

PRESS STATEMENT
Number: 003/Humas/KH/I/2021

In response to the death of 6 (six) FPI Warriors (Islamic Defender Front) that took place at the Jakarta Cikampek Toll Road and parts of Karawang, the National Human Rights Commission of the Republic of Indonesia (Komnas HAM RI), has formed an Investigative Team to investigate the case in accordance with the mandate of Komnas HAM Article 89, Law Number 39 of 1999 concerning Human Rights since 07 December 2020.

Investigation Process

In the context of investigating the incident, the Investigative Team has carried out a number of investigation processes, including:

A. Direct Inspection of the Scene

The Investigative Team has conducted an inspection of the Scene (TKP) in a number of locations starting from Sentul Bogor area, Jagorawi and Cikampek TOL Roads in the direction of Karawang, and several locations in Karawang Regency, West Java, and obtained several results, including:

1. Finding a number of items

From the results of this direct inspection, the Investigative Team found a number of objects that could be suspected as part of the evidence of the incident, including:

- 7 (seven) pieces of bullet parts (projectiles);
- 3 (three) pieces of bullet parts (cartridges);
- 26 pieces of silver car headlights;
- 7 (seven) pieces of clear car glass;
- 5 (five) pieces of red car brake light
- 1 (one) piece of suspected bullet part (projectile);

- 1 (one) piece of suspected bullet part (back part of bullet shell);
- 6 (six) pieces of suspected hood of car;
- A number of other objects related to car parts, including a bolt, wheel cap, and tire fragments;
- One earphone; and
- Evidences of parts of Jasa Marga's CCTV Joint Closure in the form of optical fiber (FO), protective cables, plastic hooks and fastening bolts.

The objects that can be suspected as part of the evidence of the incident were found at a number of scene locations, including:

- The shoulder of the road in front of a mosque in Karawang, West Karawang International Road;
- The shoulder of the road in front of a Ruko (Shop House), West Karawang International Road;
- Cultural Village Loop Park, West Karawang International Road;
- Along the road divider that pass the Karawang City Gate to the Badami Roundabout, in front of Novotel Karawang, West Karawang International Street; and
- Rest Area of Jakarta – Cikampek Toll Road KM 50.

2. A number of statements obtained from witnesses, including:
 - a) In the Sentul area, among others:
 - 1) There were a number of cars that were suspected of carrying out surveillance since a few days before the incidents on the 6th and 7th day in the morning which were suspected to belong to officers
 - 2) there was a statement that the FPI Warriors' car headed to Sentul from Petamburan.
 - b) In the KM 50 rest area, among others:

- 1) there were 4 (four) members of the FPI who were still alive and have been dropped from the car onto the road;
 - 2) there were 2 (two) people who were suspected of having died with 1 (one) sitting in the car and 1 (one) having been dropped to the road, it is suspected that the visible injuries were gunshot wounds
 - 3) bloods were visible on the road in front of one of the stalls.
 - 4) it was seen that the officers were committed violence against 4 (four) people who were still alive, ordered them to squat and lie down.
 - 5) There were several pieces of evidence placed on the table of one of the stalls by the officers.
 - 6) it was seen that 4 (four) people who were alive were put into the car through the rear and side doors without being handcuffed.
 - 7) It was heard that officers were ordering to delete the recording and checking the cellphone.
 - 8) Explanation by the officers to the public was heard that this incident was related to drugs and also related to terrorism.
 - 9) there was a number of officers who had been in the KM 50 rest area since + 20.00 WIB (officers for the Covid-19 vaccine),
 - 10) several cars were seen, including spin, avanza, xenia, towing and landcruiser cars.
- c) In the Karawang area and other rest areas, among others:
- 1) there was a number of officers, armed and unarmed after the call to prayer (officers for the Covid-19

vaccine) around the rest area and the overpass at the Toll Road.

- 2) there was information about a group of FPI cars that stopped at a gas station in the Karawang area.
- 3) there was a statement of hearing gunfire in 2 (two) locations in the Karawang area.

B. Request for Information

This request for information was made to obtain direct testimony and information from the parties in the incident, including the Police, among others the Chief of Metro Jaya Police, DOKES, SIBER, INAFIS, LABFOR and police officers on duty in the incident, FPI officials and witnesses, victims' families, and the President Director of PT Jasa Marga including technical officers.

1. Information from the Police among others:
 - a) the existence of surveillance activities from Polda Metro Jaya to anticipate summons related to the crowd case and information on mass mobilization in large numbers by FPI. This is especially due to rejection/obstruction of previous summons and an assignment letter and an investigation letter for the activity dated December 5, 2020, were shown.
 - b) explanation regarding the car in the incident, including seeing and checking the condition of the car.
 - c) description of the incident, the members on duty, the car used and the weapons used.
 - d) related to receiving the body, conditions, procedures and requesting photos of the process carried out from the beginning to the end of the handling of the body.
 - e) explanation regarding the confiscated items and their explanation, including cellphones, voice notes and weapons.

2. Information from FPI among others:
 - a) related to FPI officers who carried out escort in Sentul and along the road until the incident occurred and after the incident.
 - b) related to surveillance and tailing, including in connection with a number of suspicious cars.
 - c) related to the incidents on 4 December in Mega Mendung, Bogor Regency.
 - d) related to refusal of possession of weapons.
 - e) related to communication and communication methods carried out in the series of incidents.
 - f) giving voice notes and recordings along with their explanations.
3. Information from the victims' family, including:
 - a) The condition of the body when received by the family,
 - b) daily information on victims.
 - c) hope of justice.
4. Information from Jasa Marga and technical officers, including:
 - a) the cause of a number of CCTVs that were not functioning properly.
 - b) provision of direct explanation in the field showing the damage and how the damage occurred.
 - c) explanation regarding participation in the protection of the Covid-19 vaccine.
 - d) provision of thousands of CCTV videos and CCTV screen captures.

C. Request and Receipt of Evidence

To clarify the incident, the Team has requested a number of evidence and received evidences that have been voluntarily provided in the form of, among others:

1. From FPI and the families of the victims, among others:
 - a) Voice notes totaling 105 conversations;
 - b) recording of talks;
 - c) photo of the suspected car
 - d) digital footprint for digital timelines;
 - e) 32 photos of the condition of the body after being received by the family;
 - f) photos related to the incidents of 4 December 2020;
 - g) legal views of the incident.

2. From the police, among others:
 - a) A number of PowerPoint (PPT) explaining the incident (Inafis, laboratory, medicine, cyber) accompanied by photos.
 - b) Voice notes obtained from the victim's cellphone (cellphone) totaling 172 recordings and 191 transcripts.

3. From Jasa Marga, among others:
 - a) videos that recorded the toll roads and gates in and out related to the incident totaling 9,942.
 - b) Screen capture from smart CCTV speed-counting/speed-cam totaling 137,548 photos.

D. Process of Inspection and Testing of Evidence.

To make the incident clear, the Team has examined and tested the evidences in the form of:

1. Forensic Laboratory Tests: conducted by POLRI forensic laboratory tests at the request of the Team and in the Team work scheme, with assistance by experts from Pindad and direct monitoring on site during the process by civil society engaged in law and human rights. The process involved the experts and civil society directly, including hearing the results directly together with the TEAM. This process,

at the same time, was also testing the weapons used by officers and the non-manufactured/homemade weapons that were allegedly used by FPI. The results are as follows:

- a) 7 (seven) pieces of evidence suspected to be part of projectile are declared that 2 (two) pieces of evidence are not part of the projectile and 5 (five) pieces of evidence are part of the projectile. Of the 5 (five) projectiles, 2 (two) are identical to non-assembled weapons (1 from the brown hilt assembly and 1 cannot be identified from which assembled weapon) and 3 (three) cannot be identified their type of weapon due to large changing conditions /deformation and 2 (two) are not part of the bullet.
- b) 4 (four) pieces of evidence suspected to be part of the bullet shell and are declared that 1 (one) evidence is not part of the bullet shell (cartridge) and 3 (three) bullet shell are identical to the weapons of a police officer.

2. Examination of voice notes and transcripts, voice recordings and digital timelines. This was done manually and confirmed to the witnesses who spoke in the voice note that were still alive, including asking for an explanation of the context and location.

The results include:

- a) Clarity of the sequence of incidents chronologically along with the context, which include:
 - 1) Obtaining an incident route scheme from Sentul during the trip on the Toll to the exit gate of the East Karawang Toll, outside the toll along the exit gate of the East Karawang Toll until entering the West Karawang Toll and KM 50
 - 2) Obtaining the context of the escalation of tensions and acts of violence. *First*, low escalation from Sentul to the exit gate of the East Karawang Toll. *Second*,

moderate escalation from the exit gate of the East Karawang Toll to the flyover of the Karawang Swissbellin Hotel. *Third*, high escalation starting from Karawang Swiss-bellin Hotel, the entrance of the West Karawang toll road to KM 49 on the toll road.

The low escalation indicates that there was no friction between FPI cars and officers' cars and it was still a long distance away. The moderate escalation started with car friction and with close range, and the high escalation was started with car crashes and gunfire.

3. There was a context of opportunity to move away by the FPI cars from the officer cars, but instead they took action to wait for the officer cars.
4. Inspection on Video and smart CCTV screen-capture from Jasa Marga was done manually by comparing one point with another point on CCTV, marking car characteristics and car number plates, comparing with voice note timelines and digital trace timelines, discussions with Jasa Marga and checking e-Samsat DKI Jakarta, West Java Sambara, Banten Sambat and Central Java Sakpole. The results include:
 - a) On the way on the toll road, there was a group of FPI cars going to and out of the East Karawang Toll.
 - b) In the video capture, there was a constant driving condition and there was no visible friction.
 - c) A number of cars included in the voice note conversation was on the toll road route.
 - d) It was seen that some cars in the incident were reentering the toll road again through the West Karawang toll road gate.

- e) Several cars were seen exiting the East Karawang toll road gate after the KM 50 incident, including a towing car carrying FPI's Chevrolet Spin.

E. Expert in depth

The Team conducted expert in-depth studies to explain the incident by inviting experts of medical forensic, weapons forensics from Pindad and forensic psychology.

The results of this in-depth studies include:

- 1) The forensic medicine provides views, among others, by looking at the comparison of photos of the family and the autopsy process and exposure to the police PowerPoint (PPT), listening to explanations regarding the condition of the car, especially bullet holes and seeing photos of the condition of the car.

It was explained among other things that:

- a) There are 18 gunshot wounds on the 6 (six) bodies.
 - b) there is a suture wound as a result of the autopsy.
 - c) several photos showing injuries other than gunshot and stitching wounds resulting from the autopsy, not the result of acts of violence, including information resulting from arson, but due to the consequences of the timing and conditions of the body.
- 2) The forensic psychology provides the views, among others by listening to voice notes, viewing photos of victims, listening to explanations of testimonies, without directly listening to/interviewing witnesses, among others providing the view that there is no burden in the talk by the speaker, there is a baseline for preparation to defend and fight.
 - 3) There are 6 (six) weapon expert brought from Pindad with expertise in ammunition, weapons, metallurgy, combat vehicles and product quality-assurance. The six experts, including by seeing the

evidence directly and following the process at Labfor, provide views, among others:

- a) open and accountable processes because they can see and follow the process directly, including being directly monitored by the community.
- b) the equipment used are meeting the standards and are sophisticated.
- c) the procedure also meets the requirements.
- d) visibly assessing the presence of evidence originating from firearms, but not including manufactured or non-manufactured weapons.

In addition to the above processes, the Team also simulated/reconstructed the shooting incident of 2 (two) FPI members and 4 (four) FPI members at the Komnas HAM Office to explore these two incidents after the Team received the views of the forensic medical expert who was invited independently by the Team. In addition, the Team also facilitated Komnas HAM witnesses who would be questioned by the police at the Komnas HAM Office by providing a place and seeing the process in person.

The substance of the facts of the findings is briefly as follows:

Based on a series of investigation results, the Komnas HAM Investigative Team formulated a number of factual findings, including:

1. That it is true that the Polda Metro Jaya deployed officers to tail Muhammad Rizieq Shihab (MRS) as part of the investigation process regarding the Health Protocol violation case. This is evidenced by the existence of a letter of assignment to a number of members of the Jakarta Metro Police Direskrim dated December 5, 2020 to carry out tailing regarding the existence of MRS;

2. A fact is also found that there had also been surveillance and tailing efforts against MRS carried out by officers who were declared not from the police by the police since the Mega Mendung Sharia Markaz Area to Sentul Area, Bogor, West Java on December 4, 2020;
3. A fact is found that there was a concentration of security officers in full uniform on December 6-7, 2020 at a number of toll gate points, rest areas and pedestrian bridges at a number of points along the Jakarta-Cikampek Toll Road. However, based on the results of the investigation, it was confirmed that the concentration of fully armed officers was in the context of the escort process of the covid-19 vaccine carrier group from Soekarno Hatta Airport to Bio Farma Bandung.
4. In relation to a number of Jasa Marga CCTVs that did not function properly on the date of the incident, the Investigative Team conducted an examination of a number of witnesses and carried out direct checks to the point of location and found the fact that there had been a failure to send CCTV image recordings through the server channel due to the breakdown of the optical fiber inside a CCTV Joint Closure. This has resulted in the malfunction of CCTV starting from KM 49KM 72 of the Jakarta-Cikampek Toll Road as it should be.
5. That based on the testimony of witnesses and the results of analysis of CCTV footage and analysis of recorded conversations (viocernote), facts were obtained and identified that a number of four-wheeled vehicles were suspected of tailing MRS and their entourage from Sentul area, Bogor, to December 7, 2020 (dawn), with detailed information as follows:
 - Black (Toyota) Avanza with Police Number B 1739 PWQ.
 - Silver (Toyota) Avanza with Police Number B 1278 KJD.
 - Officer car with Police Number B 1542 POI.
 - Silver Avanza with Police Number K 9143 EL.
 - Silver Xenia with Police Number B 1519 UTI.
 - Land Cruiser with police number (not identified).

- That it was true that the vehicles of Avanza Silver K 9143 EL, Xenia B 1519 UTI and B 1542 POI and Land Cruiser were recognized as police officers' vehicles who on the date of the incident were tailing MRS;
 - As for the vehicles of Avanza B 1739 PWQ and B 1278 KJD, which according to witness testimony and the results of identification of CCTV recordings and analysis of recorded conversations, which were actively involved in the tailing of the MRS group, were not recognized as cars belonging to the Polda Metro Jaya officers who were carrying out the tailing task.
 - There were several other vehicles that after being identified by the Investigative Team and caught by CCTV cameras driving behind the MRS group, but it is not yet certain whether they were in the context of carrying out the tailing task or not.
6. Whereas the brief chronology of the death of 6 (six) FPI Warrior personnel was motivated by the activity of tailing the MRS which was actively starting from 6-7 December 2020 when the MRS group together with a number of guards totaling 9 (nine) units of four-wheeled vehicles moved from the housing complex. The Nature Mutiara Sentul to a place in Karawang Regency, West Java. The chronological brief is explained as follows:
- The MRS group's car was being tailing since leaving the gate of the housing complex, entering the North Sentul 2 Toll Gate to the Cikampek Toll Road and exiting the East Karawang Toll Gate. The movement of the car accompaniment was still normal. Even though the FPI witness said there was a maneuvering into the group, the police version admitted that they only occasionally advanced from the left lane of the toll road to ensure that the tailing target was in the group's motorcade;
 - The group exited at the East Karawang Toll Gate and were still followed by several vehicles which tailing them. A total of 6 (six) MRS group cars drove first and left 2 (two) other escort cars, namely the Den Madar car

(Avanza silver) and the Special Warrior (Chevrolet Spin) to keep the trailing car unable to approach the HRS car and the group.

- The two FPI cars managed to distance themselves and had the opportunity to run away and get away, but took action to wait. Finally, they met again with the K 9143 EL officer car and 2 (two) other cars, namely B 1278 KJD and B 1739 PWQ;
- Whereas 2 (two) escort cars of the MRS namely Den Madar and the Special Warrior, each containing 6 (six) people, passed a number of roads in the city of Karawang and were also followed by three tailing cars. They, among others, passed Jalan Raya Klari, through Jalan Raya Pantura (Surotokunto) Jalan Ahmad Yani, and Jalan Tarumanegara, West Karawang International Road, until they returned through the West Karawang Toll gate;
- Whereas a fact was found that there had been a car chase, bumping, and ended up attacking each other and shooting contact between the FPI Special Warriors' car and the officers' car, especially along the West Karawang International road, allegedly up to KM 49 and ending at KM 50 Jakarta Cikampek Toll Road.
- Whereas at KM 50 Cikampek Toll Road, 2 (two) members of special warrior were found dead, while 4 (four) others were still alive and brought alive by police officers. There was also information on violence, blood cleansing, notification that the incident was a case of drugs and terrorism, taking CCTV at one of the stalls and orders to erase and check people's cellphones there.
- The police officers admitted to securing a number of evidences in the form of two homemade weapons, with brown and white handles, a samurai, a sword, sickles, and a sharp wooden stick.
- Whereas the four members of special warrior were then shot dead in the officer's car while on the way from KM 50 and above (towards Polda Metro Jaya) with information only from police officers that there had been an attempt to fight the officers threatening their personal safety so a firm and measurable action was taken.

The incident above essentially is as follows:

1. Whereas the tailing of MRS by Polda Metro Jaya was part of the investigation of health protocol violation case which was allegedly committed by MRS.
2. There was surveillance and tailing outside the police officers
3. Whereas there were 6 (six) people who died in two different contexts of incidents.
 - The incident along West Karawang International Road until the area which was allegedly reaching KM 49 Cikampek Toll which killed 2 (two) FPI Warrior, in the substance of the context was an incident of car nudging, hitting and attacking each other between police officers and FPI warrior even using firearms.
 - Meanwhile, with regard to the Km 50 incident and the four people still alive under the control of state officials, who were later also found dead, this incident is a form of Human Rights Violation Incident;

The shooting of four people at one time without any other effort being made to avoid the increasing number of casualties indicates an unlawful killing of the 4 members of the FPI Warrior.

Recommendation

Based on the conclusions that have been formulated, the Komnas HAM Investigative Team recommends the following:

1. The death of 4 (four) FPI Warrior members is a category of human rights violations. Therefore, Komnas HAM recommends that this case be continued to law enforcement with a criminal court mechanism in order to obtain more complete material truth and uphold justice.
2. Investigate and enforce the law against the people in the two black Avanza B 1739 PWQ and Silver Avanza B 1278 KJD cars.

3. To further investigate the possession of firearms allegedly used by FPI Warrior.
4. Request a law enforcement process, which is accountable, objective and transparent in accordance with human rights standards.

This Investigation Report will be submitted to the President and Coordinating Minister of Politics, Law, and Human Rights. Komnas HAM RI hopes that the disclosure of the death incidents of 6 (six) FPI Warrior is conducted in a transparent, professional and credible justice process.

Jakarta, January 08, 2021

Komnas HAM Monitoring and Investigative Team