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Indonesia: Investigate excessive use of force against peaceful Papuan demonstrators

Amnesty International urges the Indonesian authorities to conduct an impartial investigation into reports of police using excessive force to disperse a peaceful demonstration in Nabire, Papua province.

On 27 January 2009, the “Coalition of People who care about the election of the Head of Region” (Koalisi Masyarakat Peduli Pemilihan Kepala Daerah), organized a peaceful demonstration to call for local elections to be held after several delays. The demonstration of about 100 people was conducted in front of the General Election Commission’s building in Nabire. Demonstrators erected a tent which blocked one of the main roads and when the police urged them to dismantle the tent, they refused.

According to reports, two days later, police units violently dispersed the remaining peaceful demonstrators in the early morning while they were sleeping on the site. Local sources say police shot rubber bullets at the crowd wounding at least five demonstrators. Police also kicked and beat some demonstrators with rattan sticks and rifle butts. Many people suffered bruises and cuts as a result.

Officers also were reported to have kicked a 40 year-old human rights defender, Yones Douw, with their boots three times. They beat him on the ears and punched him in the face when he attempted to intervene to stop the clashes between police and demonstrators. They also destroyed his computer memory stick in front of him. Yones Douw is a member of the Papuan Kingmi church (the Papuan branch of the Gospel Tabernacle Church of Indonesia) and a volunteer with the human rights organization ELSHAM (*Lembaga Studi dan Advokasi Hak Asasi Manusia*, Institute for Human Rights Study and Advocacy).

Police then arrested and interrogated Yones Douw and seven demonstrators. They purportedly refused all eight people access to the outside world and deprived them of food and drinking water during their one day detention. Those injured report that police did not grant them access to appropriate medical care. Police then detained Yones Douw in a cell on his own and interrogated him for several hours. On 30 January the police released all eight people but instructed them to report to the station each day.

Policing of public demonstrations should not deny participants the right to peaceful assembly. This incident occurs in the context of a larger crackdown on freedom of expression and assembly in Papua. On 14 January 2009, Amnesty International called for the immediate and unconditional release of 11 Papuan protestors facing three years or more in prison merely because they displayed a banned flag. Indonesian authorities should give public reassurances that freedom of expression and assembly are guaranteed in Papua. They should also express their support for the legitimate work conducted by human rights defenders throughout the country and take speedy measures to ensure that they are fully protected when they carry out their work.

Amnesty International recognizes the challenges involved in policing demonstrations and that some protestors obstructed public buildings after being asked to disperse. However, the police actions may have contravened the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials. These stipulate, 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.

Amnesty International urges that an inquiry into the Nabire incident be carried out promptly, with a review of police tactics and weapons in the policing of demonstrations and that its findings and recommendations be made public in a timely manner. The Indonesian authorities should discipline and bring to justice those involved if the force used is found to have been excessive and to have contravened the principles of necessity and proportionality. They should also put in place measures and training to ensure that future policing operations conform to international standards.

Background

Papua, Indonesia's eastern-most province, has witnessed a deteriorating human rights situation over the past few years. The indigenous population, ethnically distinct from other parts of Indonesia, has increasingly questioned the Indonesian government's policies regarding Papua's natural resources and the migration of non-Papuan into the area. The Indonesian government maintains a heavy police and military presence, whose members have faced accusations of intimidating and threatening members of the local indigenous community who support greater autonomy or independence from Indonesia through peaceful means.

On 18 August 2008, Amnesty International urged the Indonesian government to ensure proper accountability for the killing of a peaceful protester Opinus Tabuni who was shot dead that day. On 25 September 2008, the National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia*, Komnas HAM) who had sent a team to investigate the killing stated that the bullet was "not a standard police bullet. The bullet was a 9mm bullet. It definitely belongs to the military". There has been no progress since then on the investigation into his murder. The family has attempted numerous times to meet the Papua Chief of Police with regards to the case but have been unsuccessful. The Indonesian authorities should initiate a prompt, impartial, independent and transparent investigation into the killing to ensure that those found responsible are held to account.

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