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Indonesia: Police accountability mechanisms crucial to reform process

As President Susilo Bambang Yudhoyono announces plans to restructure the Indonesian National Police, Amnesty International urges him to prioritize the establishment of strong police accountability mechanisms. Such mechanisms would counter deeply ingrained impunity throughout Indonesia's criminal justice system and help win the trust of the local community.

Over the last week, the President approved a series of proposals from the police to change the National Police structure. However there has been no mention of a review or restructuring of existing police accountability mechanisms.

In June 2009 Amnesty International published a major report, *Unfinished Business: Police Accountability in Indonesia*. Over one year later, the government has still not reformed police accountability systems and the police continue to operate with impunity. In November 2009, Amnesty International highlighted a pattern of unchecked human rights violations by the police in Nabire, Papua, including possible unlawful killings, excessive use of force and torture and other ill-treatment. To Amnesty International's knowledge, there has been no investigation by the police into any of these allegations.

In the past three years, many Indonesians have told Amnesty International about the difficulties in lodging complaints on police misconduct to the Division of Profession and Security (Propam), the internal affairs division. The government and police must immediately review the current internal accountability system for submitting and processing complaints of police abuse to ensure that investigations are prompt, impartial and independent.

Victims of police abuse usually do not know where to lodge a complaint and lawyers acting on their behalf find the process of submitting a complaint to Propam opaque. They are usually given no information on what procedures to follow.

One of the main weaknesses of the current internal disciplinary system is the fact that many complaints by members of the public involve possible human rights violations by Criminal Investigation Department police officials. However it is the Criminal Investigation Department itself which is in charge of submitting criminal cases to the Public Prosecutor once the police investigation report is final.

The government must nominate a separate department to conduct investigations into suspected cases of criminal offences involving human rights violations by members of the Criminal Investigation Department so that the investigation is impartial and objective.

The government should also take steps to set up an independent police complaints mechanism that can receive and deal with complaints from the public. The National Ombudsman, the National Police Commission and the National Human Rights Commission can provide potential external oversight mechanisms for police work. However, the mandate of these commissions remains largely inadequate to deal effectively with public complaints about ongoing police abuses, and bring justice and reparations to the victims.

This task could be undertaken either by a new mechanism or an existing external police oversight mechanism as long as its terms of reference provide for operational independence from the government, political influence and the police itself; and it is accessible to people throughout the

country. Its mandate should empower it to, among other things, receive complaints; carry out effective investigations; and refer cases to the Public Prosecutor or to the police internal disciplinary body.

Until these crucial reforms are made, any steps taken to restructure the police will fail to address the core issues that have been raised consistently by civil society groups and victims of police abuse in Indonesia.

Background

In the last decade the Indonesian police have made significant progress in becoming an effective and independent body. In 2009, the police introduced two new policing regulations, the “Use of Force in Police Action” and the “Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police”. However Amnesty International continues to document human rights violations by the police, including possible unlawful killings; excessive use of force; and torture and other cruel, inhuman or degrading treatment during arrest, interrogation and detention. Moreover the police often fail to take adequate steps to protect religious and sexual minorities from intimidation, harassment and attacks.

Amnesty International’s 2009 report documented a pattern of police abuse towards criminal suspects living in poor and marginalized communities and made a series of recommendations to strengthen internal and external accountability mechanisms.

For further information on recent cases of police abuse documented by Amnesty International, see:

Indonesia: Complicity in acts of torture (Index: ASA 21/015/2010)

<http://www.amnesty.org/en/library/info/ASA21/015/2010/en>

Indonesia: Failure to protect LGBT activists in Surabaya (Index: ASA 21/014/2010)

<http://www.amnesty.org/en/library/info/ASA21/014/2010/en>

Indonesia: Open letter on unchecked police abuse in Nabire district, Papua (Index: ASA 21/024/2009)

<http://www.amnesty.org/en/library/info/ASA21/024/2009/en>

Indonesia: Unfinished Business: Police Accountability in Indonesia (Index: ASA 21/013/2009)

<http://www.amnesty.org/en/library/info/ASA21/013/2009/en>

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