

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Indonesia: No progress by police investigation into killing of peaceful Papuan protester**

The failure to resolve the killing of Papuan protester Opinus Tabuni, one year after the incident, highlights the continued lack of accountability in cases involving the lethal use of firearms by law enforcement officials.

Opinus Tabuni, aged 35, was part of a peaceful rally celebrating United Nations Indigenous People's Day on 9 August 2008 in Wamena, Papua province. Also present was the Indonesian police and other security forces. At the end of the rally some members of the crowd raised the United Nations flag, the Indonesian flag, an SOS flag saying Papuan people are in danger and the banned 'Morning Star' flag, regarded by Indonesian authorities as a symbol of the Papuan separatist movement.

According to reports, the police responded by using live ammunition to fire warning shots and attempted to remove the flag. Opinus Tabuni was discovered dead by members of the crowd with a bullet wound clearly visible on his chest.

In September 2008, an investigation team formed by the Jakarta branch of the National Human Rights Commission (Komnas HAM) discovered from the autopsy report that the bullet found in Tabuni's rib cage was a military bullet. However, since then, family members of Opinus Tabuni have not received any information on the investigations and have been unable to meet the Head of the Regional Police in Papua Province to seek updates on the case.

Amnesty International calls on the Indonesian authorities to ensure a prompt, impartial, independent and transparent investigation to determine how it is that a peaceful protester was shot to death. Those responsible for Opinus Tabuni's death should be held accountable and the government must ensure his family and dependents receive adequate reparations for their loss.

The police must also ensure that law enforcement officials in Papua apply non-violent means in carrying out their duties and only use force as a last resort, when strictly necessary. These principles, enshrined in international standards such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials, have also been included in the recent Regulation No. 8 of the Police Chief, signed in June 2009.

Amnesty International also calls on the President and Parliament to set up an independent police complaints mechanism which can supervise and manage investigations conducted by the police. Such a mechanism should also be allowed to carry out their own investigations, particularly in cases where excessive or lethal force has led to injury or death.

#### **Background**

Papua, Indonesia's eastern-most province, has witnessed increased violence in recent months. Three people have been killed, and more than a dozen wounded in a series of incidents near the Freeport gold and copper mine in recent weeks. In April, five people were killed in a series of incidents around the parliamentary elections.

In 2009, Amnesty International continued to document disproportionate and excessive use of force by the police during demonstrations in Papua. On 3 April 2009, police opened fire on a protest demonstration in Nabire, calling for the boycott of upcoming parliamentary elections and investigations into past human rights violations in Papua, injuring at least seven people. On 29 January 2009, also in Nabire, police violently dispersed a demonstration calling for local elections to be held. Police kicked and beat the demonstrators with rattan sticks and rifle butts. Rubber bullets were also used, injuring at least five people. Amnesty International is not aware of any investigation into these incidents.

Amnesty International considers all those who have been detained solely for peacefully displaying the 'Morning Star' flag to be prisoners of conscience who should be immediately and unconditionally released.

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