

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Indonesia: Independent and effective investigation needed in response to police' shootings of suspected criminals leading up to the 18th Asian Games

Amnesty International Indonesia and KontraS (the Commission for the Disappeared and Victims of Violence) call on the Indonesian authorities to conduct a prompt, independent, impartial and effective investigation into alleged excessive use of lethal force by the police leading to a high number of deaths of suspected criminals in several cities close to the venues of the 18th Asian Games, a multi-sport event scheduled to be held from 18 August to 2 September 2018.

In the three weeks since 29 June 2018, regional police forces in Jakarta, South Sumatra and Lampung have shot dead at least 15 criminal suspects and injured 41 others in those regions. Meanwhile, the media has reported that police have also recently arrested a total of 270 people accused of having links to terrorism in several provinces. At least 20 of those were shot to death, following a violent riot on 8 May at the National Polices Mobile Brigade (Mako Brimob) prison in Kelapa Dua, Depok, West Java, in which five members of security forces and a prisoner convicted of acts of terrorism were killed. The recent shootings by the police occurred after several high rank police officials announced publicly that the police would conduct 'special operations' to combat 'street crimes' and tackle a 'terrorism threat' that could disrupt the Asian Games event which is hosted in Jakarta and Palembang, South Sumatra Province.

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).

Under international human rights law, Indonesia is legally obliged to respect and protect everyone's right to life at all times, even "in time of public emergency which threatens the life of the nation". Internationally accepted standards provide that law enforcement officials may use force only when strictly necessary, proportionate 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.

After being criticised for excessive use of force against suspected criminals by many police watchdog organizations, the police claimed that all shootings were carried out in accordance with internal operating procedures and that the police officers had to shoot because the suspects had resisted arrest and threatened the life of the officers.

However, lack of prompt, independent and effective investigations and the failure to make public the results of investigations by internal accountability mechanisms has made it difficult to determine the facts. Official failure to investigate obscures the circumstances of the killings, making it difficult to assess self-defence claims by the police or to discover whether the killings were done on the order of a superior. The lack of transparency also makes it harder to identify any signs that a killing was treated as a violation of official policy, subject to official disapproval, investigation and punishment.

Under international human rights law, -states have an obligation to investigate human rights violations, especially serious ones such as those involving the right to life. After a suspected unlawful killing, whether allegedly committed by a state actor or not, the state has a duty to initiate a prompt, independent, impartial and effective investigation. If sufficient admissible evidence exists, those suspected of criminal responsibility should be prosecuted in proceedings that meet international fair trial standards and without the imposition of the death penalty. The competent authority conducting the investigation should be independent of the authority accused of committing the unlawful killing. Further, family members of victims should have access to truth, justice and effective reparation. The failure to investigate such allegations, to identify, bring to justice and punish the perpetrators, and to ensure reparations to victims or their families is a separate violation of human rights.

Amnesty International Indonesia and KontraS believe that the shootings in the runup to the 18th Asian Games event are not isolated incidents but speak to a culture of impunity within the security forces that continues to exist in Indonesia. Many previous investigations into human rights violations committed by the security forces, 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.

Our organizations also call the Indonesian authorities to respect and protect any peaceful assemblies, including peaceful protest or demonstration and ensure that people are not detained or criminally charged for simply exercising their right to freedom of expression and to participate in peaceful assemblies.