

20 December 2013

Mr. Christof Heyns
UN Special Rapporteur on
extrajudicial, summary or arbitrary executions
c/o OHCHR-UNOG
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SWITZERLAND

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Dear Mr. Heyns,

Re: Letter of allegation – West Papuan activist poisoned to death

Human Rights and Peace for Papua (ICP), Franciscans International, TAPOL, the West Papua Netzwerk (WPN) and the Asian Human Rights Commission (AHRC) are writing to inform you of a case regarding the suspicious death of Danny Kogoya, the Jayapura regional commander of the Free Papua Movement (*Operasi Papua Merdeka*, OPM). Danny Kogoya, a citizen of Papua province, Indonesia, died in the morning of 15 December 2013 in Vanimo, Papua New Guinea. A medical report issued by Vanimo General Hospital reveals that he died of liver failure provoked by the presence of unusual chemical materials in his body.

A relative of Danny Kogoya submitted the medical report to Vanimo Court House which, after learning the document, called for Danny's death to be treated as a murder case. On 17 December 2013, the Court issued an order calling for an autopsy. However, as the autopsy was about to be conducted in the afternoon of the same day, representatives of the Indonesian government intervened in order that the autopsy was postponed. This raises the suspicion that the Indonesian government has been involved in the death of Danny Kogoya.

In September 2012, Danny Kogoya was shot in his right leg by the Indonesian security forces. He was later taken to Bhayangkara Kotaraja police hospital where he received medical treatment for two weeks without being permitted to receive visit from his family. During his stay in the hospital, Danny had his right leg amputated without his or his family's consent. There is an allegation that the unusual chemical materials were put into his body during this time.

Further details on the case and Danny Kogoya are available in the attached letter of allegation.

We are requesting you to take immediate action urging the government of Papua New Guinea to conduct an independent investigation on the death of Danny Kogoya, despite the attempts of the Indonesian government to obstruct the process. We are also calling you to urge the Indonesian government not to interfere with the ongoing criminal investigation ordered by the Vanimo Court House and to respect the sovereignty of Papua New Guinea.

We look forward to your positive and effective response in this matter.

Thank you.

Yours sincerely,

1. Human Rights and Peace for Papua, The International Coalition for Papua, GERMANY
2. Fransiscans International, GENEVA
3. TAPOL, UNITED KINGDOM
4. West Papua Netzwerk, GERMANY
5. Asian Human Rights Commission, HONG KONG

LETTER OF ALLEGATION – Murder of Danny Kogoya

I. Information regarding the incident

Danny Kogoya, a regional commander of Free Papua Movement (*Organisasi Papua Merdeka, OPM*), died on Sunday, 15 December, 2013, at 8:30 a.m in Vanimo, Papua New Guinea. The cause of the death was reported to be liver failure provoked by the presence of unusual chemical materials in his body. A Vanimo Court has classified his death as a case of murder and called for an autopsy. The Indonesian government, however, have intervened and prevented the autopsy from taking place, raising the suspicion of their involvement in Danny Kogoya's death.

According to Jeffrey Pagawak, one of his relatives, Danny Kogoya arrived in Vanimo, Papua New Guinea, in October 2013. In Vanimo, Danny was receiving medical treatment for a gunshot wound in his right leg. He was shot by the Indonesian security forces on 2 September 2012. Following the shooting, Danny was taken to a police hospital, Bhayangkara Kotaraja, Papua, Indonesia. Jeffrey Pagawak reported that Danny was held in the hospital for about two weeks during which time he was not permitted to receive visits from his family. Danny's right leg was amputated without his consent during his time at the hospital.

Danny was later released as his detention period had run out and he stayed in Kamp Victoria at the border of Indonesia and Papua New Guinea. In October, he fled to Papua New Guinea, out of fear of being re-arrested.

In Papua New Guinea, Danny Kogoya was receiving medical treatment from the doctors in Vanimo General Hospital. Apart from medical treatment for his leg, the doctors also tried to identify the cause of the swelling in some parts of Danny's body. He had his blood checked four times by the hospital. The doctors told Jeffrey Pagawak that the result was 'complicated'. The medical report was given to the family following Danny's death on 15 December 2013.

On 17 December 2013, Danny's family requested the Vanimo Court House to give permission to bring Danny's body back to Indonesia so he could be buried in West Papua. In submitting the request, the family attached Danny's medical report issued by the Vanimo General Hospital. After learning of the document, the Court concluded that Danny's death should be treated as a murder case. The medical report describes that Danny was suffering from liver failure which was provoked by the presence of unusual chemical material in his body. At 1 p.m., the Court issued an order calling for an autopsy.

Jeffrey Pagawak reported that he was with the specialist doctor when the autopsy was about to take place at 3 p.m. on 17 December 2013. However, four individuals met with the management of the hospital and prevented the autopsy from taking place. Two of the four were identified as staff of the Indonesian Consulate in Vanimo, one of whom was known as Hari. The identity of the other two individuals is yet to be verified as is the institution they represent. Jeffrey Pagawak mentioned that they could be either from the police or the Indonesian Intelligence Agency (*Badan Intelijen Negara, BIN*). The intelligence agency was previously involved in the murder of an Indonesian human rights activist, Munir, who was poisoned with arsenic on a flight to Amsterdam in 2004.

The consulate staff did not provide any reason on why they did not wish the autopsy to take place, but merely told Jeffrey that it was done 'for your sake and ours' (*'biar sama-sama enak dari pihak kalian dan pihak kami'*).

On 19 December 2013, the Indonesian Consulate General held a meeting with the Governor of Saundeaun province of Papua New Guinea but the topic of the meeting is not known.

II. Information regarding the victim of the incident



Danny Kogoya (37) is the Jayapura regional commander of the Free Papua Movement (*Organisasi Papua Merdeka*, OPM). The organisation was established in 1965 and campaigns for West Papua's political independence from Indonesia.

Danny Kogoya was arrested by Indonesian security forces on 2 September 2012 on the allegation of carrying out a raid in Nafri village near Jayapura, Indonesia, in August 2011. On that day, a group of people cut down trees to block off the entrance to the village, then attacked people who passed by, killing one military officer and three civilians. As the OPM leader, Danny Kogoya was blamed for the attack, as he had been for another attack at the same place in late 2010.

Danny Kogoya had his name demonised by the Indonesian security officers who have accused him of all sort of violent incidents that have occurred around the Jayapura area. He was also accused of shooting a German tourist in June 2012, a claim that had already been levelled at Mako Tabuni, the leader of West Papua National Committee (*Komite Nasional Papua Barat*, KNPB). Mako himself was shot dead by the Indonesian police in 2012.

Danny has reportedly confessed to being responsible for the 2011 attack in Nafri, both under police interrogation, and in a press conference organised by the police while he was in detention. However, one of his lawyers interviewed by TAPOL mentioned that Danny was forced to confess. Knowing that Danny is from the mountains, the police took him to the sea and forced him to confess, threatening 'if you don't we'll drown you'.

Months before the arrest of Danny Kogoya, the leader of the Jayapura branch of the Alliance of Independent Journalists, Victor Mambor, once warned readers to be cautious of any reports that mentioned Danny Kogoya's name, as this was one hallmark of reports that might be manipulative, deceitful or biased towards those in power.

It was reported that, on 31 August 2011, a combined army and police operation swooped on the Wahno hill area of Kotaraja Luar, Jayapura, looking for perpetrators of the attack in Nafri. They demanded to know the whereabouts of Dani Kogoya, Gidi Wenda and others, using extreme intimidation, including forcing the local leader (*lurah*) to dig a hole while soldiers pointed their guns at him. Danny Kogoya's 8-year-old daughter was taken away by the police during the raid and her whereabouts was unknown until she was returned to the community one week later.

III. Information regarding the alleged perpetrators

Under international law, the right to life does not only entail the obligation of the state to refrain from extrajudicial killings, but also to conduct investigation on the unnatural death of an individual. Bearing this in mind, the perpetrators to be identified are not only those who have put the chemical materials into Danny Kogoya but also those who attempted to obstruct the investigation on his death.

Two of the four individuals who prevented the autopsy on Danny Kogoya's remains were identified as staff of the Indonesian Consulate in Vanimo, Papua New Guinea. One of them is known as Hari. The identities and institution/s of the other two individuals are yet to be known. Jeffrey Pagawak mentioned that they could be either from the police or the Indonesian Intelligence Agency (*Badan Intelijen Negara*,

BIN). The intelligence agency was previously involved in the murder of Munir Said Thalib, an Indonesian human rights activist, who was poisoned with arsenic on a flight from Jakarta to Amsterdam in 2004.

According to a doctor at Vanimo General Hospital, Danny Kogoya's liver failure was likely to have been provoked during his amputation procedure which took place last year at Bhayangkara Kotaraja Hospital. As mentioned earlier, Danny had his right leg amputated without consent at the police hospital, after being shot on 2 September 2012. Danny was shot by joint security forces comprise of the Army's Special Forces and the police's counter-terrorism unit, the 88 Detachment.

IV. Information regarding the source of the allegation

The Information narrated in this appeal is provided by Jeffrey Pagawak, a relative of Danny Kogoya. Jeffrey is a member of the West Papuan refugees' community in Papua New Guinea based in Vanimo.

The allegation that Danny has been murdered, however, was firstly raised by Vanimo Court House after learning of Danny Kogoya's medical report issued by Vanimo General Hospital. The medical report and the order from Vanimo Court House are held by Jeffrey Pagawak.

V. Information on organisation submitting the case

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