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Indonesia: Government must act on Komnas HAM's findings of human rights violations at Papuan Congress

The Indonesian government must immediately act on the Indonesian National Human Rights Commission's (Komnas HAM) findings that human rights violations were committed by Indonesian security forces at the Third Papuan Peoples' Congress on 19 October 2011.

The Komnas HAM investigation team found a range of human rights violations allegedly committed by the Indonesian security forces, including opening fire on participants of the peaceful gathering and beating and kicking them. The Commission, which made its findings public on 4 November 2011, has called on the Indonesian National Police chief to investigate these human rights violations.

It was reported on 7 November that the President's office had rejected the findings of Komnas HAM, stating that the police were still handling the case.

The Indonesian authorities must initiate an independent, thorough and effective investigation into the Commission's findings. If the investigations find that the security forces committed unlawful killings or torture or other ill-treatment, then those responsible, including persons with command responsibility, must be prosecuted in proceedings which meet international standards of fairness, and victims provided with reparations.

The failure to bring perpetrators of these violations to justice in fair trials will reinforce the perception that the security forces in Papua operate above the law and fuel the ongoing climate of mistrust towards the security forces there.

On the afternoon of 19 October 2011, police and military units violently dispersed participants of the Third Papuan People's Congress, a peaceful gathering held in Abepura, Papua province. The bodies of Demianus Daniel, Yakobus Samonsabara, and Max Asa Yeuw were found near the Congress area. An estimated 300 participants were arbitrarily arrested at the end of the Congress. Most were released the following day but six have been charged. Five people were charged for "rebellion" and "incitement" under Articles 106, 110 and 160 of the Criminal Code, while one was charged for "possession of weapons" under Emergency Law No. 12/1951.

According to Komnas HAM, the three people who were found dead had gunshot wounds on their bodies. The Commission was not able to confirm whether they were killed by the police or military, and have called for police forensics investigators to examine the bullets. Komnas HAM also found that at least 96 participants had been shot, kicked or beaten by police officers.

Komnas HAM further reported that security forces had raided a Catholic monastery and seminary. They shot at the building and broke the windows when the monks refused to hand over alleged separatists to the police. Many Papuans are now afraid to leave their homes because of the continued security checks and raids. The Commission also raised concerns that security forces had confiscated mobile phones, laptop computers, printers, cameras, cars, motorcycles and millions of rupiah in cash, and called for these items to be returned to the owners.

The Commission stated, contrary to statements by the Indonesian authorities that the Congress was illegal, that the Indonesian Minister of Law, Politics and Security had in fact directed the Director General of Regional Autonomy at the Home Affairs Ministry, to attend the Congress and give the opening speech.

The Commission made a series of recommendations including calling on President Susilo Bambang Yudhoyono to accelerate the dialogue with the Papuan people and to evaluate the deployment of a large security presence in the area.

The Komnas HAM investigation indicates that security forces appear to have violated the rights to life and to freedom from torture and other ill-treatment, both of which are non-derogable under the International Covenant for Civil and Political Rights (ICCPR), to which Indonesia is a state party.

By using unnecessary and excessive force and firearms against the participants, the Indonesian security forces have also violated the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Indonesia has also ratified. Moreover, the right of all people in Indonesia to be free from torture and other ill-treatment is guaranteed in the Indonesian Constitution and the 1999 Law on Human Rights.

The actions of the security forces also appear to contravene the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which provide, among other things, that force should be used only as a last resort, in proportion to the threat posed, and should be designed to minimize damage or injury.