

# ASIA REPORT 2016



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## INDONESIA

### Unfinished Police Reform



## Introduction

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The Indonesian police force was established during the Dutch Colonial era. At that time, the division of labor between the police and military was much clearer compared to the post-colonial era. It is especially true after Suharto took over power from President Sukarno, the first Indonesian President. The police of the Republic of Indonesia, under 32 years of President Suharto's administration, was integrated under the Indonesian Military (ABRI).

Under Suharto, police policy was influenced and dominated by military policy. The curriculum and material training of the police was largely influenced by military culture. As a result, the characteristics and performance of the police was militaristic. It tended to use a repressive rather than a persuasive approach in dealing with problems, resulting in human rights violations. Two cases in point are the shooting of students in Trisakti and Semanggi in 1998, and State negligence in the case of the 1998 May Riots. In the May Riots, the police allegedly accommodated the rioters who had attacked and gang raped Indonesians of Chinese descent. The police were also allegedly involved in human rights violations in Aceh and Papua.

After Suharto stepped down in 1998, there was a strong civil society movement advocating institutional reform (Security Sector Reform). It honed in on police reform and the separation of the police and military institutions. Civil society groups pressured the transitional government and parliament to reform the regulations and policies related to the police. It sought to strengthen law enforcement and to guarantee the rule of law, as the police are the frontline institution dealing with those seeking justice.

Finally, the people's Consultative Assembly (MPR) issued regulation (Ketetapan MPR RI) No.VI/MPR/2000. It concerned separation of the police (POLRI) and the military (TNI) and became the starting point of police reform. Subsequently, there have been many changes within the internal police department regarding institutional and policy reform.

Article 2 of the regulation clearly states the division of labor between the police and the military as follows:

Paragraph 1-- the military deals with the defense of the State

Paragraph 2-- the police maintain security and order

Moreover, one of the significant reform achievements is Law No. 2 of 2002, concerning the Police of the Republic of Indonesia (POLRI). The aims of the police are clearly stipulated under article 4:

The State Police of the Republic of Indonesia aims to establish national security. This includes the defense of public orderliness and safety, orderliness and law enforcement, protection, safeguards and services to the public, and the establishment of peace for the public while holding to a high standard of human rights

After separation from the military, the police conducted a policy reform. They issued regulations in favor of police accountability as follows:

1. Police Regulation No. 8 of 2009 concerns Human Rights for Indonesian Police officers
2. Police Regulation No. 1 of 2009 concerns the use of force in police actions
3. Standard Operating Procedure (PROTAP) No. 16 of 2006 concerns control of the masses
4. Standard Operating Procedure (PROTAP) No. 1 of 2010 concerns control of rebellious demonstrations
5. Circular No. SE/06/X2015 on hate speech, signed by the National Chief of Police

At present, the police remain under the aegis of the president. This means that the Chief of the National police is directly responsible to the president as mandated by Law No. 2 of 2002. Internal oversight and Police Investigators oversight (Wasidik) is conducted by the General Supervision Inspectorate (Irwasum), as well as Provost and Security (Propam).

Some institutions that have conducted external oversight on the police include the National Police Commission (KOMPOLNAS), the Commission III of the House of Representatives (DPR RI) and the Ombudsman of the Republic of Indonesia. In the last ten years, the community at large and the media also took a very active part in monitoring the police.

Despite policy reform, the police institution faces problems at the implementation level. There is no consistency in implementing regulations between police headquarters and the local police sectors. Lack of an oversight mechanism has contributed to the problem. An example concerns the role of the National Police Commission, which merely provides recommendations. It does not have sufficient authority and power to execute its recommendations however.

Police officers in the field still abuse power, violate human rights and are involved in cases of bribery and corruption. In the last two years, the Asian Human Rights Commission (AHRC) noted that police officers are the most frequent actors committing human rights violations, as compared to the military and other government institutions.

After more than 18 years of political reform, the question remains: is current police performance in accordance with the aims of police reform?

## **Political influences**

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Law No. 2 of 2002, article 5, paragraph 1 on the Police, clearly stated:

The State Police of the Republic of Indonesia shall be the State's tool that has the role in maintaining public orderliness and safety, law enforcement, protection, safeguards and services to the public—all in the context of national security defense.

In fact, the police have difficulties in avoiding political influence. One of the entry points of political influence is the mechanism of selecting the Chief of National Police. This mechanism is dependent on the President's prerogative authority. Besides the President, political parties and the ruling party along with its coalitions have their own political interests in selecting the Chief of National Police.

Authority resides with the President to select and recommend candidates to the Parliament for the position of Chief of the National Police. The selected candidate will be examined through a proper test mechanism. Actually, this mechanism is part of the political process because the Parliament is a political body. No one can guarantee that there is no political interest such as lobbying and agreements under the table among political parties. So, despite the fact that this process is regulated by law, the selection process itself can be the entry point of political interest in the police.

## Torture in Police custody

In the last year, the police remain the most frequent actors committing torture. According to the data of the National Commission on Human Rights (Komnas HAM), in 2016, the commission received complaints of 135 cases of torture. These occurred in many provinces in Indonesia. Ironically, a high number of torture cases occurred in Jakarta-33 cases, with North Sumatera province reporting 17 cases.

Table No 1

No	Perpetrators	Number of Cases
1	Central government (ministers)	4 cases
2	Local government	1 case
3	Police officers	120 cases
4	Military	2 cases
5	Prosecutors	1 case
6	Prison guards	7 cases

Source : *National Commission on Human Rights*

The motive behind the torture is to obtain a confession from a suspect. Police investigators intimidate and torture suspects to confess and acknowledge a crime they did not commit. In the case involving Mr. Juprianto, the police investigator tortured him to death during the examination process.

### The Torture Case of Mr. Juprianto

On 30 March 2016, at 7 p.m., Mr. Juprianto, who allegedly stole a motorcycle, surrendered to the Luwu police (Polres Luwu). He was accompanied by Mr. Herianto, a cousin of Juprianto's wife. Juprianto was in good physical condition when he gave himself up. On April 1, after three days in police custody, Juprianto's wife visited her husband and found him with bodily injuries. On April 3, at 9 a.m., she visited again. She saw that Juprianto was in a critical condition with new injuries. Juprianto told his wife that he was tortured by Luwu police officers. He was tortured during the field examination in Padang Sappa police sector (Polsek Padang Sappa) and during the examination in the Luwu police station. On 4 April 2016, at 10 a.m., Juprianto's wife was notified that her husband had passed away. His body was in the Batara Luwu hospital, South Sulawesi.

For further details please visit <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-080-2016/?searchterm=juprianto>

Torture in police custody occurred against suspects and witnesses who did not have opportunities or resources to hire a lawyer. Even though the government has enacted Law No. 16 of 2011 concerning Legal Aid, torture continues.

#### The Torture case of Mr. Asep Sunandar

On 10 September 2016, at around 4:30 a.m., Mr. Asep Sunandar was arrested along with his two friends by three police officers of the Cianjur police resort. They were brought to the local community's main house (ketua RW). According to Asep's two friends, they had guns pointed at them and their hands and mouth were taped. The police did not show them an arrest warrant or provide any explanation for the arrest. Asep and his friends did not resist or fight back against the police; they obeyed police instructions. 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 bloody corpse with 12 holes in it. The police denied the family's request to take his dead body home. The family's request for an autopsy was also denied by the hospital. Instead, the Cianjur police requested Asep's family to sign a letter and accept IDR. 5, 000, 000 as compensation for the death of Asep Sunandar.

See AHRC's urgent appeal at <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-114-2016/?searchterm=cianjur>

While police investigators still torture suspects or witnesses to obtain a confession, Indonesia's Criminal Procedure law (KUHAP) considers a confession as the lowest form of evidence. In fact, legally, there is no need for an investigator to obtain a confession. The law mandates a minimum of two evidences to complete the investigation report before being submitted to the public prosecutor.

#### KUHAP

##### Article 184

Legal evidence materials are:

1. The testimony of a witness
2. Information by an expert
3. A letter
4. An indication
5. The statement of the defendant

When police investigators examine suspects or accused persons, one of the first questions they ask is whether or not the suspect should be accompanied by a lawyer? The right to legal aid is mandatory and regulated by law, not a choice. It is the State's obligation to provide a lawyer for justice seekers. The police has yet to fully comply with Law No. 11 of 2016 on Legal Aid. While the law states that poor people are entitled to free legal aid funded by the government, the Police nevertheless retain their outdated mindsets.

For torture cases which occur in police custody, victims or families of victims will face difficulties in challenging the case. This is particularly so when the defendant states before the court that he or she had been tortured during the examination process. In practice, judges will ignore information or statements from the defendant. Needless to say, many suspects or defendants are afraid to confess or inform judges about their torture. Some lawyers are also reluctant to include the torture experienced by the defendant in the petition, considering that the defendant will face difficulties during the trial process.

## Police and the protection of minorities

In 2016, the AHRC noted several cases of human rights violations against minority religions and beliefs in Indonesia. One such case was the forced dissolution of the Spiritual Awakening Service (**KKR**) at the Sasana Budaya, Bandung Technology Institute, West Java province, on 6 December 2016. In this instance, the police did not provide security guarantees to the congregation who attended the KKR. On the contrary, the police along with vigilante groups forcibly dispersed the people who were praying. They warned against and prohibited mass prayers conducted in a public area. Up until now, there has been no proper investigation of this case. Police officials are reluctant to mete out punishment to the police officers who failed to protect the people praying in Sabuga.

Previously, the AHRC had documented and reported another incident which occurred in Tolikara Papua. Here, the police perpetrated violence and shot into the Gidi congregation. In total 11 people were injured. As of yet, there has been no result announced regarding the investigation conducted by the police.<sup>1</sup>

### Police shoot protesting congregants in Papua, killing a child and injuring others

Between 15-20 July 2015, the Evangelical Church of Indonesia (known as GIDI) organized an international youth seminar and revival service (KKR) in Tolikara regency, Papua province, Indonesia. On July 17, the local Muslim congregations were to celebrate Idul Fitri. GIDI's leader issued a letter stating that they objected to the use of the loudspeaker during the Idul Fitri prayers in Karubaga, Tolikara on July 17, as it coincided with the national conference held by GIDI. A similar notification letter was also sent by GIDI to the Tolikara police resort on July 13. After receiving the letter, the police chief stated that the loudspeaker could be used, and was reaffirmed by the local regent.

The GIDI congregation then organized a protest near the Mosque on July 17, and began throwing stones at the Muslims celebrating Idul Fitri. In a brutal and excessive show of force, the police suddenly shot at the protesters, killing one elementary school child and injuring 11 adults. This violence angered the protesters, who subsequently burned down the Mosque of Baitul Mutaqin and other public facilities around the Mosque.

See AHRC's urgent appeal at <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-106-2015/?searchterm=tolikara>

The prohibition against the establishment of new houses of worship is still going on. The Karo Batak Protestant Church (GBKP) in Pasar Minggu, South Jakarta was denied permission to build a new church. Without giving a clear reason, the South Jakarta mayor appears reluctant to facilitate the GBKP in obtaining a permit to proceed.<sup>2</sup> Another example is the Santa Clara Church in Bekasi, in the West Java province. Despite the congregation having fulfilled all legal requirements to build a Church, a vigilante group has demanded the Bekasi Mayor to cancel the Church's official permit.<sup>3</sup> The police failed to back up and ensure the congregation's right to freedom of religion and belief.

<sup>1</sup><http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-001-2016/?searchterm=tolikara>

<sup>2</sup><http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-131-2016>

<sup>3</sup><http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-025-2016/?searchterm=bekasi>



A basic problem of the police is that they do not have a strong policy regarding protection of minorities, and tend to side with anti-tolerant groups. Police personnel and resources are sufficient to prevent incidents and conduct effective law enforcement. However, there has been no serious effort undertaken to ensure protection for minorities and guarantee the rights of freedom of religion and belief. Similarly, the AHRC has not seen any prosecution of those involved in serious crimes against minorities, be they vigilantes or police officers. Thus, the problem recurs.

## Human rights violations against land rights activists

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In the area of natural resources, in particular mining and plantations, the AHRC had documented and reported patterns of human rights violations committed by the police. In general, human rights violations were caused by excessive use of force, violence, random shooting, arbitrary arrest, detention, land confiscation and forced eviction.

We now consider land confiscation and fabricated cases against local farmers in Tulang Bawang, Lampung province. The police were not neutral in this confrontation, tending to side with the Bangun Nusa Indah Lampung Company (PT. BNIL). Fighting since 1993 for their occupied land, farmers faced violence and various types of repression. Some activists were also arrested and charged, including human rights defender Mr. Sugianto. He was charged for assisting the farmers, and will be prosecuted before the courts.<sup>4</sup>

Human rights violations in the environmental mining sector worsened since the police failed to ensure protection for human rights defenders. Land rights activist Salim Kancil in Lumajang, East Java province for instance, was viciously tortured and killed by thugs sponsored by the head of Selok Awar-Awar village.<sup>5</sup> In a land grabbing case from Bahotokong, the farmers and land rights activists who fought for land rights were summoned by the police.<sup>6</sup>

Another incident occurred against environmental activists in Bali province. Mr. I. Wayan Suardana (alias Gendo), is a prominent environmental activist from Bali. He was reported to the Criminal Investigation Department of Police headquarters (Bareskrim Mabes Polri) for being in the forefront of the refusal to reclaim Telok Benoa in Bali for the preservation of the environment.<sup>7</sup>

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<sup>4</sup><http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-145-2016>

<sup>5</sup><http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-130-2015/?searchterm=selok%20awar%20awar>

<sup>6</sup><http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-108-2016/?searchterm=>

<sup>7</sup><http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-112-2016/?searchterm=gendo>

## Picture of freedom of opinion, expression and peaceful assembly

The Indonesian Constitution 1945, Article 28:  
 “The freedom to associate and to assemble, to express written and oral opinions, etc., shall be regulated by law.”

Besides being recognized and protected by the Indonesian Constitution of 1945, as a party to the International Covenant on Civil and Political Rights (ICCPR), the government of Indonesia and its statutory bodies, in particular the police, have an obligation to respect and protect the right to freedom of association, peaceful assembly and opinions. As stated by the General Comment of the ICCPR, Paragraph 4:

The obligations of the Covenant in general and article 2 in particular are binding on every State Party as a whole. All branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level - national, regional or local - are in a position to engage the responsibility of the State Party.

The Police, as a state institution, must respect and guarantee the exercise of the right to freedom of opinion, peaceful assembly and association. In practice, the AHRC has documented and reported serious violations of this right by the police. These include violence and forced termination of peaceful public protests, as well as permitting unauthorized groups and demonstrations to continue protesting after the 6 p.m. deadline. The police frequently use excessive force and arbitrary arrests in dealing with peaceful protestors.

In 2016, the AHRC documented and reported on some cases which gained high visibility and attention by the media and the public. One such case was the forced dissolution and arbitrary arrest of a peaceful labour protest in front of the Presidential Palace. Labor activists and public defenders demanded the cancelation of Government Regulation (PP) No.78, 2015, on wages which does not consider the basic cost of living (KHL) from a survey of 84 basic commodities and the needs of laborers.

Twenty-six protesters--two legal aid lawyers, 23 laborers and one university student were arrested and brought to the Jakarta Metropolitan Police (Polda Metro Jaya). After more than six hours of being questioned by the police, 26 people are named as suspects and charged with article 216, paragraph 1 and article 218 of the Penal Code (KUHP) on crimes against public authority. The protesters were also charged with Law No. 9 of 1998 on freedom of expression by public and internal police regulation No. 7 of 2012 on the procedure of public protest.<sup>8</sup>

Due to lack of evidence and witness credibility, the Central Jakarta Court released all the defendants. The judgment proved that the police fabricated cases and violated the right to freedom of opinion, association and peaceful assembly.

In another case, local residents of Majalengka, West Java organized a protest against the West Java International Airport (BIJB) development project, which would occupy land belonging to the villagers. The police deployed excessive force in attacking the protesters and attempting to forcibly evict them, resulting in arbitrary arrest and serious injuries.<sup>9</sup>

<sup>8</sup><http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-009-2016/?searchterm=jakarta%20legal%20aid>

<sup>9</sup><http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-148-2016/?searchterm=majalengka>

A third case reported by the AHRC involved the massive arrest of Papuan student activists who conducted peaceful public protests in some cities of Papua, supporting the United Liberation Movement for West Papua (ULMWP) to become a full member of the Melanesian Spearhead Group (MSG)--a regional forum in the Pacific. They also gathered to commemorate the integration of Papua into the Republic of Indonesia on 1 May 1963. Police arrested over 2,300 indigenous students using excessive force, and disrupted the protests. Although the protesters were eventually released, the police use of force resulted in considerable trauma and fear.<sup>10</sup>

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<sup>10</sup><http://www.humanrights.asia/news/ahrc-news/AHRC-STM-064-2016/?searchterm=ULMWP>

## Police accountability: Corruption cases

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Corruption or bribery involving current and former police officers is almost a tradition in the police force. The corruption and money laundering committed by Police Inspector General Djoko Susilo and the deputy chief of the National Police Traffic Corps (Korlantas) Brigadier General Didik Purnomo became a high-profile graft case. It even led to a standoff between the National Police and the Corruption Eradication Commission (KPK). In the first level of the court, Djoko was sentenced to 10 years imprisonment. The High Court increased the sentence to 18 years imprisonment and a fine of IDR 32 billion. On 4 June 2014, the Supreme Court confirmed the sentence of the High Court of 18 years imprisonment. Purnomo was sentenced to five years in prison and a fine of IDR 250 million.

Another high profile graft case involved the Police Commissaries General (Comr. Gen) Susno Duadji. Head of the criminal investigation division (Kabareskrim) of the Police Headquarters (MABES POLRI), Duadji was found guilty of the misappropriation of general election security funds, amounting to IDR 8 Billion. This took place when he was police chief of the West Java regional police (Polda Jawa Barat). He also illegally received bribes during the investigation of the P.T. Salmah Arowana Lestari (SAL) investment scam, amounting to IDR 500 Billion.

In 2015, the Corruption Eradication Commission (KPK) named Police Commissaries General Budi Gunawan as a suspect of graft. At that time, General Budi was a candidate for the Chief of National Police. Subsequently, President Joko Widodo cancelled Budi's candidacy,<sup>11</sup> which led to 46 persons becoming victims of fabricated charges, including the Chairperson of KPK, the vice chairperson and one senior investigator.

The AHRC also noted an extortion allegation committed by Adj. Sr. Comr. (AKBP) Brotoseno, a senior police officer and former Corruption Eradication Commission member. Police investigators finally arrested AKBP Brotoseno and found IDR 3 billion as evidence against him.

All of the above cases indicate that corruption, graft and money laundering is a serious problem within the police institution. These circumstances endanger law enforcement in Indonesia. While these are all high profile cases sensationalized by the national and local media, there must be many more cases not published by the media. The government and the police force must take concrete steps to eradicate corruption within the law enforcement institution. The recently established ad hoc team, to eradicate graft and extortion in public service (Tim Saber Pungli), has its work cut out for it.

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<sup>11</sup><http://www.humanrights.asia/news/ahrc-news/AHRC-STM-112-2015/?searchterm=budi%20gunawan>

## Police and Combat against Terrorism

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Since the Bali bomb blast on 12 October 2012, killing approximately 202 civilians, the government of Indonesia confirmed that it will strengthen national awareness of terrorism. The Government issued a Government Regulation in Lieu of Law (PERPU) No.1 of 2002 about Combating Criminal Acts of Terrorism. It became Law No. 15 of 2003 concerning Criminal Acts of Terrorism (currently under revision of the drafting committee in the Parliament).

The enactment of Law No.15 was followed by the police issuing the Decision Letter of the Chief of National Police (SKEP KAPOLRI) Number 30/VI/2003. It concerns the setting up of the Special Detachment 88 anti-terror Unit. Special Detachment 88 is a particular unit in the police institution with authority and power to combat terrorism in Indonesia. Since 2013, the total personnel of Special Detachment 88 is approximately 400 staff, distributed in most regional police offices.

The AHRC notes the various human rights violations committed by Special Detachment 88 since its establishment, including shooting innocent civilians, torture and ill-treatment, arbitrary arrest, wrongful arrest and detention.

In the last five years, there are some instances of abuse of power committed by the Special Detachment 88 anti-terror Unit.

- The Special Detachment 88 Unit shot an innocent civilian, named Mr. Nur Iman in Sukoharjo, Central Java province. At the time, the personnel of Special Detachment 88 were holding a sweeping operation to arrest terrorist suspects Sigit Qordhowi and Hendro Yunianto.
- The Special Detachment 88 arrested terrorist suspect, Mr. Wahono, from Lampung province. This was a wrongful arrest and resulted in the halting of Mr. Wahono's wedding ceremony.
- The Special Detachment 88 arrested two innocent civilians in Tulungagung, Central Java. They are Mr. Mugi Hartanto, an elementary school teacher, and Sapari, an employee of a private company. Both of them were detained for approximately seven hours. There were finally released because they were found not guilty.
- The Special Detachment 88 conducted torture and ill-treatment against a terrorist suspect in Poso, Central Sulawesi. This case was widely published through social media.
- The Special Detachment 88 tortured to death a suspect, Mr. Siyono:

**Siyono found dead after being arrested and detained by anti-terror police unit**

On 10 March 2016, the police arrested Mr. Siyono and searched his house in Pogung village, Cawas sub district, klaten Regency, Central Java province. The house also functions as a kindergarten, and the searching frightened the children who were studying there. On March 11, Siyono's family received information from the secretariat of Pogung village that Siyono has passed away, and the family should go to Jakarta to verify the information. The head of Pogung village was also ordered by the police to prepare Mr. Siyono's burial site. His family and the village head were concerned at Siyono's death, as he had no health problems prior to being arrested by the police. According to the autopsy of the Kramat Jati Hospital in Jakarta, Mr. Siyono died from bleeding in the brain due to being hit by a hard object. Finally, at a press conference on March 14, police spokesman Inspector General Anton Charliyan confirmed the autopsy result, and further acknowledged that the police had breached procedure in handling terrorist suspects. Siyono's family also noted that before the burial, Siyono's head was still bleeding.

See the AHRC urgent appeal at <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-022-2016/?searchterm=siyono> and also the update Urgent Appeal at <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAU-008-2016/?searchterm=siyono>

Lack of accountability of the Special Detachment 88 contributed to the recurrence of alleged human rights violations committed by the anti-terror unit. Police internal mechanisms, the Provost and Security Divisions, are not serious in their willingness and ability to evaluate and properly investigate the alleged human rights violations committed by the personnel of Special Detachment 88.

There is also another problem of lack of regulation of compensation for victims who experience a terrorist attack. Despite Law No. 15, article 36 of 2003, concerning Criminal Acts of Terrorism, regulating compensation for victims, there is no further explanation about how to access this complaint mechanism and how to obtain effective compensation in this case.

## **Conclusion**

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Considering all aspects related to police performance, the AHRC concludes that the agenda of police reform in Indonesia needs serious review and comprehensive evaluation. There are indicators that can show that the reform is not yet finished and has not shown significant progress.

The first indicator is related to the culture and doctrine of the police itself. Despite the fact that the police have been separated from the military, a militaristic approach remains part of the police performance.

The second indicator is the high number of human rights violations committed by the police with a culture of impunity continuing.

The third indicator concerns violations of the Criminal Procedure Code, where torture occurs frequently during the police examination process. A Police investigator's mind-set has not yet totally changed; he is still convinced that obtaining a suspect's confession will make the investigation process much easier.

The fourth indicator is political influence and a weak oversight mechanism, which has become a serious problem in police reform.

The fifth indicator is the Special Detachment 88 anti-terror Unit. It is untouchable, in so far that there is no serious and comprehensive evaluation of this special unit in combating terrorism.



## Recommendations

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1. The government, the President, as executive leader, the institutions who have control over the police, should seriously and comprehensively review the police reform policy. We say this considering that the police are the most frequent actors committing human rights violations such as torture and fabrication of cases.
2. The Parliament, especially the Commission III of the House of Representative, should play a stronger role in monitoring and regularly evaluating police performance. The Commission should follow up and coordinate any complaints submitted by the community at large.
3. The National Police Commission should exercise a more critical external oversight of the police, not only issuing recommendations but further ensuring their recommendations are followed by the police.
4. The police should strengthen the role of internal police oversight, such as the General Supervision Inspectorate (Irwasum), Police Investigator's oversight (Wasidik) and the Provost and Security (Propam). So far, the internal oversight has not functioned well. In some cases they have become part of the police accountability problem.
5. The National Commission on Human Rights (Komnas HAM) and Ombudsman should strengthen the role of the National Police Commission to monitor the policy, performance as well as regulations issued and implemented by the police.
6. The public and the media should also play their roles, by ensuring that police reform and police modernization are on the right track. One of the doors that the public and the media can enter is through the cases handled by the police--whether or not they follow fair trial principles and due process of law.
7. The Police, especially the Special Detachment 88 Unit, in combating terrorism, should obey and respect international human rights instruments to which Indonesia is a state party.

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*The Asian Human Rights Commission (AHRC) works towards the radical rethinking and fundamental redesigning of justice institutions in order to protect and promote human rights in Asia. Established in 1984, the Hong Kong based organisation is a Laureate of the Right Livelihood Award, 2014.*

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