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Indonesia: Fact-finding team needed to investigate police abuse in Central Sulawesi

The Indonesian government must set up an independent fact-finding team to ensure a prompt, impartial and effective investigation into the violent clash between police and hundreds of protesters that began on 30 August 2010 in Buol district, Central Sulawesi, Amnesty International said today. The fact-finding team should have the power to submit its findings directly to the Public Prosecutor or to the police internal disciplinary body.

While Amnesty International welcomes the decision of the Jakarta Police headquarters yesterday to send an internal investigation team to Central Sulawesi, it calls on the government to initiate an independent investigation into the incident.

There should also be a separate inquest into the death in custody of Kasmir Timumun, including the allegations that he faced torture or other ill-treatment in detention.

In response to the death in custody of Kasmir Timumun, protesters raided the Biau sectoral police (Polsek) station, attacking police officers and burning motorcycles parked outside the station. Police responded by opening fire on the protesters, killing seven and injuring at least 20 people. Several police officers were also injured during the incident.

According to local sources, on 30 August 2010, Kasmir Timumun, a 19 year old man, who was in police custody in Biau sectoral police station for allegedly speeding and injuring a police officer, was found hanging in his cell. While police claimed that he had committed suicide, his family alleged that there were signs of torture or other ill-treatment such as bruises on parts of his body and neck. The family continues to be denied access to the medical autopsy report on Kasmir Timumun's death.

Amnesty International acknowledges the difficulties faced by police in crowd control, especially when confronted with violence. However, the power to use force given to police officers is restricted by relevant international human rights law and standards, the basis of which is the right to life. The right to life is provided for in Article 4 of the International Covenant on Civil and Political Rights, to which Indonesia is a state party, and in the Indonesian Constitution.

The UN Basic Principles on the Use of Force and Firearms state that law enforcement officials must apply non-violent means before resorting to the use of force and firearms. Intentional lethal use of firearms may only be used when strictly unavoidable in order to protect life.

Further, the 2009 Indonesian Police Regulation on the Use of Force highlights the need to respect the principles of legality, necessity and proportionality when using force, and provides a framework for the accountability of police individuals using force.

If the investigations find that there was excessive and unnecessary use of firearms by the police, then those responsible, including persons with command responsibility, should be prosecuted in proceedings which meet international standards of fairness and victims provided with reparations.

Amnesty International also calls on the Indonesia police authorities to train and equip police for non-violent methods of crowd control and to ensure that police have non-lethal means of force at their disposal to disperse the protesters if necessary.

Background

In June 2009 Amnesty International published a major report, *Unfinished Business: Police Accountability in Indonesia*. The report highlighted the current weaknesses in existing internal and external police accountability systems, which contributes to the impunity of the Indonesian police.

This incident once again highlights the need for the setting up of an external police oversight mechanism that is operationally independent from the government, political influence and the police itself. Its mandate should empower it to, among other things, receive complaints; carry out effective investigations; and refer cases to the Public Prosecutor or to the police internal disciplinary body. Existing bodies such as the National Police Commission and the National Human Rights Commission remain largely inadequate to deal effectively with public complaints about ongoing police abuses, and bring justice and reparations to the victims.