

Papua New Guinea: Investigate police killings

"I cannot permit the office of the coroner to be seen as scapegoat for police refusal to investigate its own killings" (Chief Magistrate George Manuhu)

Amnesty International is seriously concerned at the failure of the Papua New Guinea Government to ensure a prompt, independent and impartial investigation into the fatal shooting in June 2001 of at least four people during a police operation against anti-government protesters. The organization welcomes government promises to initiate a Commission of Inquiry into the protests and urges the Prime Minister to make the shooting deaths a central focus of the Commission's investigations.

Steven Kil, Peter Noki, Thomas Moruwo and Matthew Paven are known to have died from gunshot wounds, and at least 28 others were reportedly injured when paramilitary police fired automatic weapons at protesters in the capital, Port Moresby, in the early hours of 26 June 2001. The police action abruptly ended a week of non-violent protests near government buildings, led by university students against government economic reform programs.

The police operation followed a visit by Prime Minister Sir Mekere Morauta to the protesters on 25 June 2001 to receive a petition setting out their demands. During the following night, protesters resisted police orders to disperse, intending to await a response reportedly promised by the Prime Minister for the following day. After midnight, police gunfire and tear gas scattered hundreds of protesters, including women and children, many of whom sought refuge in the university campus. Paramilitary police then forced their way into the campus and intermittently fired at students and their supporters over several hours.

In a letter to the Attorney General dated 5 July 2001, the Chief Magistrate noted that it was "not disputed that the deceased were shot by police". The coroner appointed by the Chief Magistrate to investigate the deaths was reported as saying that police "were aiming with the intention of killing. It's a clear case that all died from gunshot wounds. Police have to identify the policemen involved and have them charged." So far no police officer is known to have been independently investigated, charged with criminal or disciplinary offences, or suspended from active duties.

Commission of Inquiry

A Commission of Inquiry, announced by Prime Minister Sir Mekere Morauta on 29 June 2001 to investigate "all aspects" of the protests has not yet been established. The Prime Minister explained the delay by stating he would consider representations made by relatives of the deceased, and would hold further consultations about the availability of commissioners. On 17 July 2001, the Prime Minister announced the appointment of a National Court Judge, Sir Robert Woods, as chairman of the future Commission, but again postponed announcement of the Commission's terms of reference.

The delays raise concerns that those responsible for the killings may eventually escape justice, particularly if investigations cannot start soon to secure evidence independently from the

police. The Prime Minister's media releases on the Commission of Inquiry stress the government's intention that its terms of reference "do not interfere with police investigations and the Coronial inquiry". These statements raise the question whether the government intends the deaths to be investigated by the Commission at all.

Allegations of brutality, excessive use of lethal force and cover-ups involving members of the Royal Papua New Guinea Constabulary (the police) have surfaced repeatedly over the past five years. Criminal suspects, including those not carrying guns and only suspected of non-violent crimes, are frequently shot dead by police, sometimes in disputed circumstances. Coroner's inquests often, but not always attempt to establish the cause and nature of death, but lack judicial powers and resources to ensure that police officers are held fully accountable for their actions. The recent fatal shootings therefore make a particularly compelling case for investigation by a body which is, and is seen to be, thorough, impartial, adequately authorized and resourced, and fully independent from police investigations and government authorities.

Terms of reference

Amnesty International welcomes the announcement of a Commission of Inquiry into the protests and the appointment of a senior judge as its head. The organization appeals to the Papua New Guinea Government to:

- ensure that the Commission of Inquiry and its terms of reference comply with the United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (adopted by the United Nations Economic and Social Council in resolution 1989/65 of 24 May 1989), in particular, that all Commission staff and operations are seen to be impartial and fully independent of both the police and the government;
- make the cause and circumstances of the shootings and the resulting deaths and injuries a central focus for the Commission's terms of reference;
- grant the Commission judicial powers to compel witnesses to give evidence, to compel the release of material evidence, and to ensure those responsible for human rights violations are promptly referred to the prosecuting authorities for trial;
- ensure that witnesses, lawyers, commission staff and police officers assisting the Commission are protected from intimidation and reprisals;
- seek assistance from donor countries, if necessary to ensure the highest possible standards of impartiality and independence of investigations;
- ensure that Commission proceedings, as a general rule, are held in public, and facilitate the prompt publication of a report on the Commission's findings;
- encourage the Commission to make recommendations on the future prevention of fatal police shootings and on the use of force in police crowd control.

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