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Indonesia: Independently investigate the torture and unlawful killing of man in Papua

Indonesian authorities must immediately conduct an independent, impartial and effective investigation into allegations of torture leading to the death of a man in Kimaam, Merauke district, Papua Province and bring the perpetrators to justice in fair trials. Providing compensation to the victim's family cannot substitute for the state's obligation to ensure justice in the case. Amnesty International Indonesia also calls for all cases concerning human rights violations and crimes under international law to be tried before civilian courts.

On 15 November, villagers from Woner village in Kimaam District, Merauke Regency, Papua Province held a public protest to draw attention to the role of their village leaders in the alleged misuse of funds earmarked for development projects in the area over a period of three years. The village leader filed a complaint to local military personnel at Yalet Post, stating that many of the young protesters had been consuming alcohol and were behaving drunkenly. Subsequently the military personnel from the Yalet Post came to the protest was concluded site after, but could not find all the youth protesters because they had fled to a nearby forest.

On 18 November at 11pm, four military personnel from the Yalet Post came to the house of one of the alleged protestors, Ishak Yaguar, while he was sleeping. According to his family, the army dragged Ishak out of his house, stripped him of his clothing, kicked him, and beat him with a wood stick while taking him to Yalet Military Post, about 800 meters away. On the morning of 19 December, military personnel brought Ishak to the Kimaam Police Precinct, where he was transferred to the custody of police officers. In the afternoon, one of Ishak's family members was prevented from visiting him by officers at the police station. In the evening, Ishak's family received information from the police that he had been transferred to a hospital in Kimaam. Later that night, one of Ishak's family members found out that Ishak had died.

At a public ceremony on 22 November, a local military commander from the Yalet Military Post displayed an agreement signed by military personnel from Yalet Military Post and a person whom the military claimed was a representative of Ishak's family. The document specified that the family and the local military forces would settle the case through a non-judicial process. During the ceremony, the local military commander gave Ishak's father IDR 50 million (around USD 3,700). However, most of Ishak's family did not acknowledge the agreement and one of the family's representatives told Amnesty International Indonesia that they want to continue the case through a judicial process. At any rate, under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Indonesia is a state party, the authorities are legally obliged to investigate all complaints and reports of torture and bring perpetrators to justice, in addition to providing reparations to victims.

This incident is the latest reminder that the use of torture and other ill-treatment by law enforcement officials in Papua remains prevalent. Alleged acts of torture and other ill-treatment are rarely investigated in an independent and transparent manner, and few perpetrators have been tried or convicted for their acts. Further, torture is not a specific criminal offense under Indonesia's Criminal Code. Amnesty International Indonesia calls on Indonesian authorities to immediately conduct an independent, impartial and effective investigation into Ishak Yaguar's death, applying the Manual on the Effective Investigation

and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). They should ensure that anyone against whom sufficient, admissible evidence is found in relation to Ishak Yaguar's torture, unlawful death or other human rights violations involving criminal acts is held accountable in a proceeding that comply with international fair trial standards. The investigation, and any prosecutions, should not be limited to the direct perpetrators but also look into any involvement of commanders, irrespective of rank.

Amnesty International Indonesia further urges the Indonesian parliament to combat torture and ill-treatment by amending the existing Criminal Code or passing new legislation to criminalise torture and other acts of ill-treatment in accordance with the UN Convention against Torture and other relevant international standards.

Background

Amnesty International Indonesia believes that the Kimaam case is not an isolated incident but reflects that the torture or other ill-treatment is still commonly used by the security forces in the Papua region. Previous investigations into human rights violations committed by security forces in Papua and West Papua provinces – including unlawful killings, the use of unnecessary and excessive force, and torture and other ill-treatment – have been unduly delayed, dropped, or their findings suppressed, encouraging perpetrators to commit more human rights violations and leaving victims and their families without access to truth, justice and reparations.

In almost all known cases of human rights violations, members of the police and military forces in Papua and West Papua provinces have not faced criminal proceedings and have received only disciplinary sanctions when found to have committed human rights violations. No one has been held accountable for numerous known acts of torture and other ill-treatment in the Papua region in recent years.