



Case narratives

Arbitrary arrest and detention of Victor Yeimo

Victor Yeimo was arrested without a warrant on 9 May 2021 at 7.15pm when he was at a kiosk in Jayapura. Mr Yeimo's lawyers received arrest and detention warrants the following day at 6pm, a breach of Indonesian criminal procedure law which requires an arrest warrant to be presented at the time of arrest.

On the first evening of his detention, Mr Yeimo was moved from Papua province's regional police detention center in Jayapura to the Police's Mobile Brigade Headquarters (*Mako Brimob*) in Abepura, without his lawyers being notified. This move to *Mako Brimob* signified higher security and more difficulties accessing Mr Yeimo and his lawyers have complained that family visits will now be more difficult. Until the time of the writing of this report, Mr Yeimo had been prevented from having access to his family. No family member or anyone else had been able to pay him a visit.

Mr Yeimo has been accused of violating Article 106 on treason and Article 87 of the Indonesian Criminal Code (KUHP), Article 110 of the KUHP on treason with conspiracy, Article 14 sections (1) and (2) on broadcasting hoax resulting in riot and Article 15 on broadcasting uncertain information resulting in riot of Law No 1/1946 on Criminal Law, Article 66 on disrespecting the national flag of Law No 24/2009 on Flag, Language, National Emblem, and the National Anthem, Article 160 KUHP on incitement, Article 187 KUHP on arson, Article 365 KUHP on theft using violence, Article 170 section (1) on collective violence, Article 2 of Emergency Law No 12/1961 on illegal possession of arms and Article 64 KUHP. The Police have publicly indicated that they will add more charges.

The Head of Papua Province's Police, Inspector General Mathius Fakhiri stated that, "*We are looking into all police reports, the process forward will proceed based on each report, let him get old in prison.*"¹ An arrest warrant includes information on alleged crimes committed and alleged laws violated and the scope of interrogation should stick to that information only. Arresting Mr

¹ Kompas, 'Otak Kerusuhan Papua Ditangkap, Kapolda: Biar Saja Dia sampai Tua di Penjara' 10 May 2021, available at <https://regional.kompas.com/read/2021/05/10/160132878/otak-kerusuhan-papua-ditangkap-kapolda-biar-saja-dia-sampai-tua-di-penjara>.

Yeimo then digging up his past acts through days of interrogation reflects an intention to frame and arbitrarily detain Mr Yeimo.

Under Indonesian criminal procedure law, an arrestee may be not accompanied by their lawyer during interrogation in relation to treason charges. Mr Yeimo was initially interrogated for alleged treason, so his lawyer was not by his side. In the end, however, Mr Yeimo was also charged with non-treason offences which did require a lawyer to be present by his side.

There have been two interrogations. The first one was on the evening he was arrested. The second one was scheduled the following day, but due to ill health, Mr Yeimo was not able to attend the interrogation on May 10th, which was postponed until the following day. Despite protests by his lawyers, Mr Yeimo's access to legal representation during interrogation was still restricted based on the treason charge procedure.

According to Mr Yeimo's lawyers, Mr Yeimo complained about the cell he was placed in on the first night. It was the furthest away from the main entrance and it is badly ventilated. He asked to be put in the cell closest to the main door. He was moved to the middle cell on May 11th but is now in solitary confinement, where the sunlight is only available through the ventilation opening at the top of his cell wall and from the main door. Mr Yeimo has been provided access to clean water but has a medical condition, requiring him to take medicines three times a day. Mr Yeimo is at higher risk from COVID-19 due to a preexisting lung condition and has not yet been vaccinated against the virus.

Police have not informed Mr Yeimo's lawyers when the next interrogation will be, which does not mean the interrogation is finished. It is likely that the process will only be paused due to the Eid holidays. On May 12th, Fakhiri stated that, "*I have asked the investigators not to hurry in digging into each report, [in order] to connect each law violated by him.*" He has said that he expects Mr Yeimo to be sentenced to life imprisonment.²

His lawyers are concerned that additional charges will be added to existing charges against Mr Yeimo when interrogation continues.

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² Tribunnews, 'Kapolda Papua Minta Penyidik Tidak Terburu-buru Gali Informasi dari Victor Yeimo' 12 May 2021, available at <https://papua.tribunnews.com/2021/05/12/kapolda-papua-minta-penyidik-tidak-terburu-buru-gali-informasi-dari-victor-yeimo>.