

**TRIAL MONITORING  
TRIAL AGAINST PAPUA POLITICAL PRISONERS**

Day/Date : Monday, 16<sup>th</sup> December 2019  
Time : 12.49 am – 01.25 pm (West Indonesia Time)  
Place : Room Kusuma Admaja 4, District Court of Central Jakarta  
(Pengadilan Negeri Jakarta Pusat)  
Jl. Bungur Besar No. 24,26,28 Kemayoran, Central Jakarta

**Case File I**

Defendant : Anes Tabuni a.k.a Dano Anes Tabuni  
Case File Number : 1304/Pid.B/2019/PN Jkt.Pst

**Case File II**

Defendant : Arina Elopere a.k.a Wenebita Gwijangge  
Case File Number : 1305/Pid.B/2019/PN Jkt.Pst

**Case File III**

Defendant : 1. Paulus Suryanta Ginting  
2. Charles Kossay  
3. Ambrosius Mulait alias Ambo  
4. Isay Wenda  
Case File Number : 1303/Pid.B/2019/PN Jkt.Pst

**Panel of Judges**

Presiding Judge : Agustinus Setia Wahyu Tri Wiranto, S.H., M.H.  
Judge Member : 1. Purwanto, S.H., M.H.  
2. Edward Willy, S.H., M.H.

**Court Clerk**

: 1. Eko Budiarno  
2. Agnesia Marliana Tumbala Woni, S.H., M.H.  
3. Edward Willy, S.H., M.H.

**Defendant Attorney (Present) :**

1. Maruli Tua Rajagukguk, S.H.
2. Oky Wiratama S., S.H.
3. Michael Himan, S.H. M.H
4. Matthew Michele Lenggu, S.H.
5. Ayu Eza Tiara, S.H., S.Sy.

**Public Prosecutor** : 1. Hadiyanto, S.H  
2. Abdul Basir, S.H  
3. Ahmad Patoni, S.H  
4. Rudolf V, S.H  
5. Rianiully. N., S.Kom., S.H  
6. Marly Daniel, S.H  
7. P. Permana T., S.H  
8. Priyo W., S.H  
9. Danang L, S.H  
10. Santoso, S.H  
11. Guntur Adi N., S.H.

**Number of public prosecutor present**

: 5 (five) people; one of them is Priyo W, S.H.

## Monitoring Report

### Pre-Trial Monitoring Situation

1. Before the trial, 08.30 am, Papua advocacy's attorney, Michael Himan, register Surat Kuasa Khusus (SKK/Letter of Attorney) with case file number 1303 on behalf of defendants: Paulus Surya Anta Ginting, Ambrosius Mulait a.k.a Ambo, Charles Kossay, and Issay Wenda. Afterwards the attorneys register SKK with case file number 1305 on behalf of Arina Elopere a.k.a Wenebita Gwijangge.
2. 11.37 am, the trial hasn't been started yet, the glass entrance to access Room Kusuma Admadja 4 is still locked with iron chain. 7 (seven) journalists have arrived and waiting in front of Room Kusuma Admadja 4.
3. Previously, the monitor checked on the third floor of District Court of Central Jakarta regarding to information obtained from SSIP (*Sistem Informasi Penelusuran Perkara*/Case Search Information System) of District Court of Central Jakarta that the court room that is going to be used is Room Oemar Seno Adji 1 on the third floor.
4. Information officer on the 3<sup>rd</sup> floor wasn't obtaining any information regarding the trial against Papua political prisoners.
5. The relevant information then obtained from the Information Centre in the first floor regarding the court room relocation to the Room Kusuma Admadja 4, since the court predicted that there will be many people attending the trial.
6. 12.00 am, trial attendances are starting to arrive; some of them are defendants' families, Papua student group, and journalists. Public Prosecutors are also attending in the court.
7. Few moments later, the entrance of Court Room Kusuma Admadja 4 is opened. But the trial is not immediately started since the Panel of Judges were not arrive yet.
8. 12.09 am, 6 (six) defendants (Papua political prisoners) are attending the court room, sit in the audience seat, wearing white shirt with prisoner vests on top of it and Papuan traditional head accessories (*Kare-Kare*).
9. The attorneys sit behind the defendants, while communicate with the defendants.
10. 4 (four) police officers enter the court room and sit at the nearest seat from the court entrance.
11. 12.26 am, a public prosecutor approach the defendants and said they could just take off the prisoner vest, also taking off the head accessories. The defendants ignored the public prosecutor's statements. Before came back to the public prosecutor seats,

he jokingly asked the defendants, "Do you like rice or wheat?" That question was asked multiple times. The defendants just ignored it earlier, but since it was asked many times, they were just responding it with nods. The nods then responded by the public prosecutors and saying, "Oh, you like rice, still," while laughing and then he came back to the public prosecutor seat.

12. 12.31 am, the attorneys (already wore toga) heading to attorney seat.
13. 12.33 am, trial attendances: the defendants' families dan close friends hugged them alternately.
14. 12.35 am, six defendants stood up and hugged each other (in circle) while singing *Yesus Kanggu* in Papuan language. "Father we are facing You and we give all of these cases to Your Hand". This process occurred for 5 (five) minutes and was documented by some journalists, police officers, court clerks, and some trial attendances.
15. 12.40 am, the defendants were back to their seats. 2 (two) of them, which are Dano Anes Tabuni and Ambrossius Mulait take off their clothes. "Monkey" words were painted on their bodies with varieties of animal symbol, like an article S, and stripped painting on their faces. All of the paintings and other styles were painted on white. It is known that the writing and styles were came from toothpaste, both of them got a chance to add more styles in their bodies after they took off their clothes.
16. Meanwhile, four of the defendants were just took off their vest.
17. 12.43 am, one of the public prosecutors approaching the defendants and said, "Go tell your friends, put their clothes on. The only thing that is allowed to be taken off is the red vest," directly to Surya Anta. However, that statement was ignored by Surya Anta.
18. 12.45 am, 3 (three) of the Panel of Judges came into the court room.
19. 12.47 am, the Presiding Judge knock the trial hammer and the trial is started.

### **Trial Monitoring Process**

#### **Case File 1304/Pid.B/2019/PN Jkt.Pst dengan terdakwa Anes Tabuni a.k.a Dano Anes Tabuni**

20. 12.48 am, trial with case file 1304/Pid.B/2019/PN Jkt.Pst with the defendant Anes Tabuni a.k.a Dano Anes Tabuni is started. Dano Anes Tabuni moves from attendant seat to defendant seat. Afterwards, the Presiding Judge confirm the defendant's identity and asking whether he is in a healthy condition.

21. 12.50 am, the Presiding Judge asking to the defendant if he is accompanied by attorneys. After the defendant confirmed, the Presiding Judge asked the attorneys to show the SKK's official sworn record (BAS), to ensure attorneys legality as authority receiver from Papua political prisoner defendants.
22. 12.57 am, Maruli Tua, attorney's defendant of the Papua Advocacy Team, stating "*Objection* towards the public prosecutors' indictment that won't be read, and then the public prosecutors have not yet submitted 'official indictment letter'. The Panel of Judge that examine the case then scores the trial for approximately 5 (five) minutes for the public prosecutors to complete the file of indictment letter." The attorneys of the Papua Advocacy Team, Maruli Tua, stating that the law officers should obey the law to ensure that the rights of every defendants are not violated, referring to article 143 KUHAP (Criminal Law Code) which stating that defendant's rights is to know and understand the indictment that's been charged to him/her. Thus, the public prosecutors' actions have violated the law and have harmed the defendants, and also complicate the plea by the attorneys.
23. Maruli Tua asked to the Panel of Judge to scores (postpone) the trial until the file and letter of indictment have been received and studied by the defendants and the attorneys.
24. Presiding Judge proposed the objection to the public attorneys, whether they want to discuss it first regarding trial scores.
25. One of the public prosecutors stated an objection to scores trial with reason that the Letter of Indictment has been given to the prison to be given to the defendants. Both of the reasons are that this is a trial based on the fastest and efficient with low budget so that the duplicate of the letter of indictment has been given before the indictment reading.
26. Presiding Judge then object to public prosecutors and that they have to obey the criminal procedure law as it shown in the article 143 KUHAP.
27. 01.10 pm, the trial is started again.
28. The attorney off the Papua Advocacy Team, Maruli Tua, again, objected to continue the trial, then public prosecutors have not yet submitted the duplicate of indictment letter. Maruli Tua said that he will wait up until 12pm today (Monday, 16<sup>th</sup> December 2019) to receive the duplicate of indictment letter. Because this case is not ordinary case, the punishment will be severe to 20 years so that the law officers must be serious about it.

29. Presiding Judge latter on decide on to postpone the trial of indictment reading to Thursday, 19<sup>th</sup> December 2019.

**Case File 1305/Pid.B/2019/PN Jkt.Pst with the defendant Arina Elopere a.k.a Wenebita Gwijangge**

30. 01.15 pm, the trial is continued with case file number No. 1305/Pid.B/2019/PN Jkt.Pst with defendant Arina Elopere a.k.a Wenebita Gwijangge.

31. The Presiding Judge confirmed the defendant's identity and whether she is in healthy condition. Afterwards, the Presiding Judge asked to the defendants whether she is accompanied by attorney. After she said yes, the Presiding Judge asked to the attorney to show the letter of attorney.

32. The Presiding Judge asked to the defendant whether she has received the duplicate of indictment letter. The defendant confirmed by saying that she has received the duplicate of indictment letter on Friday, 13<sup>th</sup> December 2019.

33. Maruli Tua, again, objected to continue the trial since the attorneys was just received the duplicate of the indictment letter today when the trial started. This is complicate the attorney to make a plea. Maruli Tua then asked the trial of indictment reading to be postponed.

34. Presiding Judge then suggest to the both sides, the public prosecutors and the attorneys, to postpone the trial.

35. 01.17 pm, the Presiding Judge decided on to postpone the trial to Thursday 19<sup>th</sup> December 2019.

**Case File 1303/Pid.B/2019/PN Jkt.Pst with defendants Paulus Suryanta Ginting, Charles Kossay, Ambrossius Mulait, and Isay Wenda**

36. 01.18 pm, the trial is continued with case file number 1303/Pid.B/2019/PN Jkt.Pst with defendants Paulus Suryanta Ginting, Charles Kossay, Abrossius Mulait, and Isay Wenda.

37. The Presiding Judge then confirmed the identity of the defendants and if they're in a healthy condition. Then, the Presiding Judge asked if they are accompanied by attorney. After the defendants said yes, the Presiding Judge asked to the attorneys to show the letter of attorney.

38. The Presiding Judge asked to the defendants whether they have received the duplicate of indictment letter. The defendants stating that they haven't received the duplicate of copy of indictment letter.

39. The Presiding Judge then suggest to the both sides, the public prosecutors and the attorneys, to postponed the trial.
40. 01.25 pm, the Presiding Judge decided on to postpone the trial to Thursday, 19<sup>th</sup> December 2019.

### **Post-Trial Monitoring**

41. 01.26 pm, the families and close friends along with the trial attendances stood up and shout "Free Papuan, free Surya Anta, and Papua Activists, free them right now!" that is continued with oration from Surya Anta in front of the trial attendants (inside the court room).
42. In his oration, Surya Anta stated:  
"Free Papuan! Save Papuan! Take Back the Military Out of Papua! Finish Human Rights Violation in Papua! Free Papua Political Prisoners and Political Convict! Democracy for Papuan! Give the Papuan rights to live, give the Papuan the rights to self-determination! Hail Papuan!"  
"Don't silent the democracy with prison, we didn't do treason, we did peace protest, and we did it without violence. If the humanity has been destroyed, then the tyranny will rule. Unite with each other, solidarity for Papuan and other oppressed people."  
"Save Papuan People!"
43. 01:40 pm, Maruli Tua gives statement to the media and journalist outside the court room. In his statement, he said:  
"The threads towards the defendants is lifetime charge and 20 years, maximum lifetime prison. In fact, this is a serious thread towards all the defendants. Our point is that the defendants' rights should be fulfilled. We appreciate the Presiding Judge that he understood the article 143 KUHAP. So, the trial must be based on the KUHAP and there won't be any offense by the officer of the law. On top of that, violating the law is very wrong."  
"Unprofessional. The defendants were asked if they understood the indictment that is being read, how could it be if they haven't received the duplicate of the letter of indictment and file of indictment, but they could understand it? Thus, that is the function KUHAP to protect the human rights of the defendants. Since the defendants must now the indictment, if they're not then they couldn't responsible for it. And complicate the attorney's plea and violate the defendants' rights."

"Arina's letter of indictment is just received today, while the rest haven't. If public prosecutors do have constrained in the budget, we could just copy it ourselves."

"For the public prosecutors, go imitate KPK, in establishing the professionalism, when case delegation, all of the letter of indictment and case file must be given to the attorney."

44. 01:46 pm, people that is joined in Front Mahasiswa Bersatu make a protest in front of District Court of Central Jakarta, bring along protest attributes such as poster with tagline "Free the Defendants!" and two banners, each reads, "Free Papua Political Prisoners and Pro-democracy Activist!" and "Stop All Form of Criminalization, Repressive Actions and Silent Actions in Democracy Space, towards Pro-Democracy Movement and Free Papua Political Prisoners and Pro-Democracy Activist Unconditionally!"

## Annex Pictures



Picture 1. Dano Anes Tabuni and Ambrossius Mulait



Picture 2. 6 (six) Papua political defendants before trial started



Picture 3. 6 (six) Papua political defendants before entering court room



Picture 4. Dano Anes Tabuni having trial



Picture 5. Solidarity action from Front Mahasiswa Bersatu (United Student Front)



Picture 6. Solidarity action from Student Group