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### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement\* submitted by the International NGO Forum on Indonesian  
Development (INFID), a non-governmental organization in special consultative status**

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

[28 February 2007]

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

### **Civil and Political Rights : Torture in Indonesia**

The ratification of Political and Civil Rights Covenant in 2005 and Anti Torture Convention through Regulation No. 5/1998, obligate the Government to responsible for integrating the principals and regulations of the convention into Indonesia's national law. However the lack of harmony makes those regulations do not have a binding power.

Therefore in reality the practices of torture are still applied by criminals or suspects of perpetrator to gather information or to force someone to admit a crime. It is conducted by police force, military, prison guard or Municipal Administrative Police Unit (SATPOL PP). Beside the lack of proper regulation, it is also because there is not enough socialization about Human Rights to Government personnel. A classic point of view, which says criminal do not have rights and freedom, is still growing in the society.

On the other side, Indonesia's participation in global coalition against terrorism has affect on the ascending escalation of violence to society, where government tends to use abuse of power or excessive power. Moreover, the Regulation of Anti Terrorism gives justification space for unjustified arrest and torture onto people that has been accused as terrorist and ignores suspects' rights.

In the first period of the Implementation of Anti Torture Convention in Indonesia on 2005, it is said that one of the progress is the achievement Human Rights Court, which stipulate torture as a category of serious violation of human rights. However, nobody is found guilty, neither Police nor Military on several cases of violation against human rights. It can be seen from the result of Ad-hoc Human Rights Courts on East-Timor, Tanjung Priok, and Human rights court on Abepura case which have acquitted all the defendants from military and police forces.

Whereas another indicator of progress on the implementation of CAT is on the draft law on the revision of Indonesian criminal procedures, but in the discussion still there is not any effort to make regulation about torture. Crime of Torture is still considered as maltreatment that only gives light and administratively punishment for perpetrator of government personnel. National regulation does not submit mechanism and procedure of settlement for the victims of torture.

Based on the aspect of the perpetrator, tortures in Indonesia are conducted by police, military, prison guard, and municipal administrative police. The tortures also happened in conflict areas, particularly in Poso, with excuse of terrorism elimination.

Some cases of torture in Indonesia are:

The torture by 2 Police investigators, from Metropolitan Jati Asih Sector, towards Kurniawan, a public transportation driver in Bekasi, on 8 September 2006. On the charge of stealing motorcycle, Kurniawan was arrested by police officers of Metro Jati Asih. When he was about to be taken into the car, he was told to run, but he refused it, concerning the possibility of being shot. He was imprisoned I police quarters of Metro Jati Asih. In the interrogation period, the officers forced Kurniawan to admit the crime. He suffered torture and intimidation, which was being kicked, burned with cigarette flame and threatened to be killed. In consequence Kurniawan had bruises and wounds on his back,

both arms and legs. He was in jail for 1 night and released by the police for not enough evidence.

On different location, 4 officers of County Prison in Garut tortured Rudy Sebastian. He was found guilty of make use of property without permission of the owner, Agus Susanto. On 17 August 2006, his wife, Mrs. Imas Tini and her 2 children came to Garut county prison to visit her husband. Mrs. Imas was shocked of seeing her husband was badly injured and walked trembling with bruises all over his body, severely ripen both eyes, nail stabbed wounds on neck and hands, 2 broken left fingers, and swollen head because of beaten with rocks. Later, Rudy Sebastian was put in cell 14 and again suffered cruel torture by his fellow inmates. Mrs. Imas Tini reported the torture by county prison officers on her husband, Rudy Sebastian, to the police headquarter in Garut. The officers only got administrative punishment. For his own safety, Rudy Sebastian is transferred to police headquarter's prison in Garut.

Other government officers who often conduct violence are Municipal Administrative Police Officers. A *three-in-one jockey*, Irfan 14 years old was suffered torture in a sweeping operation in Jakarta. On 8 January 2007, Irfan was working as a "jockey" in the cosmopolitan area of southern Jakarta when nine officers of the Municipal Administrative Police Unit (SATPOL PP) conducted a raid of the local jockey operations in that area. Arresting 15 jockeys, officers attempted to arrest young Irfan who responded by biting his arresting officer's hand and running away. He was soon flagged down by officers on motorcycle, who then proceeded to severely beat him. Officers also stamped on his chest several times. By this point, Irfan had lost consciousness. Officers took him to the Bumi Puskemas hospital, but by the time when they reached the hospital, Irfan was dead. His body was then transferred to the Cipto Mangunkusumo Public Hospital. By 10 January 2007, Irfan's family, highly anxious because of his absence, began looking for him. By this time, Irfan's body was lead-colored and showed signs of severe physical trauma, including signs of strangulation around the neck.

Observing the practice of torture in Indonesia, government of Indonesia has recently invited UN special reporter on torture to come to Indonesia. It is a positive endeavor in the frame of international cooperation to stop torture in Indonesia.

Based on those points, we request members of UN Human Rights Council of United Nations to:

1. Urge the government of Indonesia to provide complete information to the United Nations Committee against Torture as the implementation of Convention against Torture in Indonesia.
2. Urge the government of Indonesia to integrate all national regulations as the implementation of Convention against Torture and provide mechanism and procedure of proper reimbursement for victims of torture.
3. Urge the government of Indonesia to immediately remove the reservation and to affirm the mechanism of individual complaint in Convention against Torture.
4. Urge the government of Indonesia to ratify the appendage protocol of Convention against Torture as guaranteed in the National Human Rights Action 2004-2009.

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