



General Assembly

Distr.: General
24 February 2010

English only

Human Rights Council

Thirteenth session

Agenda item 3

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

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.

[15 February 2010]

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

Violation by omission on acts of torture against Mr. Susandi, alias Aan, by the Indonesian police apparatus¹

The situation of torture committed by state apparatus in Indonesia has not yet changed significantly. Recently, the apparatus do not involve as direct perpetrator, but they tolerate the acts of torture in front of them.

The report of this violation by omission on acts of torture received by KONTRAS few months ago. The victims of persecution and confinement are Mr. Susandi alias Aan on 14 of December 2009 at Artha Graha building² Jakarta which involved the member of regional police Command of Mollucas.

The incident occurred when Mr. Aan was examined between 7 and 10 of December 2009 by three investigators from Directorate of narcotics of Mollucas Regional Police Command at Artha Graha Building-SCBD regarding the ownership of narcotics of David Tjoe. Then, on 14 of December 2009 at the same place and the same objective, the ownership of illegal guns of David Tjoe, Mr. Aan returned to be examined by Director of Criminal Investigation of Mollucas Regional Police Command, Senior Commissioner Jhonny Siahan and two investigators Junior Inspector Johanis Wattimanela and Brigadir Obet Tutuarima.

Before the process of examination on 14 of December 2009 conducted by the unit of general criminal of the regional police of Mollucas, Mr. Aan has been persecuted by Viktor B. Laiskodat, the one of chairmans of Artha Graha in front of Senior Police Commissioner Jhonny Siahaan. However, he did not take any action to stop such persecution. Moreover, they were forced to conduct a search that ended with Aan claims the alleged discovery of powder drugs from Aan clothing. An examination of Mr. Aan followed by degrading treatment by the Maluku Police investigators by stripping Mr. Aan off to just wearing underwear only.

At 01:30 am, Mr Aan was taken away by director of Unit I Narcotic, Police Commissioner Apollo Sinambela and two people investigators of Jakarta police. In Jakarta police, Mr Aan was assisted by his wife and directly to conduct a long process examination which was conducted by Police Brigadir Agung Setiawan from 2 am to 9 am. Mr. Aan checked without first undergoing medical treatment and without a lawyer. Mr. Aan's urine test results are negative. Then, Mr Aan was arrested in the unit of narcotics of the Jakarta police Command on charges of Metro Police have pollen types of amphetamines.

The efforts of legal and non legal

Some of efforts have been conducted by some civil society organizations such as KontraS, LBH Jakarta, PBHI. The defence of Mr Aan as well as Aan's family consist of :

1. Reporting to the police mobile detectives unit of Jakarta police on 18 of December 2009 on the acts of persecution committed by Victor B. Laiskodat. Up to now, the investigators have received the result of visum et repertum, asking the information of some witnesses. However, there is no action such as examination againsts Victor.

¹ KONTRAS also share the views expressed in this statement

² The owner of Artha Graha, Mr. Tommy Winata is one of Indonesia conglomerate closed to the Indonesian Armed Forces (TNI). Tommy Winata and active company providing both money and services to the officials and government agencies for official and personal interests.

2. Reporting to police's internal affairs on 29 of November 2009. Up to now, there are some examinations among victims, witnesses and the member of regional police of Mollucas as well as two members of the Jakarta police.
3. Reporting to national police commission on 30 of December 2009.
4. Reporting to the national Police's Criminal Investigation Department on 10 of January 2009, on the acts of confinement and abuses of power
5. Reporting to the Presidential Sanctioned Taskforce for eradication of judicial corruption on 14 of January 2010.
6. Reporting to National commission on Human rights (Komnas HAM) on 20 of January 2010.
7. Applying the pre judicial charge has been conducted from 1 to 9 February 2009. however, the statement of judges rejected the charge of Aan without looking at the real facts saying by Mr Aan as applicant.

Meanwhile, the development of our reporting regarding the case as follows:

The head of the police mobile detectives unit of Jakarta Police, AKBP Ahmad Rivai that on January 6, 2010 already know the motive of persecution carried out by Mr. Viktor. Unfortunately, the police mobile detectives unit did not examine Victor and stated that the evidence is not strong.

Our report to the national police's detective body got response on 15 of January 2010 that our report has been followed up to police's internal affairs division. According to us, it is very rare, because our report is the case of confinement and abuse of power. Regarding the abuse of ethics of profession was already was reported to Propam Polri.

In terms of our report to police's internal affairs division (Divisi Propam Polri) until now, according to police's internal affairs division, Irjen Pol. Oegroseno on 25 of January 2010 is still learnt. We also handed medical Aan record issued by the Jakarta Hospital indicates hematoma in the part of his face. On the other hand, we regret the statement by national police spokesman insp. gen. Edward Aritonang said the investigation results of police's internal affairs (Propam) indicated that there is no torture committed by the investigators of regional police of Mollucas (Polda Maluku). Meanwhile, the head of police's internal affairs division stated that the examination of the case is still going on process.

Recommendations:

Based on the facts mentioned above, we urge the UN Human Rights Council to consider the following points:

1. Urged President Cq the head of Indonesia Police to take stern action against perpetrators of torture and the toleration of the perpetrators of torture, deprivation of liberty and abuse of office made by the management company that is Artha Graha, Viktor B. Laiskodat, Ronny Bratawijaya, Anwar, Andry Siantar including the member of regional police of Mollucas, Kombes Jhonny Siahaan, Ipda Johanis Wattimanela and Bripka Obet Tutuarima as well as the perpetrators of abuse of internal mechanism of police on the implementation of human rights in the duty of police (Perkap No.8/2009) against Kompiler Apollo Sinambela and the investigator of Agung Setiwan from the director of Narcotics of Jakarta Police.

2. Urge President Cq the head Indonesian police to take stern action against the abuse of office and authority to serve the interests of the businessmen who opposed the law and ignores human rights.
 3. Urged President Cq the head Indonesian police to stop all support for official and private activities provided by the employers and others that resulted in the loss of independence and professionalism of the Police.
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