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## INDONESIA

### An Appeal for Restraint to the Indonesian Armed Forces

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In the context of the current political and economic crisis in Indonesia, the Armed Forces (ABRI) is confronted each day with thousands of both peaceful demonstrators and rioters in different situations across the country. In the weeks ahead the number of demonstrations and riots - and the pressure on the security forces to deal with the unrest - is only likely to increase. At times of national crisis, the dangers and professional challenges facing law enforcement officials are particularly intense. Similarly the threat to individual human rights increases dramatically. In such situations, the need to ensure that the human rights of all Indonesian citizens are protected remains the paramount consideration of the professional law enforcement official.

There is unprecedented coverage both domestically and internationally of the Indonesian security forces handling of demonstrations and riots at this time of high political, social and economic tension. The professionalism of a country's security forces will be judged by its ability to respond to challenges of intensified social unrest both peaceful and violent without deviating from its role of serving and protecting the community. Law enforcement officials - both police and the military - perform a vital task in maintaining peace and stability for which they are vested with great powers and responsibilities. If such powers and responsibilities are not exercised with respect for basic human rights principles and transparency, abuses can easily occur thereby fuelling the cycle of violence.

Recognising this, the international community has developed important standards on the use of force in both non-violent and violent disturbances. These guidelines are designed to ensure the protection of the rights of the community from abuses by law enforcement officials while recognising the hazards they face in their work. Security forces wherever in the world they are operating are required to uphold these standards, the basic premise of which is that force should only be used when strictly necessary and only to the minimum extent required under the

circumstances. Lethal force should not be used except when strictly unavoidable in order to protect life. If there is no alternative but to use force, prompt, independent and full investigations of these events must be held. Exceptional circumstances - such as those currently facing Indonesia - do not justify any deviation from these standards, but rather require greater vigilance in order to ensure that human rights are protected.

These principles are spelt out in two international standards: the Code of Conduct for Law Enforcement Officials (Code of Conduct) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles). Both of these standards are available in Indonesia, translated into the national language, Bahasa Indonesia. In the weeks and months ahead, the need for the Indonesian Armed Forces to uphold these standards in their entirety - and in particular the following points - is paramount.

- The right to engage in peaceful demonstrations must be respected.
- Force should be avoided when dealing with unlawful but non-violent assemblies.
- Force should not be used except when strictly necessary if non-violent means remain ineffective, and to the minimum extent required under the circumstances. Restraint should be exercised and the use of force should be in proportion to the seriousness of the offence and the legitimate objective which the security forces are trying to achieve. *Code of Conduct, Article 3, Basic Principles, 4, 5.*
- Lethal force should not be used except when strictly unavoidable for self-defence and for the defence of others against the imminent threat of death or serious injury - such as to prevent a particularly serious crime which involves a grave threat to life - but only when less extreme measures are insufficient to achieve these objectives. *Basic Principles, 9.*
- Law enforcement officials intending to use firearms should identify themselves and give a clear and sufficient warning that they intend to fire. *Basic Principles, 10.*
- Assistance and medical aid should be provided as soon as possible to any person who is injured as a result of the use of force or firearms. *Basic Principles 5 (c).*
- The relatives of any person injured as the result of the use of force or firearms by the security forces should be informed as soon as possible. *Basic Principles, 5 (d).*
- The actions of law enforcement officials should be open to genuine public scrutiny; if there is a death or injury because of the use of force by law enforcement officials, this should be immediately reported to a superior; the discharge of firearms should be reported. *Code of Conduct (d), Basic Principles, 6 and 22.*

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<sup>1</sup>Code of Conduct for Law Enforcement Officials, Adopted by the General Assembly of the United Nations on 17 December 1979 (resolution 34/169); Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders on 7 September 1990. The term Law Enforcement Officials includes military or security forces exercising police powers.

<sup>2</sup> Lembaga Studi dan Advokasi Masyarakat (ELSAM), based in Jakarta has published translations of both standards in Bahasa Indonesia.

- Abusive or arbitrary use of force and firearms by law enforcement officials should be punished as a criminal offence. *Basic Principles, 7.*
- Law enforcement officials should not commit or tolerate acts of torture or cruel, inhuman or degrading treatment or punishment. *Code of Conduct, Article 5.*
- Any person affected by the use of force or firearms must have access to an independent judicial process to review the use of force or firearms. *Basic Principles, 23.*
- National instability should not be used to justify any deviation from these principles. *Basic Principles, 8.*

**KEYWORDS:**

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