



No: 08/SK-KontraS/X/2022

Subject: Open Letter: Regarding the human rights violations by Indonesian police and military in the 2022 Kanjuruhan Stadium

**To: Gianni Infantino, President of the Fédération Internationale de Football Association
FIFA Strasse 20, P.O Box 8044
Zurich, Switzerland**

Dear Excellency,

Dear Excellency,

The Commission for the Disappeared and Victims of Violence (KontraS) – the human rights non-governmental organization, based in Jakarta Indonesia and the Omega Research Foundation – a UK based human rights non-governmental research organization – would like to express strong concern regarding the human rights violations by Indonesian police and military in the 2022 Kanjuruhan Stadium.

Considering the severity of the human rights violations that occurred in the Kanjuruhan tragedy we question FIFA's decision, laid out in the letter "[Responding to the urgent appeal from the Government of Indonesia and the Football Association of Indonesia \[PSSI\]](#)", to not enforce punitive measures against the Indonesian Government and in particular PSSI.

The Indonesian National Police confirmed 131 deaths from this disaster whilst 133 deaths were reported by the Postmortem Crisis Center Post, established by the government of Malang Regency. However, the true number may be much higher as Arema FC have disputed the official numbers, alleging that more than 200 people may have been killed, as some of the dead bodies were immediately returned to their families instead of being transported to the hospital. There were several elderly people, women, and children amongst the fatalities. In addition, as of 7 October 2022, there were at least 547 injured. The disaster is the second deadliest in the history of association football worldwide, after the 1964 Estadio Nacional disaster in Peru, which killed 328 people. No football event that is worth the loss of a single human life.

This incident certainly adds to the long list of human rights violations by the Indonesian security forces. There are numerous examples of the police and military in Indonesia using excessive force when controlling crowds and policing peaceful assemblies. In this incident, many witnesses also saw police and military officers hitting and kicking the victims. Spectators who tried to help were shouted at and beaten before the police fired tear gas into the stands, causing panic and a crush which resulted in death.

The behavior of the police and military at this incident appears to violate the international principles governing use of force as laid out in Section 2 of the [UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement](#). Namely the principle of necessity (force must only be used when, and to the minimum extent necessary for the achievement of a lawful purpose), proportionality (any use of force must be proportional to the threat faced), legality (any use of force must have a legal basis and pursue a lawful purpose), precaution (law enforcement operations must be planned, prepared and conducted so as to minimize, to the greatest extent possible, the resort to use of force), and non-discrimination. In addition, paragraph 7.3.3 of the UN Guidance highlights the specific risks of using chemical irritants (such as tear gas) inside sports stadiums due to the panic it can cause and the likelihood of causing a stampede.

Under FIFA rules, the use of tear gas is prohibited to control crowds inside stadiums. The ban is contained in the FIFA Stadium Safety and Security Regulations. Article 19 (b) reads "No Firearms or 'crowd control gas' shall be carried or used." Although this regulation is only enforceable for matches under FIFA management these standards should be incorporated into national regulations.

We believe that members of the Indonesian military and police violated Indonesian laws and regulations by committing acts of violence when attempting to stop spectators from entering the Kanjuruhan stadium field. Arbitrary acts of violence by the security forces are clearly in violation of Articles 170 & 351 of the Indonesian Criminal Code. In addition, for members of the National Police, referring to Article 11 paragraph (1) (g) of the [National Police Chief Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in Carrying Out the Tasks of the National Police](#), it is stated that: "Every member of the National Police is prohibited from carrying out punishments and physical actions that are not based on law."

The firing of tear gas into the crowded spectator stands by the police violated the principle of using force in police action. Based on Article 2 paragraph (2) of the [National Police Chief Number 1 of 2009 on the Use of Force in Police Actions](#), it is stated that: "The use of force must go through the stages of preventing, inhibiting, or stopping the actions of criminals or suspects who are trying or are taking actions that are contrary to the law."

Excessive actions by members of the National Police violate the regular procedures for controlling crowds. In Article 7 (1) (a), (b), and (e) of the [National Police Chief Number 6 of 2006 on the Guidelines for Mass Control](#), for every member of the National Police who carries out Mass Control activities, it is stated that: "Things that are prohibited from being carried out by a mass control unit: (a). be arrogant and provoked by the behavior of the masses; (b). commit acts of violence that are not in accordance with procedures; and (e). carry out acts of violence that come out of unit/formation bonds and carry out individual mass pursuits."

The Indonesian Government has established a fact-finding team to investigate the tragedy. However, the composition of team includes military and police personnel which, we believe, undermines the independence of the team and will cause a conflict of interest. Up to now, 6

people have been named suspects, namely Akhmad Hadian Lukita as President Director of the New Indonesia League, Abdul Haris as Arema Organizing Committee, Suko Sutrisno as Security Guard, Wahyu SS as Head of Malang Resort Police Operations Section, Has Darman as Deputy Commander of the Police Mobile Brigade Company. East Java Region, and Bambang Sidik Afandi as from the Malang Resort Police Samaptha Unit. We consider that there are still many actors who have not been linked in this tragedy, especially those with higher command levels.

We believe that FIFA, as the international governing body of football, should take steps to avert such a tragedy occurring again. Based on our report above, we would like to urge FIFA to:

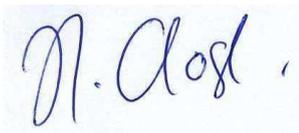
1. Recommend all affiliated associations of FIFA to incorporate Article 19 (b) of the FIFA Stadium Safety and Security Regulations into their national regulations thus prohibiting the carrying and use of firearms and 'crowd control gas' at all football matches.
2. Encourage the Indonesian government to take appropriate action to provide effective remedies to victims and victims' families.
3. Encourage the Indonesian government to establish a fully independent fact-finding team.
4. Review steps taken by PSSI to address safety and security issues and ensure they are adequate to prevent such a tragedy happening again.
5. Ensure FIFA takes applicable disciplinary or punitive action against PSSI.

We are waiting for FIFA to make another immediate response regarding this issues and we look forward to hearing from you soon. Thank you very much for your consideration.

Jakarta, October 7, 2022



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