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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Indonesia: Torture continues without effective punishment or remedy

The Asian Legal Resource Centre (ALRC) wishes to inform the UN Human Rights Council (UNHRC) about the grave situation of torture in Indonesia. Over the past one year, police officers continue to be the actors most frequently committing torture. The key motive behind this is obtaining confessions from the accused, thus allowing the police to complete their investigation report.

In 2013 for instance, Mr. Aslin Zalim was forced to confess and tortured to death in the custody of Bau Bau Police Resort (Polres Bau Bau), South East Sulawesi Province. In 2014, Mr. Oki Saputra, a suspect of motorcycle theft, was tortured for confession in police custody. In 2015, police officers of the Widang Police Sector (Polsek Widang), Tuban Regency, East Java Province, tortured Fiki Arfindo (13) to confess. Further, in 2016, Mr. Siyono, a terrorist suspect, was forced to confess and tortured to death by the Anti-Terror Police Unit (Densus 88). Similarly, Mr. Juprianto and Marianus Oki were both tortured to death to obtain confessions in police custody. In all of these cases, the police have made little progress in investigation. The few cases of torture that have been prosecuted have resulted in light punishment, with no remedy for victims or their families.

In the last two months, the ALRC's sister organization, the Asian Human Rights Commission (AHRC), documented and reported the torture of Mr. Asep Sunandar committed by police officers of Cianjur Police Resort (Polres Cianjur). This case was also advocated by national human rights organizations, Jakarta Legal Aid (LBH Jakarta) and the Commission for the Disappearances and Victims of Violence (KontraS). Mr. Asep Sunandar was detained since 10 September 2016 along with his two friends in Cianjur Police Resort (Polres Cianjur), West Java province without any arrest warrant. After being arrested, Asep and his two friends were separated; Asep's friends were brought to Cianjur police resort, whereas Asep was brought to an unknown place. In the afternoon, Asep's family was informed by the local hospital (RSUD Cianjur) that Asep had passed away. When his family went to the hospital to see Asep's dead body, the hospital asked them to obtain a permit from the police. After obtaining the permit, Asep's family saw his dead body with 12 holes and bleeding. The police denied the family's request to take his dead body home. Up until present the investigation is still on going, with very little progress being made.

The above mentioned torture cases are also cases of victims in police custody without the presence of lawyers or legal counsel. Although Law No. 16 on Legal Aid was enacted in 2011, the law has not yet made any contribution in preventing or eradicating torture. Limited budget and low performance of the legal aid providers are problems, and the government has not yet successfully addressed these issues. Furthermore, the legal aid law merely provides legal aid for those who cannot afford it; there is no free legal aid for vulnerable groups and minorities, including people with disabilities.

For the past decade, the problem of torture in Indonesia remains the same; the absence of any national law or regulation that strongly prosecutes or punishes torture as a crime under fair trial principles and in line with the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). This circumstance is worsening, while the revision of the Indonesian Penal Code (KUHP) has made only little progress in the last decade. Furthermore, the revised KUHP bill does not regulate a high standard of law enforcement, and punishment against torture is limited under Article 1 of CAT, overlooking Article 16. This failure to broaden the definition of torture will make prosecution against torture difficult to implement.

Considering the repeated torture and lack of prosecution against it in Indonesia, the ALRC respectfully requests the UNHRC to:

- a. Urge the Indonesian government and parliament to promptly complete the revision of the Penal Code and ensure prosecution and punishment of torture. Moreover, the government should guarantee remedies for victims and families.
 - b. Urge the government to ensure the prosecution and punishment of those committing torture is done under due process and fair trial principles.
 - c. Urge the Chief of National Police to ensure accountability and proper investigation into police officers accused of torturing suspects. The police should also apply human rights standards in its internal and external policies, as well as train and educate police officers about fair trial and the prohibition of torture and ill treatment.
 - d. Urge the government to continue security sector reform with adequate resources and regulations.
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