

ASA 34/001/2005



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November 3, 2005

Mr. Sam Inguba
Commissioner of Police
Royal Papua New Guinea Constabulary

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Dear Commissioner Inguba:

Human Rights Watch and Amnesty International write to express deep concern over reports that police shot and killed up to three students and wounded more than twenty others near Porgera top-up primary school in Enga province on Monday 31 October 2005. According to public statements attributed to Deputy Commissioner Gari Baki, officers opened fire to disperse the crowd after students threw rocks at police. The use of lethal force against individuals without firearms, some reportedly as young as nine or ten years old, is a serious matter. We welcome the steps that you have taken to initiate an investigation into the incident. We urge you to ensure that the investigation is thorough, impartial, and transparent, and that the results are made public when it is concluded.

In particular, the investigation should examine compliance with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Under the U.N. Basic Principles, where the lawful use of force and firearms is unavoidable, law enforcement officials must exercise restraint and act in proportion to the seriousness of the offense and the legitimate objective to be achieved. The U.N. Basic Principles further provide that the intentional lethal use of firearms may only be made "when strictly unavoidable in order to protect life." The Basic Principles are not a summary of "best practice"; they set out minimum standards which are intended to apply in all circumstances, including circumstances of adversity where police have limited resources and are beset by other challenges. (Practical guidelines on how incidents such as this should be investigated are contained in the United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Summary and Arbitrary Executions and the U.N. Manual on Effective Prevention and Investigation of Extra-legal, Summary and Arbitrary Executions. A copy of the first is attached and a copy of the latter is available at: <http://www.icrc.org/themissis.nsf/0/d5f51446802b4280c1256b02005cec67?OpenDocument>.)

We recognize the responsibility of the police to uphold law and order, and in no way condone violence by individuals against police. Those who assault police officers or others should be prosecuted appropriately. Unlawful actions by some individuals, however, cannot justify excessive use of force by police officers when carrying out arrests.

In addition, we urge you to hold accountable, both through disciplinary measures, including dismissal, and through criminal prosecution, any officers and their commanders found responsible for excessive use of force. Pending the results of your investigation, any police officer suspected of involvement in an alleged human rights violation should be suspended from active duty. As both you and your deputies have acknowledged, it is important that a clear message be sent to the general public that the Royal Papua New Guinea Constabulary will not tolerate excessive use of force by its members.

We welcome the establishment of an implementation committee to give effect to the recommendations contained in the September 2004 Report of the Royal Papua New Guinea Constabulary Administrative Review Committee to the Minister for Internal Security. The incident at Porgera serves to undermine the urgency and importance of that report, particularly as it relates to effective and transparent disciplinary and accountability mechanisms.

Thank you for your attention to our concerns, and we look forward to receiving a response at your earliest convenience.

Yours sincerely,

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Human Rights Watch

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