, providing psychosocial support to survivors, and advocating for effective steps to promote justice.

Summary of Case Studies

Name(s)	Sex	Date of incident	Location	Method of torture, cruel or degrading treatment	Tools of torture, cruel or degrading treatment	Perpetrators	Reason for torture
Hans Awendu Baldus Mofu Ani Ap	M F	1965, 1972	Samofa, Biak	• Forced to run while pulling a heavy cart • Electrocuted • Put in a tank of dirty water containing worms and food remains • Raped	Cart Rifles Wooden planks Sexual assault	Navy officers Biak military officers	Accused of involvement with the OPM and the Sapari movement
Konstan Atanay (Witnessed sexual violence against women and girls)	M	1965	Sorong	• Beaten with wooden planks and rifle butts • Forced to drink his own urine • Rape	Wooden planks Rifle butts Urine Sexual assault	Military officers from the Pattimura and Udayana Military Command	Raising the Morning Star flag and accused of involvement with the OPM
Maryones Yarona	F	1980	Jayapura	• Detained in appalling conditions	Detention room	Jayapura Military Command office	Raising the Morning Star flag
Frans Adolof Arfusau	M	1982	Biak	• Forced to drink pond water • Electrocuted • Beaten with a stingray tail • Forced to eat red ants	Filthy water Electric cable Stingray tail Red ants	Military Command 1708 military officer Biak police Biak prison guards	Alleged involvement with the Papua Action for the Earth Student Organisation (*Organisasi Aksi Bumi Pelajar Bumi Papua*)
Naomi Masa AB (Naomi Masa's husband)	F M	1983	Jayapura	• Tied up and soaked in water • Rape	Rope Water Sexual assault	Military officers from Units 751 and 753	Involvement with the OPM
Biak massacre case Tinneke Rumbaku Other victims of the Biak massacre	F M	1998	Biak	• Dragged along a road by her feet • Beaten with rifle butts • Lit candle inserted in vagina • Slashed her genitals • Witnessed other victims breasts' cut off	Rifle butts Candle Knife Sexual assault and violence	Military officers	Taking part in a peaceful demon-stration where the Morning Star flag was raised at a water tower near Biak harbour

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Abepura 2000 case Amion Karunggu Johny Karunggu Other students	M	2000	Jayapura	• Beaten with wooden planks, shovel and rattan sticks • Forced to strip naked • Rubbed wounds with salt water	Wooden plank Rattan sticks Salt water Shovel	Brimob officers	Caught in clash between Abepura police and group that attacked the Abepura police Office.
Wasior case Yoseph Yoweni Other victims from Wondiboi village (Yulius Webori)	M	2001	Wasior, Manok-wari	• Beaten with rifle butts and belts • Kicked with jackboots • Other victims raped and humiliated	Rifles Belts Jackboots Sexual assault	Brimob officers	Retaliation for the murder of five Brimob officers
Wamena ammunition raid case 1. Kimanus Wenda 2. Apotna-logolik Lokobal 3. Michael Heselo 4. Kanius Murib 5. Jefrai Murib 6. Yapenas Murib	M	4 April 2003	Wamena	• Bottled rammed up the mouth • Cigarette burns on armpit, knee and genitals • Pulled about by a rope around the neck • Burn marks on body • Thumbnails pulled out • Toes and fingers crushed	Bottle Cigarettes Rope Table	Wamena military officers	Allegedly involved in raid on Wamena District Military Command and escaped with weapons and ammunition.
Yalengga flag-raising case 1. Meki Elosak 2. Wiki Meaga 3. Obeth Kosay 4. Oskar Hilago 5. Meki Tabuni 6. Wombi Tabuni 7. Pastor Ali Jikwa 8. Peres Tabuni	M	20 Novem-ber 2010	Tolikara	• Forced to roll around in a muddy ditch and then to lie in a dry ditch • Beaten with rifle butts	Rifles	Bolame district police officers	Possession of a Morning Star flag
KNPB Jayapura activist case Jefri Wandikbo	M	7 June 2012	Jayapura	• Hands and feet crushed • Forced to strip • Genitals repeatedly stabbed with a broomstick	Table Broomstick	Jayapura Regional Police	Reportedly to extract a confession to the murder of a taxi driver

Name(s)	Sex	Date of incident	Location	Method of torture, cruel or degrading treatment	Tools of torture, cruel or degrading treatment	Perpetrators	Reason for torture
Depapre Activists case 1. Daniel Gobay 2. Matan Klembiap 3. Arsel Kobak 4. Eneko Pahabol 5. Yosafat Satto 6. Salim Yaru 7. Obed Pahabol	M	15 February 2013	Jayapura	• Electrocuted on the legs • Forced barrels of guns into mouths and ears • Forced to strip • Kicked repeatedly • Beaten with rattan sticks	Electric batons Guns Rattan sticks	Jayapura police officers	Alleged connection with pro-independence activists
Pirime Church Raid 1. Oktovianus Tabuni 2. Cabang Tabuni	M	26 January 2014	Pirime	• Shot multiple times • Denied adequate medical treatment	Guns	Jayawijaya military and police officers	In connection to the alleged theft of eight firearms from Kurilik police post
Sasawa military raid case 1. Jemi Yermias Kapanai 2. Septinus Wonawoai 3. Rudi Otis Barangkea 4. Kornelius Woniana 5. Peneas Reri 6. Salmon Windesi 7. Obeth Kayoi	M	1 February 2014	Sasawa, Yapen island	• Chained together and forced to crawl • Beaten with pistols, kicked and stamped on • Electrocuted	Guns Rope Electric batons	Yapen island military and police officers	In connection with an armed group led by Fernando Worawoai
Global Day of Action for Political Prisoners case 1. Alfares Kapisa 2. Yali Wenda	M	2 April 2014	Jayapura	• Beaten with rifle butts, rattan sticks, punched and kicked • Riot shields laid on top of them while being trampled on • Electrocuted	Riot shields Electric batons Rifle butts Rattan sticks	Jayapura police Brimob officers	Taking part in a demonstration demanding the unconditional release of Papuan political prisoners

Name(s)	Sex	Date of incident	Location	Method of torture, cruel or degrading treatment	Tools of torture, cruel or degrading treatment	Perpetrators	Reason for torture
Bloody Yotefa case 1. Abis Kabak 2. Meki Pahabol 3. Urbanus Pahabol 4. Asman Pahabol	M	2 July 2014	Jayapura	• Beaten with hammers and wooden planks • Stabbed with knife, bayonet blade • Beaten with a metal drip stand • Repeatedly kicked while hands and ankles tied • Face and back beaten with wooden beams • Forced to be stay in water basin containing cold water for five hours • Whipped with an electric cable	Hammers Wooden planks/ beams Knife Bayonet blade Metal drip stand Water basin Electric cable	Non-Papuan immigrants (*pendatang*) Jayapura police officers	In connection to the death of a police officer and theft of a pistol during a clash at an illegal gambling den.
Pisugi Election Boycott arrests 1. Yosep Siep 2. Jhoni Marian 3. Marthen Marian 4. Yali Walilo 5. Ibrahim Marian	M	12 July 2014	Pisugi, Jaya-wijaya	• Chained together and dragged along a ditch • Beaten with rifle butts, hammers and wooden beams • Electrocuted • Forced to strip • Slashed with machete • Stabbed and beaten with arrows • Punched with knuckleduster gloves • Fingers crushed • Kicked and stamped on	Rope Rifle butts Hammers Wooden beams Electric batons Machete Arrows Knuckleduster gloves Chair	Jayawijaya military and police officers	Allegedly participating in a boycott of the July Presidential Elections and accused of reportedly making Molotov bombs.

Name(s)	Sex	Date of incident	Location	Method of torture, cruel or degrading treatment	Tools of torture, cruel or degrading treatment	Perpetrators	Reason for torture
Lanny Jaya pistol case 1. Kamori Murib 2. Kelpis Wenda	M	9 December 2014	Pirime, Lanny Jaya	• Head shaved • Slashed head and rubbed wound with chilli paste • Doused with scalding water • Thighs slashed • Tip of left toe and parts of eats sliced off • Beaten with rifle guns • Forced to remain naked and cuffed for two months • Force-fed fish and chicken bones • Dragged along the ground • Nails hammered into left forearms with wooden planks • Beaten with a chair and wooden planks	Bayonet blades Chilli paste Scalding water Rifle guns Handcuffs Fish and chicken bones Seven centimetre nails Wooden planks Chair	Brimob officers Lanny Jaya police	Possession of a pistol belonging to a deceased relative which they had intended to hand over to DPRD authorities.



The seven detainees in the Sasawa military raid case.
(Credit: Democracy Alliance For Papua (ALDP))