

AMNESTY INTERNATIONAL PUBLIC STATEMENT

Index: ASA 21/6893/2017
11 August 2017

Indonesia: Investigate police's use of lethal force against Papuan in Deiyai

Amnesty International calls on the Indonesian authorities to immediately order an impartial and effective investigation into allegations that police used lethal force arbitrarily leading to the death of one man and injuries to at least ten other Papuans, including children in Papua province. The investigation should be carried out by a body independent of the police. The findings must be made public and those suspected of criminal responsibility, including those with command responsibility, must be brought to justice in fair proceedings and victims granted adequate reparations. The government must also put an end to the climate of impunity for perpetrators of such abuses.

On 1 August at around 1.30pm local time, unrest broke out in the compound of a construction company in Oneibo village, Deiyai, Papua province. It was apparently triggered after workers of the company refused to lend a car to take a victim of drowning to the nearby hospital. The young Papuan man died subsequently. In protest, dozens of villagers entered the company compound and destroyed a tent owned by the company. When police personnel arrived, including the police Mobile Brigade (Brimob) the protesters threw stones at them

In response, police personnel arbitrarily opened fire into the crowd without any warning, hitting Yulianus Pigai, aged 27, on his thighs and stomach. At least ten other people also suffered gunshot wounds. They were immediately taken to Waghete Hospital but Yulianus Pigai died on the way.

The Spokesperson of Regional Police for Papua issued a statement later on the same day stating the police had complied with existing regulations and that police used rubber bullets and had fired warning shots. To date, no autopsy has been performed to establish the cause of the death. However, based on the internal investigation on 11 August the Chief of Regional Police for Papua stated that the police personnel allegedly violated the standard procedure for dealing with the mass unrest.

Under international law and standards, Indonesia is legally obliged to respect and protect everyone's right to life at all times. Law enforcement officials may use force only when strictly necessary and to the extent required to carry out a legitimate law enforcement objective; they must not use firearms except in self-defence or defence of others against the imminent threat of death or serious injury or to prevent a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and only when

less extreme means are insufficient to achieve these objectives. Intentional lethal use of firearms may only be made when strictly unavoidable to protect life.

While Amnesty International acknowledges the complex environment law enforcement officials often find themselves in when carrying out their duty they must ensure full respect for the right to life, liberty and security of all persons, including those suspected of crime.

The use of force and firearms directly impacts on the right to life, which is protected under Article 6 of the International Covenant on Civil and Political Rights, which Indonesia is obliged to comply with as a state party. The use of force is therefore subject to strict human rights safeguards as set out in the UN Code of Conduct for Law Enforcement Officials (1979) and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990). The use of force by law enforcement officials in Indonesia is further regulated by the Indonesian Chief of Police Regulation on the Use of Force in Police Action (No. 1/2009).

Allegations of arbitrary or abusive use of force by police or other security forces carrying out law enforcement duties must be efficiently investigated by an independent and impartial mechanism. The authorities must also ensure that victims of such violations and their families receive full and effective reparations, including compensation.

Amnesty International is also concerned that police accountability in Indonesia has been hampered by the lack of an independent, effective, and impartial oversight mechanism to investigate human rights violations committed by the security forces and where appropriate to take forward its findings for prosecution. Criminal investigations into human rights violations by the police are rare in Indonesia and attempts to hold those responsible to account, mostly through internal disciplinary mechanisms, leave many victims without access to justice and reparation.

Background

Amnesty International believes that the Deiyai case is not an isolated incident but speaks to a culture of impunity that continues to exist in the Papua region. Many previous investigations into human rights violations committed by the 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 buried, resulting in impunity for perpetrators and leaving victims and their families without access to truth, justice and reparations.

In almost all cases that have been taken forward, members of the police forces in Papua and West Papua provinces do not face any type of proceedings or are just face disciplinary sanctions when found to have committed human rights violations. There is still a lack of accountability for numerous cases that have occurred in the Papua region over the last few years.