



Statement by Gustaf Kavar, lawyer defending Forkorus and his colleagues

On 24 February 2012, during a hearing at the trial of Mr Forkorus Yaboisembut and his four co-defendants, the public prosecutor officially announced his intention to submit a report to the police regarding an 'unacceptable incident' that occurred during the trial hearing on 21 February. At the time, the meaning of this announcement was unclear and following the hearing, we decided to find out who was likely to face charges.

It seems that I am the target of this announcement. It seems that they were very irritated by the fact that, during the hearing on 21 February, seven of the witnesses summoned to appear were members of the [police] unit which carried out the arrest of Forkorus and his colleagues. When it was my turn to question these witnesses about the arrests, they were unable to explain certain things. Namely:

- That prior to the Papuan Peace Congress, news reached the regional headquarters of the police in West Papua that the police would not issue a licence,
- That a letter had been received by the Director-General of Otda, the regional office of the Department of the Interior, inviting him to formally open the Congress,
- That the Congress proceeded peacefully from 16–19 October 2011.
- That several commissions held meetings and that thereafter there was a Declaration, after which the Congress concluded at 1pm.
- That two hours later, that is to say, at 3pm, the security forces launched an attack during which approximately 400 participants were subjected to various forms of maltreatment and torture and taken to police headquarters, as a result of which three people died because of the way they had been treated by members of the TNI/Polri, (the Indonesian army and police).

As regards the scenario to 'criminalise me'; some details became clear when I was questioning one of the police officers. I was repeatedly interrupted by the Prosecutor, in response to which I asked him to be a patient because I was in the process of questioning witnesses. Yet despite this, the interruptions continued, whereupon I said:

“Prosecutor, where is your brain? I am still proceeding with my questioning so would you kindly keep quiet.”

It was only thereafter that he became silent. I then continued with my questioning until I had finished. After the hearing, the prosecution team discussed the words that I had used and decided that they would concentrate on 'criminalising me' for the questioning.

We appeal to everyone to spread this statement far and wide. As lawyers, according to the Law on Advocates No 18/2003, there is impunity against raising any issues, in criminal as well as civil cases, while we are in the process of defending our clients.

We will now wait and see whether the Prosecutor intends go ahead with his intention which would be a violation of the rule of law in the Unitary State of the Republic of Indonesia (NKRI).

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