



HUMAN RIGHTS-BASED POLICING IN INDONESIA

INTERNAL ACCOUNTABILITY

For a police force to be effective, it must be trusted. In order to be trusted, police must be accountable for their actions. Accountability, which is crucial in seeking to achieve respect for human rights, needs to start from within the police force itself.

Internal accountability relies on chain of command responsibility which starts with good leadership: managers are responsible for their teams and individual officers. When acts of misconduct take place, there should be clear disciplinary or criminal procedures.

CHAIN OF COMMAND RESPONSIBILITY

Discipline and control within the police relies on an effective chain of command – the internal hierarchy. In all police agencies there is a chain of command running from the Chief of Police, through department and unit heads through to the newest recruit. It should always be possible to identify who is responsible to whom. A clear chain of command, as well as effective supervision, is crucial to internal accountability.

Supervisors (any officer who has responsibility for the supervision of others) are responsible for:

SUPERVISION OF INDIVIDUAL OFFICERS

- giving guidance and encouragement; ensuring that procedures are followed correctly and carrying out regular performance assessments.

SUPERVISION OF OPERATIONS

- giving appropriate instructions before an operation and carrying out an evaluation afterwards, taking any necessary follow-up action.

REPORTING

- on their work and that of their subordinates to their superiors further up the chain of command.

REPORTING PROCEDURES

Police work requires a degree of discretion by individual officers because much of their work is carried out without the presence of supervisors. Hence, adequate reporting procedures are essential for ensuring accountability.

Most police agencies require officers to fill in reports after carrying out actions such as arrest and detention or use of force and firearms. It is not always possible for supervisors to ensure that these reports are accurate, but detailed report forms serve to “walk” the officer through the procedures and constitute a record to hold the officer accountable for his or her decisions.

International standards rarely refer specifically to reporting procedures. However, compliance with many of the provisions in international standards can only be met if reporting procedures are in place.

COMPLAINTS FROM THE PUBLIC

There should be a clear, non-discriminatory and well-publicized independent system for complaints from the public.

The process for making a complaint should not deter or intimidate members of the public and it should be possible to file a complaint over the telephone or in person at any police station (not just at headquarters). All complaints should be filed – it should not be left to the officer receiving the complaint to decide. There should be mandatory record-keeping and tracking systems for all complaints to ensure that they are dealt with fairly and expeditiously. It is crucial that the complainant's security is guaranteed.

ENSURING IMPARTIALITY

The process of investigating the complaints must be carried out by a separate body within the police to avoid any interference on the part of the officer or unit against whom the complaint was made.

It is also possible to introduce an external element of scrutiny, such as a respected member of the community who could, at any time, carry out an ad hoc inspection of a selection of cases. He or she would report to the Chief of Police and also report publicly about the general handling of complaints.

DISCIPLINARY PROCEDURES

Disciplinary proceedings relate to the conduct of police as employees. Misconduct can be minor, such as coming in late or being inappropriately dressed, but it can also involve major offences including human rights violations. Offences that do not amount to crimes are dealt with under disciplinary procedures.

Disciplinary procedures should be impartial. Internal Affairs Units must be adequately staffed with appropriately trained investigators. The investigations should be carried out by an officer with equal or a superior rank to the officer under investigation. Disciplinary procedures should be thorough and fair, in order to protect the rights of the complainant or victim as well as those of the police officer. They should take place within a reasonable time period.

CRIMINAL PROCEDURES

Police officers are subject to the national law. Whenever there is information that an infraction may amount to a criminal offence, the alleged offence should be reported immediately to the appropriate investigation and prosecution authorities.

Police accused of criminal acts should have the same rights as any other citizen including the right to be presumed innocent, to be tried by an independent and impartial court and to appeal against the verdict and sentence.

Those investigating misconduct and/or human rights abuses often find a range of system failures that contribute to or cause abuses and misconduct. Failures include the absence or inadequacy of operational and/or administrative procedures, negligent supervisors and a culture that fosters camaraderie rather than professionalism. It is therefore crucial that lessons are drawn from case-based investigations which can then contribute to reforming and strengthening the internal accountability system to prevent future abuses and end bad practice.

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