

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Indonesia: Formation of inquiry team into Paniai shootings offers hope for justice**

Amnesty International welcomes the announcement by Indonesia's National Human Rights Commission (Komnas HAM) that it will be recommending the formation of a pro-justicia inquiry team to undertake a detailed investigation into the killings of four students by the security forces and injuries to dozens of others in Paniai, Papua province in December 2014. Victims and their families as well as human rights groups have been calling for justice since the incident occurred and this news offers them some genuine hope for accountability.

On the morning of 8 December 2014, Indonesian security forces, both police and military, allegedly opened fire on hundreds of peaceful protesters at the Karel Gobai field, in the town of Enarotali, Paniai, Papua province. After the shootings ended, four people were found dead from gunshot wounds. Apius Gobay, aged 16, was shot in the stomach; Alpius Youw, aged 18, in the buttocks; Simon Degei, aged 17, in his left rib; while Yulianus Yeimo, aged 17, had bullet wounds in his stomach and back. At least 17 others were also injured after being hit by bullets or bayoneted by the security forces.

Under international law and standards, 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 defence against an imminent threat of death or serious injury. Arbitrary or abusive use of force by police or other security forces carrying out law enforcement duties must be punished as a criminal offence under the law.

President Joko Widodo publicly committed in December 2014 to resolve the case and shortly afterwards Komnas HAM established a team to undertake an initial investigation into the case. After four months of work, the Commission has now found evidence of gross human rights violations as defined in Law No. 26/2000 on Human Rights Courts, and has recommended a pro-justicia inquiry to undertake a more detailed investigation, which could eventually lead to prosecution in a human rights court. The Commission will make a final decision in May 2015 after the team completes the compilation of case information and legal analysis as required by that law.

Amnesty International calls on the Indonesian authorities to ensure that all relevant parties, especially the Indonesian security forces, cooperate with the Commission's team when it is formed and carries out its work, and that the Commission is provided with

adequate resources, including forensic and other relevant experts, to undertake its work. Moreover, victims and witnesses should be provided with adequate protection.

The culture of impunity has contributed to previous administrations turning a blind eye to human rights violations by Indonesian security forces in Papua, including unlawful killings, excessive use of force, and torture and other ill-treatment. Should Komnas HAM's investigations and the President's public commitment to resolve the case lead to genuine accountability and reparations for the victims and their families, it would be a positive indication for Papuans of President Widodo's commitment to improve the human rights situation in that region.

Any members of the security forces found to be responsible for arbitrary or abusive use of force, including persons with command responsibility who gave unlawful orders or who knew or should have known that those under their command were resorting to unlawful use of force and who did not take measures to prevent it, must be prosecuted in civilian courts in proceedings which meet international fair trial standards, without recourse to the death penalty. Victims, including families of those killed in such circumstances, must be afforded full and effective reparation.