

Interview 5: INDONESIA: Answer Styannes

Ms. Answer Styannes is a law graduate from the University of Indonesia. She has been involved with civil society issues and has worked for The Community Legal Aid Institute in Jakarta.

What do you think of the policing system in Indonesia?

If I had to describe the Indonesian policing system in one word, that word would be 'unprofessional.' The word 'unprofessional' speaks to a number of problems within the policing system, such as corruption. The Indonesian police are highly corrupt. For example, Indonesian law requires that all drivers wear helmets. If the police find that a driver is not wearing a helmet, they should bring the driver to a court of law where they can decide how much the driver will have to pay in fines. But in Indonesia, you can just pay off the police and then you won't have to attend any trials. So even for such a simple thing, for a small amount of money, the police can be bribed.

Do you know of any direct corruption cases? Or do you just hear of them from people? There is a case where 13 workers working in a gas corporation were arrested and detained because the company believed they decreased the volume of a gas tube. The police and prosecutors ask them to pay money; some of them were asked to pay 5 million rupiahs, others were asked to pay 7 million rupiahs. The total amount of money they had to pay came to 100 million rupiahs, which is about HK\$ 10,000. The police and prosecutors promised them that they would be released, but they did not do so.

Why do you think police are corrupt like that?

I think there are several reasons, but one of the factors is they aren't well paid, so they need to earn a living through bribes. I don't know the exact details of their salaries, but I think compared to other jobs, it's quite low.

To your knowledge, do the police in Indonesia torture people?

Since I work at a legal aid organization, I have met a number of clients who have told us that their family members were arrested, detained and tortured during their detention. Then they come to us and ask for help in filing a bail request to the police so that their relative can be released.

Among ordinary people is there a feeling that if you are arrested you will be beaten? Yes. I think if you ask people, they will say that it is unjustifiable, but they still see it as a common practice. It is a well-known fact in Indonesia; if the police arrest someone, there is a 95% chance that they will be tortured.

What is your own personal view of torture?

I completely disagree with the use of torture by police. As human beings, we have the right to not be tortured. It is the obligation of the police to help us feel safe, but instead the police create fear by torturing people. The use of torture in Indonesia shows how unprofessional the police are. They have an obligation to collect information and evidence when they are investigating a case, but they won't bother to do these things properly. Instead, they want to take shortcuts. They torture people because it is easier and faster to get confessions this way than to search for information, evidence and find witnesses.

What have the courts and government done to try and stop this?

The courts and the government say that they condemn torture; that's why they ratified the Convention Against Torture (CAT) in 1998. Recently, the Chief of Police enacted a regulation prohibiting police officers from using torture. But that is their only effort. Their only effort is to create good laws. But this is only part of the solution because torture is not considered to be a crime in Indonesia. In the Indonesian penal code there is a provision on assault, but it has some different elements to the torture defined by the CAT, so it is difficult to charge police this way. Why? Because the monitoring mechanism is weak in the police. So if they want to file a complaint about torture, they have to file a complaint through another policeman, and it's almost impossible that the police would report on their own colleagues.

Are there any independent places where people can make complaints?

There is a National Police Commission, but their power is limited. There is also an Internal Disciplinary Unit, but they are an internal mechanism of the police so we can't expect too much there, because the process is not transparent. It can't be monitored. So if someone makes a complaint, will other police officers get to know about that complaint, or does no one even complain about police torture?

In most cases I've found that people are just too scared to complain. It's not just that they are afraid, they are also skeptical; they don't think there is any use in complaining because they don't think the police will follow up. So it's not just that they are scared, they have no faith in the policing system.

What can the police do to improve this?

There are several things. Firstly, police officers should be receiving a proper salary. Secondly, I think it is important to have strong monitoring mechanisms. The process in the Internal Disciplinary Unit in terms of complaints must be conducted transparently. We also need independent external monitoring to evaluate the police's work. We have a National Police Commission but their authority is limited. They have the authority to accept complaints from the public but they have no right to do anything about it. I think the police should receive be educated on human rights issues too.

Are there any civil society organizations that are trying to press the police to become better?

I think all civil society organizations, especially those which are concerned with legal reform push for police reform as well, but there is one organization called Indonesian Police Watch which specializes in this issue.

Are there any laws against domestic violence in Indonesia? How are they implemented?

We have had laws against domestic violence since 2004. In general, if someone complains to the police about domestic violence, the police will conduct a good investigation and the prosecutor will conduct a good prosecution because they have a special task force at the Attorney General's Office which focuses on this issue. But I'm not sure that a lot of Indonesian women would file cases of domestic abuse. My organization, Community Legal Aid Institute, conducts legal and human rights education for different communities, and domestic violence is one of the issues we discuss. Usually, when we

make a presentation, peoples' first reaction is that domestic violence is bad and that perpetrators of domestic violence should be punished. But if we ask them whether they would consider filing a complaint with the police if they themselves were victims of domestic violence, then they say they don't want to because it is a private issue. They think, this is my problem, not the governments,' it has nothing to do with the state. Also, many of the women who I have met say that if their husbands were abusive, she would want to live separately from him, but she wouldn't want to cause any harm to her husband. For them, divorce is a proper solution because they see domestic violence as a private issue and they don't want any harm to fall on their husband.

If the situation is so corrupt on most things, how come it is not corrupt when it comes to issues of domestic abuse?

I'm not saying that the police are not corrupt at all with these issues. But maybe compared to other crimes, they handle cases of women and children a bit better than the rest. They pay more attention to the issue because they have a special unit for women and children and the AGO has a special task force to deal with gender issues. Of course, there is no guarantee that the police and prosecutors will work well with women's and gender cases but these cases attract more public attention (including funds from foreign institutions) than what are seen as 'ordinary' police cases. This is another problem with the police in Indonesia: they're so picky about cases. The police only work seriously on cases which will allow them to gain a lot of money and media attention. Like the case which allegedly involved two KPK commissioners, Chandra Hamzah and Bibit Samad Riyanto, the police worked very hard and seriously, but with the rape case of a young girl that I worked with, it took more than one year for the police and prosecutors to investigate and bring the case to court.

So in the AGO, there's a special task force for gender violence?

Yes. Not only domestic violence cases but gender and children issues.

Is it effective?

Again, I think it depends on how exciting the case is to the police, and whether it will garner media attention. I have only worked with this task force once when I handled the rape case of the young girl. Because the prosecutor of the case didn't bring the case before court, we sent a letter to the task force of the AGO urging them to pay more attention to this case. They never replied to our letters but not long after that, the case was brought to trial.

Is there anything else you would like to say?

I just want to say something else about the policing system in Indonesia. When I said they were 'unprofessional' before, besides being corrupt, this also refers to their picky attitude where they will only work on certain cases. Also, they often use excessive force, especially when it comes to cases of suspected terrorism. There are some people who are suspected to be terrorists and are shot. Some of these people were innocent and mistakenly recognized to be members of terrorist organizations.

So there are also allegations of extra-judicial killings?

I guess so. For example, police recently shot a terrorist member to death in Cawang even though he was unarmed and was not doing anything suspicious at the time.