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Indonesia: Asylum-seeker tortured to death in detention

The Indonesian authorities must ensure that their investigation into the death by torture of an Afghan asylum-seeker in a West Kalimantan detention centre is independent, impartial and efficient. Those suspected of involvement, including any relevant persons with superior responsibility, must face justice and reparations must be offered to his family.

On 28 February a 28-year-old man was taken from the Pontianak immigration detention centre to the Soedarso hospital where he was pronounced dead on arrival. According to the Indonesian police, the findings of a medical examination suggest he died due to blunt force trauma. His body was reported to be covered with bruises caused by beatings and he had cigarette burns on his wrists. News reports indicate that his wrists had been bound. Blood was found in his mouth and nose. Two of the four guards working in the detention centre at the time of the beating are being questioned by police. The police have not yet named any suspects.

The man and five other Afghans escaped from the Pontianak immigration detention centre on 26 February 2012. When the police recaptured and returned them to the detention centre, they were reported to be in good health. The man had applied for refugee status with the UN High Commissioner for Refugees (UNHCR), but had been in custody since at least early November 2011 for breaching travel restrictions imposed on asylum-seekers.

The Indonesian authorities are responsible for the safety and well-being of all those held in their prisons and detention centres. Amnesty International welcomes the fact that they promptly initiated an investigation into the man's death. The authorities must now ensure that the investigation is impartial, independent and efficient. Those found responsible should be brought to justice in proceedings which meet international standards of fairness.

The wider circumstances of the case must also be investigated, including procedures, monitoring mechanisms and training of staff, to ensure that such appalling events do not occur in the future.

The use of torture and other ill-treatment by law enforcement officials in detention is still widespread in Indonesia. The lack of accountability and the failure to criminalize acts of torture in the Criminal Code contributes to this culture of impunity.

Amnesty International urges the Indonesian government to revise and enact at the earliest opportunity a new Criminal Code that complies with international human rights law and standards and includes provisions explicitly prohibiting and punishing acts of torture.

Under customary international law the right not to be tortured or otherwise ill-treated is absolute and non-derogable. Moreover, Indonesia is a state party to the International Covenant on Civil and Political Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which prohibit acts of torture and other ill-treatment in all circumstances.

The government should also ratify the Optional Protocol to the UN Convention on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which would establish a system of regular visits by independent international and national bodies to all places where people are deprived of their liberty.

The right to seek and enjoy in other countries asylum from persecution is enshrined in the Universal Declaration of Human Rights and, as a rule of customary international law, is binding on all states, including Indonesia. It imposes on Indonesia a duty to ensure that asylum cases are considered in a fair manner and that protection is provided for those who need it.