

A human rights lawyer based in Papua is now on trial for sending an SMS message to several friends and his brother. Iwanggin Sabar Olif, 43 years old, a volunteer lawyer with the human rights NGO, ELSHAM in Jayapura, was arrested on 18 October last year by troops of DENSUS 88, the Special Anti-Terror Detachment, and the Indonesian police. His arrest provoked many complaints from human rights groups.

The message he sent was as follows: 'The latest news is to beware (of the fact) that SBY (a term widely used for the Indonesian President) has issued an instruction to annihilate the Papuan people and to take control of their natural resources. The annihilation will happen by poisoning food, hiring doctors, taking over food stalls, hiring ojek (a means of transportation), using chauffeurs and ABRI. Circulate this before it's too late. Maya IPDN BNDUNG.'

The human rights organisation, ELSHAM said on 24 October that the lawyer had received the message from someone by the name of Marto Yowey and had forwarded it to five colleagues and his brother to urge them to take care and protect their families because the issue of poisoning was becoming more widespread in Papua. (For several weeks late last year, there were alarming reports of Papuans falling ill and vomiting, and even dying from drinking an allegedly toxic alcoholic beverage.)

ELSHAM, acting on behalf of Iwanggin's legal counsel, questioned the involvement of DENSUS 88 in his arrest, which implied that he was involved a terrorist crime. When he was taken to Jakarta for further interrogation, fears for his safety intensified. ELSHAM also said he had been arrested without an arrest warrant as required by law.

DENSUS or to give it its full name, Detachment 88, is a 400-strong anti-terrorist police force that was set up to combat terrorism after the 2002 Bali bombings, which killed more than 200 people. It was originally formed from members of the notoriously brutal special police unit, Brimob.

Human rights activists were also concerned that the police were intercepting mobile phone messages and believe that recording devices have been set up in several parts of West Papua.

On trial for incitement

After spending several weeks with DENSUS 88 then in police custody in Jakarta, Iwanggin was taken to Jayapura and is now on trial facing the charge of incitement under Article 160 of the Criminal Code for which the maximum penalty is five years imprisonment. The charge sheet also alleges that his circulation of the SMS had incited the general public and caused widespread panic among people who believed the contents of the message must be true. Human rights activists say that similarly-worded SMS messages have been circulating in Papua for months.

After the prosecutor presented the charges, counsel for Iwanggin submitted a demurrer objecting to the way he was arrested for an apparently special crime whereas he was now

facing normal criminal charges. They also took exception to the fact that during the interrogation which took place in Jakarta even though the alleged crime took place in Jayapura, he was accused of defaming the good name of the President. They urged the panel of judges to dismiss the case and release the defendant. However, the judges rejected the complaints and decided to continue with the trial.

At the time of writing, testimony from two witnesses, a husband and wife, has been heard; they were questioned about whether they had received or heard of the SMS sent by the accused. The husband said he had received the message and they had decided to send it on to the President's wife for her comment but she had only expressed her thanks for the message.