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Government must ensure accountability for police violence in Bima

The Indonesian government must ensure accountability for the deaths of at least three people and injuries to dozens of others at a peaceful protest in Bima, West Nusa Tenggara province in late December.

If ongoing 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.

On the morning of 24 December 2011, some 100 protesters blocked the road to Sape port near Bima, demanding the revocation of an exploration permit issued to a gold mining company. They cited environmental concerns and fears it would threaten their livelihoods. An estimated 600 police including the Police Mobile Brigade (Brimob) unit, Criminal investigation unit and intelligence officers were mobilised to the port to disperse the protesters. According to credible reports, the police opened fire and used excessive force against the protesters, killing at least three people and injuring around 80 others, including women and children. The police subsequently arrested at least 56 Bima residents for their involvement in the demonstration and for allegedly possessing weapons. According to local sources, at least 37 are still detained.

An initial investigation by the National Human Rights Commission (Komnas HAM) found indications that the police had committed human rights violations. According to the commission, the Bima district police chief had given orders to use force and the police punched, kicked and dragged the protesters who had put up no resistance. The commission also found evidence that the police had tampered with the crime scene by collecting empty bullet shells scattered in the area of the shooting.

Amnesty International recognizes the challenges involved in policing demonstrations. However, in this case the security forces appear to have violated the rights to life and to freedom from torture and other cruel, inhuman or degrading treatment or punishment, both non-derogable rights under the International Covenant for Civil and Political Rights (ICCPR) to which Indonesia is a state party.

The police also appear to have contravened the Indonesian police regulation on the Use of Force in Police Action (No 1/2009). The Regulation provides for, among other things, that force should be used only as a last resort, in proportion to the threat posed, and designed to minimize damage or injury.

Internal police disciplinary proceedings held in Mataram, the capital of West Nusa Tenggara province, found five police officers in breach of police procedures for beating and kicking the protesters while attempting to disperse them. They were reportedly given punishments of three days' detention, written reprimands and postponement of further training.

While Amnesty International welcomes any internal disciplinary process into police misconduct, it must never replace bringing those suspected of offences involving human rights violations before civilian courts.

The police leadership should also immediately conduct a thorough review of police tactics and use of weapons during public order policing, with a view to ensuring that they comply with international standards, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Amnesty International also urges the Indonesian authorities to set up an independent police complaints mechanism to deal with human rights violations by police officers or empower existing bodies such as the National Police Commission or the National Human Rights Commission so that they can carry out independent investigations and submit their findings to a public prosecutor or to the police internal disciplinary body.

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