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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.

[14 May 2017]

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

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INDONESIA: Extrajudicial and arbitrary executions will not end with policing remaining the same

1. The Asian Legal Resource Centre (ALRC) wishes to inform the UN Human Rights Council (UNHRC) about recurrent extrajudicial, summary and arbitrary executions in Indonesia, and its most common pattern, that is, victims often tortured to death during police crime investigations. In the past two years of President Mr. Joko Widodo's administration, police continue to be the main perpetrators of this crime.
2. Recurrence of extrajudicial execution in Indonesia is largely due to the impunity enjoyed by the offenders, especially if they are part of the police or military institutions. The ALRC's sister organisation, the Asian Human Rights Commission (AHRC), notes that within the past 12 months, the country's criminal justice system is yet to effectively act upon cases of police officers or military personnel engaged in extrajudicial executions. In the case of Mr. Asep Sunandar for instance, who was tortured to death by Cianjur police officers, West Java, on 10 September 2016, until the time of writing, the prosecutor has yet to bring the case to court. In the case of the extrajudicial execution of environmental activist Mr. Jopi Teguh Lasmana Peranginangin by the military, the Military Court II 08 in Jakarta convicted Private-in-Charge Mr. Joko Lestanto, a member of the Marine Corps' Amphibious Reconnaissance Battalion, to two years in prison and dishonourable discharge on 11 April 2016. However, the military prosecutors and judges completely ignored witness testimony that proved that more than five other military personnel were involved in the murder.
3. Mr. Abdul Jalil died from torture committed by Kendari police officers in 2016. Jalil was a member of the Badan Narkotika Nasional, who was accused of theft. He was illegally arrested, detained and tortured to death without proper or fair investigation. Jalil's family is still seeking justice. To highlight the pattern, in yet another case, police officers conducting traffic operations in Lubuklinggau, South Sumatera province, fired at a sedan with seven passengers inside. Two passengers were killed: Surini, aged 55, and her daughter Indra, aged 32. Other passengers sustained serious gunshot wounds. They are Diki, aged 29, Novianti, aged 31, and Dewi Arlina, aged 35. The police argued that the sedan tried to drive away to avoid traffic checks and hence were not prosecuted.
4. Investigation and prosecution of law enforcement agencies, in particular of police officers who commit serious crimes often never happens in Indonesia. In many cases, extralegal mechanisms are resorted to settle the issue and victims and witnesses threatened to remain silent.
5. Concerning Papua human rights violations in Papua is the direct result of the government's unwillingness to strengthen the rights protection mechanism in Papua. Despite the promise by the government to prioritize Papua and to pay more attention to the development of human rights in Papua, extrajudicial executions have not stopped. Security forces have shot to death five students in Papua since the incumbent president assumed office.
6. Extrajudicial execution committed by the police is also caused due to the lack of commitment by the government to implement internal police regulations on human rights. The Internal Police Regulation No 8 of 2009 on the Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police, and the Standard Operational Procedures like the SOP No 1/X/ 2010 on Countermeasures on Anarchy, and SOP No 14 of 2012 on the Investigation Management of Crimes have all remained in paper thus far.
7. At the heart of the problem is the absence of efforts to transform law-enforcement agencies in Indonesia, from its habits and mindset of the military past to a civilian agency. Even today, in appearance and in designations, Indonesian police remains the ghost of its military past. The country's immediate past is plotted with thousands of instances, where the police was used across the country, to silence all forms of political opposition.

8. Changes are also required in legislations. For instance, upon arrest, even today a detainee could be kept in police custody for 90 days without a statutory right to meet a lawyer or to be produced before a magistrate. This long period of detention was adequate in the past to 'break' a person. Unfortunately, even after the transformation of Indonesia from a dictatorship to a democratically elected form of governance, this 90 days of detention remains. Unfortunately, neither the government, nor the national and international civil society has taken adequate effort to end this horrendous practice.
 9. The concept of security, to the rights, person, and property of a citizen as the foundational responsibility of the government is not yet adequately understood within Indonesia. When law-enforcement agencies engage in extrajudicial executions with impunity, it is not merely the lives of the citizens that is at risk. The practice threatens the entire fabric of fair trial and the rule of law.
 10. In Indonesia, the state has abdicated its fundamental duty, of protecting people through a proper system of enforcement of laws. When there are no mechanisms for the protection of the people and when the law enforcement agency itself has become a threat to the people, signing of international human rights documents does have any meaning or purpose to the people of Indonesia.
 11. The ALRC therefore requests the UN Human Rights Council to undertake studies to assess the root causes of extrajudicial executions in Indonesia. The Council should collaborate with not only the Indonesian government, but also through its manifold agencies, with the civil society in Indonesia, to assist the civil society to work with the Indonesian government with a view to truly instill the concepts of rule of law, fair trial and liberal democracy in governance in Indonesia.
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