

EXCESSIVE FORCE

IMPUNITY FOR POLICE VIOLENCE
IN INDONESIA

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Despite moves towards reform, Indonesia's police continue to be implicated in beatings, shootings and killings.

Over the last decade significant steps have been taken to reform the Indonesian National Police. The government has put in place legislative and structural reforms to strengthen their effectiveness in preventing and detecting crime, maintaining public order and promoting the rule of law. The police have also introduced internal regulations to ensure that international human rights standards are upheld during policing operations.

Despite these positive moves, credible reports of human rights violations committed by the police continue to emerge, with police routinely using unnecessary and excessive force and firearms to quell peaceful protests. Police have been implicated in beatings, shootings and killings of people during mass demonstrations, land disputes or even routine arrests.

Although the authorities have made some attempts to bring alleged perpetrators to justice using internal disciplinary mechanisms, criminal investigations into human rights violations by the police are all too rare, leaving many victims without access to justice and reparations.

This situation is made worse by the lack of an independent, effective, and impartial complaints mechanism which can deal with public complaints about police misconduct, including criminal offences involving human rights violations. While existing bodies such as the National Human Rights Commission

(Komnas HAM) or the National Police Commission (KOMPOLNAS) are able to receive and investigate complaints from the public, they are not empowered to refer these cases directly to the Public Prosecutor's Office or to the police internal disciplinary body.

POLICE SHOOT PROTESTERS IN WEST NUSA TENGGARA

"If we see [the video], there were officers that beat and kicked people who had surrendered."

Ridha Saleh, Deputy Chief of the National Human Rights Commission, *Jakarta Globe*, 3 January 2012

At least three people were killed and dozens injured at a peaceful protest in Bima, West Nusa Tenggara province (see map, p.6) in late December 2011.

On the morning of 24 December 2011, some 100 protesters blocked the road to Sape port near Bima, demanding the revocation of an exploration permit issued to a gold mining company. An estimated 600 police, including the Police Mobile Brigade (Brimob) unit, were dispatched to the port to disperse them.

Reports indicate that the police initially attempted to break up the protest peacefully, but quickly resorted to violence.



According to Komnas HAM, which conducted an inquiry into the incident, the Bima District Police Chief had ordered officers to use force. Police punched, kicked and dragged protesters who had put up no resistance. Around 40 protesters, including children, were injured. At least 30 protesters suffered bullet wounds to their legs, torso and arms. Komnas HAM also found evidence that the police had compromised the investigation, using officers involved in the shooting to collect the empty bullet casings from the crime scene.



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Internal police disciplinary proceedings held in Mataram, the capital of West Nusa Tenggara province, found five police officers in breach of police procedures for beating and kicking protesters while attempting to disperse them. They were reportedly punished with three days' detention, written warnings and postponement of further training.

Amnesty International is not aware of any criminal investigation into the deaths of the three people or the ill-treatment of protesters.



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above: Police round up demonstrators during a rally at Sape town port, West Nusa Tenggara province, December 2011.

left: Medics transport an injured protester away. Around 100 protesters were confronted by more than 600 police when they blocked a road in Bima, West Nusa Tenggara province, over an exploration permit given to a gold mining company in the area, December 2011.

cover: Police Mobile Brigade (Brimob) officers aim their rifles at students during a protest in South Sulawesi province, October 2010.

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Clockwise from right: Police arbitrarily arrest participants at the Third Papuan People's Congress in Abepura, Papua Province, October 2011.

Mustari Gadding points to the spot where his son, Saribu Pulo, was shot by police in 2009 in Sawakang village, Takalar District, South Sulawesi, April 2011.

Saribu Pulo's house.

Mustari Gadding shows the scar left by a bullet wound suffered in September 2009 when he tried to stop police from shooting his son.

THREE KILLED AND DOZENS INJURED AT PEACEFUL GATHERING IN PAPUA

“This [government] truly treats us like animals... We have long asked the government to stop using violence in Papua, but it has never responded.”

Socrates Sofyan Yoman, Papuan priest, *Jakarta Globe*, 22 October 2011

At least three people were killed and over 90 injured when police dispersed a peaceful gathering in Papua province.

On the afternoon of 19 October 2011, police units supported by the military surrounded the venue of the Third Papuan People's Congress, a peaceful gathering held in Abepura, Papua province. They fired shots into the air to break up the gathering. As participants began to flee, police units from the Jayapura City police station and the Papua regional police headquarters arbitrarily arrested an estimated 300 people. Demianus Daniel, Yakobus Samonsabara and Max Asa Yeuw were later found dead at the scene.

An investigation led by Komnas HAM in November found a range of human rights violations allegedly committed by



the Indonesian security forces, including opening fire on participants of the gathering, and beating and kicking them.

According to Komnas HAM, the three men who were found dead bore gunshot wounds on their bodies. It also found that at least 96 other participants had been shot, kicked or beaten by police officers.

After the incident, four separate internal police disciplinary hearings were held. On 22 November 2011, an internal police disciplinary hearing in Jayapura, Papua, found former Jayapura Police Chief Iman Setiawan guilty of violating the Disciplinary Code for “his inability to co-ordinate police officers under his command”.

In separate internal disciplinary hearings, 17 police officers, including two Brimob officers, were also found guilty of violating disciplinary procedures. Fifteen officers received written warnings and two others were detained for 14 days.

Amnesty International is not aware of any criminal investigation into the deaths of the three men, or the arbitrary arrest and ill-treatment of participants at the gathering.



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FARMERS SHOT DURING ARREST IN SOUTH SULAWESI

In September 2009, police officers shot two farmers from South Sulawesi province. One of the farmers, Saribu Pulo, died seven months later as a result of his injuries.

At 1am on 9 September 2009, at least 20 police officers from the Gowa district police station descended on Mustari Gadding's house in Sawakang village, Takalar district. They were looking for his son Saribu Pulo who, Mustari Gadding informed them, lived next door.

The officers entered Saribu Pulo's property, ignoring his wife's request to see an arrest warrant. They then pulled Saribu Pulo down the stairs, punching him continuously while

dragging him the 50 metres to the patrol car. Several police officers who were close by opened fire and a bullet hit Saribu Pulo's right buttock.

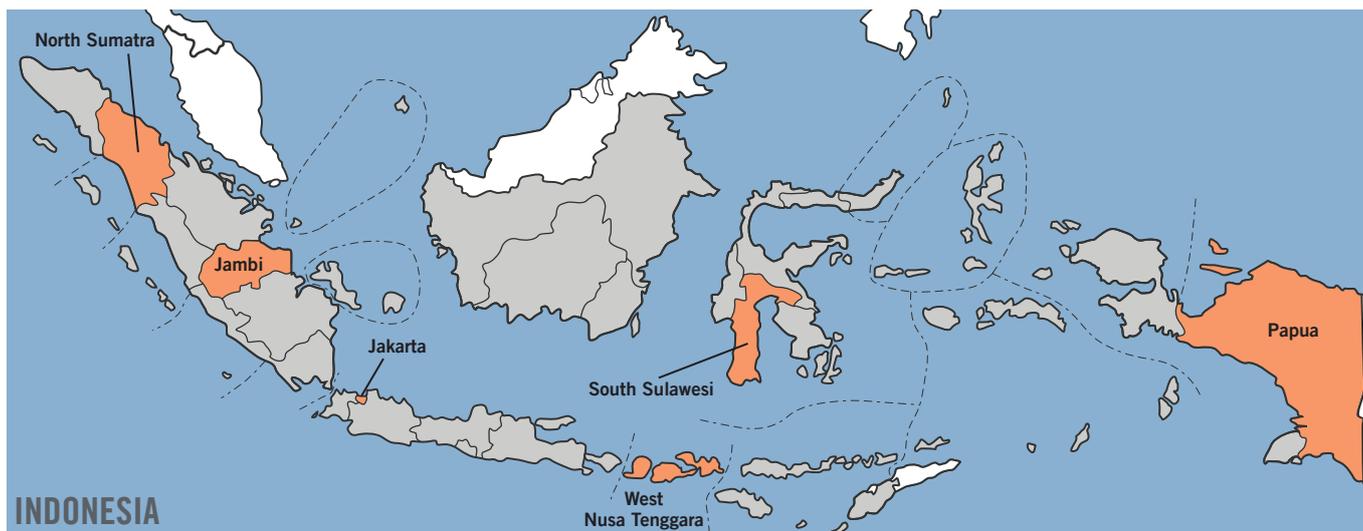
When Mustari Gadding saw his son being shot he ran to help him. The police opened fire on him, injuring his right knee, hand and stomach. They threw stones at both father and son, beating them with bamboo sticks before leaving the scene.

Saribu Pulo and Mustari Gadding then sought medical treatment at a local hospital. At the hospital they were met by police officers who accused the two men of fighting with them during the arrest, forcing them to shoot. It was then that the police informed family members that

they were going to arrest Saribu Pulo in connection with the theft of chickens in Gowa district one week earlier.

On 26 April 2010, Saribu Pulo died of complications as a result of the shooting. Mustari Gadding's injuries have made it impossible for him to continue farming, affecting his livelihood.

The victims' family and a local NGO filed reports on the incident at the South Sulawesi Provincial Police Headquarters in September and October 2009. In November 2011, two police officers were disciplined internally for their involvement in the incident. However, Amnesty International is not aware of any criminal investigation into the case.



Source: Adapted from a map by Golbez

SIX FARMERS SHOT IN JAMBI STILL WAITING FOR JUSTICE

“The Brimob officers blocked us and without any clear reason we were shot at.”

A farmer, January 2011

On 15 January 2011, Brimob officers in Jambi province opened fire on a group of farmers, injuring six of them.

At least 150 farmers were harvesting palm oil that morning near the village of Karang Mendapo in Sarolangun district, when they were confronted by at least 27 Brimob officers who attempted to evict them from the plantation. Since 2006, the land had been the source of a dispute between the farmers and a palm oil company, PT Kresna Duta Agroindo.

When the farmers refused to leave, the police fired warning shots into the air, causing them to flee in panic. As they fled, the police reportedly opened fire on them with rubber bullets, hitting six farmers in the face, thigh, stomach and back.

On 20 January 2011, it was reported that the Police Internal Affairs Division (Propam) from the Jambi Provincial police headquarters had sent a team to investigate the shooting but no progress was reported over the year.

In November 2011, Amnesty International received information that Jambi police had identified the Brimob unit commander as a suspect in the shootings. However, according to the police they were unable to identify the other perpetrators as ballistic tests conducted on three bullet casings (5.56mm calibre) found at the scene could not be traced to the Pindad-made SS1-V1 semi-automatic rifles used by Brimob officers.

Amnesty International is not aware of any independent and impartial investigation into the shootings.

“The [police] came and immediately started chasing... from two metres away we were shot.”

Victim, Jambi province, January 2011



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above: Bullet casings found at the scene where Police Mobile Brigade (Brimob) officers reportedly shot at a group of palm oil farmers, injuring six of them, Jambi province, January 2011.

below: One of the six people wounded when Police Mobile Brigade (Brimob) officers reportedly shot at a group of palm oil farmers in Jambi province, January 2011.

POLICE SHOOT FAMILIES DURING FORCED EVICTION IN NORTH SUMATRA

“The police used their weapons excessively, [fired] blindly and did not follow operating procedures.”

Sayed Zainal, activist, Serambi Indonesia, 17 October 2011

Security forces in North Sumatra province reportedly shot at and beat villagers while attempting to forcibly evict a community in Langkat district in June 2011.

At least 700 families from the villages of Barak Induk, Damar Hitam and Sei Minyak in the Besitang and Sei Lapan sub-districts had been involved in a land dispute with local government authorities who claim that their villages are located within the Leuser Mountain National Park (TNGL). Many of them had been displaced between 1999 and 2000, during the armed conflict in neighbouring Aceh province.

According to local sources, on the morning of 27 June 2011, at least 5,000 people from the three villages were invited to meet with officers from the TNGL and others to discuss the dispute. After waiting for more than three hours, villagers from Sei Minyak heard that their houses were being destroyed in an attempt to forcibly evict them from the land. According to the villagers, the eviction was led by a TNGL team, assisted by at least 1,000 other personnel, including officers from the North Sumatra Brimob, military units and about 100 hired individuals.

The Brimob officers fired tear gas at the protesters as they rushed to defend their homes and property. Some of the Brimob officers then reportedly opened fire on the crowd, using both live and rubber bullets, injuring at least nine people. Six other villagers were reportedly kicked and beaten by Brimob and TNGL officers. At least five houses were destroyed, leaving some 15 people homeless.

To Amnesty International's knowledge there has been no investigation into the incident.



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from top: Villagers waiting to meet authorities in an effort to resolve a long-standing land dispute in Langkat district, North Sumatra, June 2011. Police mobile brigade (Brimob) officers arrive to evict families. Members of the community injured during the eviction.

LAWS AND STANDARDS ON THE USE OF FORCE

Indonesia is a state party to the International Covenant on Civil and Political Rights (ICCPR). Article 6(1) of the ICCPR states: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” Article 4 holds that states cannot derogate from their obligations under this provision, even “in time of public emergency which threatens the life of the nation”. The right to life is provided for in Article 28A of Indonesia’s National Constitution and other provisions within national legislation.

Article 3 of the UN Code of Conduct for Law Enforcement Officials states that law

enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials apply this general principle to the use of firearms.

Under Principle 4, law enforcement officials should as far as possible apply “non-violent means before resorting to the use of force and firearms”. They must not use firearms against people except to defend themselves or others against an imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave

threat to life, to arrest or prevent the escape of a person presenting such a danger and resisting their authority, and only when less extreme means are insufficient to achieve these objectives.

Principle 7 holds that arbitrary or abusive use of force and firearms by law enforcement officials should be punished as a criminal offence under national law.

The Indonesian Chief of Police Regulation on the Use of Force in Police Action (No. 1/2009) provides that, among other things, force should be used only as a last resort, in proportion to the threat posed, and should be designed to minimize damage or injury.

RECOMMENDATIONS

To the Indonesian authorities, in particular the President and the Head of the Indonesian National Police:

- Ensure prompt, thorough, and effective investigations by independent and impartial bodies into all reports of unnecessary or excessive use of force and firearms by police, in particular where it has caused injury or death. The findings of these investigations should be made public in a timely manner. Those suspected of arbitrary or abusive use of force, including those with command responsibility for such use, should be prosecuted in proceedings which meet international standards of fairness and victims should be granted reparations.
- Ensure that police promptly report any injury or death caused by use of force and firearms to their superiors. A detailed report should also be sent promptly to the competent authorities responsible for administrative and judicial review.

- Ensure that when weapons are issued a record is taken of the receiving officer’s name, the date, time, weapon registration number, and type and number of munitions used. These details need to be checked when weapons and munitions are returned and any use should be reported following any operation.
- Conduct a thorough review of police tactics and the use of force and firearms during arrest and during public order policing, with a view to ensuring that they meet international standards, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Ensure that all police officials are familiar with the Indonesian Police Regulation on the Use of Force in Police Action (No. 1/2009) and the Regulation of the Chief of the National Police regarding the

Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police (No. 8/2009); and that they have the necessary knowledge and equipment to apply these principles in their daily work.

- Revise the existing mandate of the National Police Commission to ensure that it is an effective external police oversight mechanism. This means that it should be operationally independent of the government, political influence and the police itself, and accessible to members of the public throughout the country. Its mandate should empower it to, among other things, carry out effective investigations and refer cases to the Public Prosecutor. It should also have the power to choose when to supervise or manage investigations conducted by police investigation officers and when to carry out its own independent investigations.

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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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