

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Indonesia: Investigate police's excessive use of force against protesters in Marosi, East Nusa Tenggara

Amnesty International calls on the Indonesian authorities to conduct a **prompt, independent, impartial and effective investigation** into alleged use of excessive force by the police leading to the death of one man and injuries to at least one teenager in Marosi coastal area, West Sumba District, East Nusa Tenggara Province. The investigation should be carried out by a body independent of the police and the findings must be made public. Those who are suspected of criminal responsibility, including those with command responsibility, must be brought to justice in fair trials not subject to the death penalty and victims granted adequate reparations.

In the morning of 25 April, around a hundred local residents from Patiala village gathered near the Marosi coastal area to protest a land measurement process by the National Land Agency (BPN) and a hotel management company. The land measurement by the BPN was seen by the local villagers as an indication that the hotel would occupy the disputed land. At least 100 police officers and some military soldiers were present at the protest. Before the protest began, the security forces collected machetes from the protesters, which are tools that they carry in their everyday activities.

Around 3.00pm some police officers forcefully took a mobile phone from a protester that was being used to record the land measurement process. Agitated by the police action, several villagers tried to prevent the police to take another protesters' mobile phone. The police responded by unnecessarily opening fire without warning and then releasing tear gas to disperse the crowd. One of the teenage protesters suffered gunshot wounds in his legs. Another victim, Poro Duka, aged 40, was dead on the spot after being shot in his stomach. The security forces brought Poro Duka body to a local hospital with police car.

The Spokesperson of National Police Headquarters in Jakarta issued a statement on 3 May stating the police had complied with existing police regulations and that police used only rubber and blank bullets. However, the autopsy held by local hospital that was attended by the victims' family found a bullet inside Poro Duka stomach. The Division of Profession and Security (Propam), an internal oversight police unit, at the East Nusa Tenggara Regional Police Force (Polda) said that they are still conducting an internal investigation.

While Amnesty International acknowledges the complex environment law enforcement officials often find themselves in when carrying out their duty they must ensure full

respect for the right to life, liberty and security of all persons, including those suspected of crime.

Under international law and standards, Indonesia is legally obliged to respect and protect everyone's right to life at all times. 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 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.

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).

Background

Amnesty International believes that the Marosi case is not an isolated incident but speaks to a culture of impunity 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. The government must also put an end to the climate of impunity for perpetrators of such abuses.

Amnesty International is also concerned that police accountability in Indonesia has been hampered by the lack of an independent, effective, and impartial oversight mechanism to investigate human rights violations committed by the security forces and where appropriate to take forward its findings for prosecution. Criminal investigations into human rights violations by the police are rare in Indonesia and attempts to hold those responsible to account, mostly through internal disciplinary mechanisms, leave many victims without access to justice and reparation.