

## **‘My torturers are still in power’**

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*[An interview with Mugiyanto, one of the activists who were tortured and disappeared months before the collapse of the Soeharto regime in May 1998. He spoke to Danilo Reyes, editor of Article 2, recalling his ordeal in an underground secret detention centre. Fifteen years on, their torturers still wield power and influence in Indonesia.]*

**Mugi:** Thank you Danilo. As basic information my name is Mugiyanto, chairperson of the Asian Federation against Involuntary Disappearances (AFAD) and IKOHI. I am a survivor of the disappearances that happened in Indonesia in 1998 when Soeharto was still in power.

Briefly, this is what happen to me at that time. I was a student activist struggling for democracy, for freedom, for reform in Indonesia but at that time my organization was the Student Solidarity for Democracy in Indonesia (SMID). We just affiliated with the People’s Democratic Party (PRD), which was, at that time announced as illegal by the government. We were accused as the mastermind of a riot at that time. The riot happened on July 27, 1996 and then after that my organization was accused by the government of being the mastermind. As this took place around the revival of the Indonesia Communist Party that was the accusation by the government since then we worked in the underground secretly.

We organized the people’s movement although we were banned and we worked underground. That was in 1996, 1997 and 1998. There was also the external factor of the economic crisis. That was the economic crisis that also hit Indonesia very badly and this also gave rise to the popular movement. In 1998 the government had a political agenda: it was the general election and the specific agenda for that general election was in order for the old ruling party to win the election in order for Suharto to be re-elected for the seventh term.



Mugiyanto

So, the government was very repressive at that time. And that was exactly the reason that the government started disappearing people.

“They stripped off my clothes, blindfolded me and tied both my hands and my legs.”

So, one of the cases was what we called the disappearance of Pro democracy activists in 1997 to 1998. The name of the case given is 1997 to 1998 because at that time the disappearance targeted Pro democracy activists. That was the background, that was the context and because of that I was taken from my house. The safe house was actually in Jakarta and it was in the evening on March 13, 1998 and I was taken from my safe house to the military branch and then I was brought again to another military office still in East Jakarta, interrogated again and after that I was brought again to what we called the ‘mysterious place’.

I was brought there by about seven people, I did not know. When I was forced to get in the car initially they forgot all about me. And then after an hour the car stopped and then they asked me to get out of the car and I walked only three steps. Then they started interrogating me. When I was still blindfolded, they asked me about my name and also the names of my friends I live with. And that was the first time that I was beaten. They did not like my answers because I told them I lived alone. They told me I was lying and started kicking me. When I fell to the ground they forced me to stand up again and interrogated me again. And every time they did not like my answer, or were not happy with my answer, they kicked me, they beat me on my body, on my face and then I fell down again.

After that they stripped off my clothes so that I was only in my underpants still blindfolded and was asked to lay down it's like a military bed and then they tied both my hands and my legs. It was very cold. And also I heard the water flowing and the sound of whipping. I thought at that time I was brought to the rice field that they were about to killed me.

**Danilo:** Whipping sound? Not a person weeping?

**Mugi:** Yes, not a person it's just a siren like they started interrogating me again about the names of my friends, the leaders at that time and also about my activities, why we wanted to replace Suharto, why we support the Independence of Timor Leste, why want to bring back the military to barracks, why we want to repeal what we called the package of the five political laws which according to us, according to me and my organization were the backbone of the old regime.

**Danilo:** So, what are those laws?

**Mugi:** This law is about the General Election, about mass organization, about the parliament in the Central and local level. I can't remember these five package of political laws issued by the government in 1985 and the fourth is about the sole ideology basically in this law it is said that the political party should only be three political parties that all organization must be based on

the ideology of Pancasila, something like that. These are the things that we identify as the backbone of the new order the five political parties and the dual function of the military as in Indonesia the military has a social and political role.

And they also asked me about what we thought to be the solution to the economic crisis in Indonesia at that time. And those are the questions given to me and my two other friends because later when I was there I realized that I was not the only person being held there, being interrogated there. Because when they interrogated me and they don't like my answer they tortured me. And that was also the time that I realize that the whip was not the sound of whipping (that I thought), but it was the electric shock.

**Danilo:** Electric shocks applied to somebody else?

**Mugi:** At that time to me, so it is electric shock because when it touch my leg. That was the torture I had experienced: electric shocks. I was blindfolded and after they interrogated me. They interrogated someone else. Maybe five meters from me and then I realize that he was my friend.

**Danilo:** How did you know he is your friend?

**Mugi:** I know very well because he spoke and answered the questions of the interrogator. So, I listened to him, he was about five meters away. He was screaming when he was tortured. There was another person who was being tortured and interrogated there. I also realize that he was my other friend. We were in the same safe house at that time because, in fact, those two friends of mine were taken from my house one hour before me. When I entered the safe house, the safe house was already surrounded by different military officers. So that was happened to me. I was there for 2 days and 2 nights in this X place, mysterious place.

**Danilo:** So, there were two other persons, your friends who were there, so did you know the places where you were taken and who were those?

**Mugi:** At that time we did not know. We knew the place after we were released and then KontraS conducted the investigation based on the testimonies of those released. And the conclusion was the place is the illegal detention centre of the Special Armed Forces the Kopasus in Indonesia, in East Jakarta, it was an underground detention cell.

**Danilo:** So, they discovered that it was an underground cell?

**Mugi:** It was an underground and the military also admitted because there is a military against Kopasus. There were also an investigation by the National Commission on Human Rights (Komnas HAM) and there was also an investigation by the military. It was the place but at the time they conducted the investigation the detention did not exist anymore today because they already demolished it. So that's what I have experienced in terms of torture.

“ We knew the place after we were released and then KontraS conducted the investigation.”

“Mugi, what is your religion, Muslim? You have to pray. Can you pray? You cannot pray because you are a communist.”

After these two days, because it happen on Friday 13 of March and 15 of March in the afternoon, three of us were brought again to another place. We did not know because we were blindfolded during the two days. We were all blindfolded and only wearing underpants. So after two days we were brought to a place and then we were interrogated again for about two hours. I was interrogated for two hours by the military officers and then when I was interrogated my blindfold was released so I tried to identify where it was in the Jakarta Regional Command Office. After this two hours interrogation three of us were brought to another place, again blindfolded again, and brought again in the vehicle.

**Danilo:** It was the fifth place already, right?

**Mugi:** Yes, fifth place. We were brought again and inside the car we were also intimidated by the person behind us. Mugi, what is the last word you want to say to your parents something like that. Mugi, what is your religion, Muslim? You have to pray. Can you pray? You cannot pray because you are a communist. That's what they said and after that the car stopped and we realized that it was in Jakarta Police Regional Office and then they released my blindfold and then they said, Mugi you are safe here, and then the three of us were brought there and then we were under went the legal process, we were interviewed by the Police. I told them I didn't want to be interviewed, I wanted a lawyer. They said, Mugi don't make it difficult you are safe already here so, let's undergo this legal process and I said no, no, I need a lawyer.

And they beat me with a stick on my back and also intimidating me with the mask because I was still traumatized with the mask because one of my interrogator wore the mask in the Kopasus detention because once my blindfold was released in the Kopasus detention Centre that was when I was in the toilet and they took my photograph. But when someone took my photograph my blindfold was released and I saw that the photographer was wearing the mask. So I never recognized the faces of these interrogators. So we were in a police detention centre, we were finally undergoing the process, we call it the questioning and we were charged with the Anti-Subversion Law because we were against the government.

I was interrogated for 5pm until 1pm. Then after that, after 11pm the police sent us to cells in the isolation cell. Me, Nezar and Aan my other friend were placed in separate cells. One big cell, one person at that time we were there. That was the time that Munir, was taking this issue. Munir was one of my lawyers at that time. So, I was there on March 15 detained by the police and charged with subversion which could mean the death penalty in Indonesia Law.

And then it was in March we were really isolated but next to me was a the cell full of detainees, political detainees from the supporters of Megawatti because many people were detained at that time as there were a lot of demonstrations. They were demanding the reduction of the price of the basic needs, and so

on, and so on. At that time they were against corruption and then there were several detainees next to my cell (I was in cell number 11). The next cell was 10. In one big cell, several detainees knew me as the PRD activist. So they would be the one supplying me the newspapers, like the smuggled newspapers and give me cigarettes and they also help me communicate with Nezar and Aan my other friend into synchronizing the answers of the interrogation so I write down and send them messages.

So that was in March. Then in May we read that students held a lot of demonstrations, so we motivated each other me, Naser and Aan we would shout, the student demonstration are becoming bigger and bigger, so we encouraged each other at that time because we were still very traumatized by that time two days in Kopasus detention centre.

In May 12, 13 and 14 the time when the popular movement reached its climax after the shooting of the student in a University and the death was followed by burnings in Jakarta. There was looting everywhere but there were no police, there was no military in Jakarta at that time. What happened was the burning of buildings, looting of the malls and also the rape of the Chinese – Indonesian woman.

So, it was from 12 to 15 and finally on the 21st Soeharto announced his resignation. We were very happy at that time inside the prison. And then after Soeharto resigned, the security in prison was loosened. I had better food. Initially the prison officers were very repressive, they kept monitoring us and they didn't allow us to communicate with each other or go out to exercise like the other prisoners; but after Suharto resigned we were allowed to go out and exercise with the other detainees. And then we had better food unlike before. We have better rice like that spinach and tofu.

It was in May that Suharto resigned and then by June he was replaced by his Vice President, B. J. Habibie. Habibie repealed the Anti-subversion Law. That was the reason why we were released on June 6, 1998 because the law that was used as a basis of detention was repealed. So we were released. So that was happen to me, that's what I experience.

But I was still traumatized. By that time, after I was release that was on June 6. On June 8 Munir wanted us to have a press conference for the three of us about our experiences. I have the written testimony, it is also in the internet in my blog as well. My testimony of what happen to me. I think there is also an English version of my testimony. But I was still traumatized at that time. After that we were still in the safe houses. We were coping with our mental depression.

**Danilo:** Even after you release you were staying in a safe house?

**Mugi:** Yes, yes provided by KontraS.

**Danilo:** Did you feel secured?

“ After Soeharto resigned, the security in prison was loosened. I had better food.”

“Under investigation of KontraS and advocacy by Kontras led by Munir the government was pressured. They had the military court to try the case.”

**Mugi:** Yes, we had to in order to feel secure, and cope with the trauma that I had experienced. It took one month, I think, it was only one month; then I went home to my hometown in Central Java. Then, after two months I went again to Jakarta. That was in October and then KontraS assigned me to go to the Philippines. I met Aileen of Families of Victims of Involuntary Disappearances (FIND) in August 1998. I also made use of that time to meet the human rights organizations, specially with FIND working with disappearances. Then in October 1998, we went to Geneva that was the first time we brought this case about disappearances. That was the first time that we worked together on my case at the Working Group on Enforced Disappearances in Geneva, I think.

**Danilo:** Were you able to identify, file charges against those who abducted and tortured you?

**Mugi:** Yes

**Danilo:** And what happened to your complaint?

**Mugi:** What happen is under investigation of KontraS and advocacy by Kontras led by Munir at that time the government was pressured. They had the military court to try the case so the



Indonesian Lieutenant General Prabowo Subianto (r) gestures 10 August followed by his adjutant (unidentified) as he arrives at army headquarters in Jakarta where a military council is probing officers over the abduction and torture of activist. Prabowo, former president Suharto's son-in-law, was questioned by a military council today in the second week of an investigation into the abduction and torture of activists. *AFP PHOTO/ANTARA*

military police conducted the investigation and they found out the military was involved, specifically the Special Armed Forces whose commander at the time is General Prabowo. Based on the findings it was the Kopasus group for Anti-Terror and below that the Anti-Terror group, they established a small team consisting of 11 officers which was called the 'Rose team'. It consisted of 11 officers finally these 11 officers were brought to military court in 1999.

The 11 officers brought to military court along with the higher officer. The commander of the Kopasus General, Lt. General Prabowo, and the commander of Group four Col. Kairawan and the replacement of Prabowo because in May, Prabowo was replaced by Col. Mudi, he was the one who was involved in the assassination of Munir (of KontraS and my former legal counsel). Three of them were not brought to military court but to the military honorary council of the military. Three of them were brought there and after that the 11 official members of the Special Armed Forces of this rose team were sentenced two years maximum 24 months.

**Danilo:** Because of torture you suffered and your two other friends?

**Mugi:** The charges were not on torture. Torture was not a crime at that time (editor's note: until now torture is not a criminal offense in Indonesia). The charges filed against them was about the soldiers 'mistakenly interpreting the order of commander.' It was a disciplinary sanction by the court.

**Danilo:** So, it was an administrative sanction?

**Mugi:** Administrative not criminal. For mistakenly interpreting the order of the commander. These 11 Kopasus officers and then the three officers, like General Prabowo, were expelled from the military and also Mudi and Kairawan. That was what happened in the military court. I was not in Indonesia at that time. I didn't give testimony in court. What we know now is that many of the 11 officers of the Kopasus were promoted to higher positions at this moment.

Several numbers of the soldiers involved in torture were promoted in Aceh; and as for the victims, we got nothing. Because it's not a crime in Indonesia we only have abduction and only after 2000 after we have this law on establishing Ad Hoc Human Rights Court we began again to make a campaign. We ask Komnas HAM to start its investigation on the case because we believe that this is the gross violation of human rights violation and a crime against humanity.

We asked Komnas HAM, and it was only in 2005 that Komnas HAM establish on Ad Hoc team to investigate our case. In 2006 Komnas HAM concluded that it was true that there is gross violation of human rights on the category of crime against humanity in the form of disappearances, torture. And then Komnas HAM handed over their report to the Attorney General Office (AGO) for the investigation and prosecution o the case

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in the Ad Hoc human rights court. One of the weakness in the Indonesian legal system is that, we have government regulation on compensation rehabilitation and restitution that the three victims could only access if there is a court decision. If not that is impossible.

I'm talking about the torture and other acts within the category of gross human rights violations. So we don't have legal remedy. No single person for the victims of enforced disappearances in 1997 – 1998 received any remedy until now. What we had is only recently on the last one year the families enjoyed the service from the government in the form of psychosocial and medical services by the LPSK or the victims and the witnesses protection body. But this on the provision that there should be evidence from the Komnas HAM that the person is really a victim or the family of the victim. This is not remedy, this is not reparation. This is what happened actually in the case of Tanjung Priok. There were three cases of gross human rights violations that were brought to the Human Rights Court. The first is the case of East Timor; second, is the case of Tanjung Priok massacre against Muslims in 1984 in Jakarta and the third, was the case of Abepura in 2000. Abepura was brought to the permanent Human Rights Court, not to Ad Hoc court.

In the case of Tanjung Priok, the court actually ordered the government to provide compensation to the victims. The problem, however, was that in the appeal in the court of appeal the judges said that there was no human rights violation. Yes, there is no human rights violation. One of the elements of the crime was that it has to be done as part of systematic and widespread action targeting civilians. What happen in Tanjung Priok at that time was that, it is not the military but it was a civilian group who attacked the military. That is why no one was convicted. So, everyone was released basically.

**Danilo:** There is no concept of command responsibility?

**Mugi:** Yeah, there is none because the court did not consider it a crime. The good thing is at least the judge ordered the state to provide compensation, rehabilitation and restitution to the victims, but it was not implemented. So that happens in Indonesia and many cases of gross human rights violations. I am not involved in torture cases in recent torture cases so I don't know exactly because there are many torture cases in the police detention, I don't know exactly in terms of remedy.

**Danilo:** Do you think after 1998 after Suharto left torture remains a widespread and systematic practice? In the past, it is more on political threats; but these days what do you think are the reason for using torture?

**Mugi:** It still happens. In the media torture happens in many police detention centres during interrogation. When I was detained back in March 1998 the torture was so bad against the drug abuse suspect. Before as they were taken to the police they first have to pass this torture chamber. They were interrogated

before being sent to the cell. I heard that it is still happening these days. Although not as bad as before, and it happens also Indonesia. It is only in big cities where there is media coverage the police is careful. But this kind of detaining people, interrogating people, torturing people happens in small police offices related to plantations, for example mining, nobody knows because no one is able to have access there. And the reason is I think there is a problem anywhere is the law enforcement.

On the other hand the police and military said that: no we cannot be repressive like before because we are afraid of human rights. That's what they said. The police are using the double standard in the case, for example now the biggest issue in Indonesia is religious intolerance.

**Danilo:** I'm curious Mugi the person who helped you while you were in detention was it Munir?

**Mugi:** Yes.

**Danilo:** He represented you and the other persons whom you worked with now, Daud, his father was also a torture victim. And you are working with them in terms of advocacy protection of rights demanding for remedy but in you none of those who abducted, tortured you was prosecuted with criminal liability. So how do you address this kind of questions dealing with victims? How do you explained that to them? Do you ask question?

**Mugi:** Yeah, Of course. That is the difficult part. In the context that as if what we have been doing is useless for example because we have been struggling for 15 years since Soeharto no single person persecuted and the victim is not even the right to remedy. Yes it is a big challenge for me personally and also for us because it looks like giving a false hope to the victims. Example, if we call for justice this perpetrator should be persecuted that our call. But on the other hand the Tanjung Priok case has been brought to court but the result was that the victims got nothing. The perpetrators are free. So, do we want to have same court decision again?

This is difficult part but what we talk to the victims what we shared with them is that the good thing in among the victims community is they are not individuals. For example they are not only thinking of themselves and this is reflected with statement of the victims. They go to the mother of the victims saying I have been struggling for years and what I believe is Indonesia is the State that abides by the law, so the law should be upheld. And so what happened to my son, to myself, I don't want other generations to experience the same. Not only herself, but for the future generation of our nation. That's why I personally in my writing and also in my conversation my speech for example, I gave identify to the victory of the victims. That what we are doing is not useless, it is rather symbolic one. In the history of Indonesia, it never happened that the generals were brought to a court room for prosecution. Although they were not convicted as guilty, but they were indeed taken to court, as it happens in the case of Tanjung Priok.

“ We have been struggling for 15 years since Soeharto no single person persecuted and the victims did not even get remedy. ”

“In Indonesia we have many good laws, good regulations but they are not enforced. So it is meaningless.”

**Danilo:** What you're discussing is very important as it strikes you.

**Mugi:** Exactly. We have said be free to organize but this is not all because of the victims, the biggest challenge is what about the daily needs of the victim? Because justice for victim struggling for 15 years is like abstract. They have their own definition of justice. What is important for me is I can continue life but not in this way. Because my son supposed to be breadwinner and he was taken I have bad economic life and so on and so on the government should provide for me.

**Danilo:** So after 1998 reforms in terms of law, new laws, some of those were have reforms but not all and there have been ratification of the CAT Convention. So this contributes to the development of the norms and the legal framework of Indonesian legal system. But do you think Indonesia today, with these developments of normative standards, does the legal system protects the rights or defeats?

**Mugi:** Of course, it protects the rights formally. It protects the right in terms of norms, but the problem is in Indonesia we have many good laws, good regulations but they are not enforced. So it is meaningless. Without enforcement it is meaningless like a paper tiger. We understand this because of the fact that Indonesians, for so many years, at least for last three decades and the authoritarian regimes, we have been under such repressive situation. No government officials, specially the security apparatus, were held accountable.

There is such a kind of Culture of impunity, a long history of impunity and you could go to Philippines yes, ok and also the other aspect is because of the fact that the reform that we have in Indonesia in 1998 does not really change. The culture, the system is still there.

**Danilo:** When you say the system what is it still there? Can you give an example.

**Mugi:** For example the military is still the problem in Indonesia up until today. Although they don't have their automatic representation, like in the New Order regime, but they are still given many strategic positions by political parties. They were powerful in the past and they were still powerful and very influential today.

So the political party wants them. That is why they recruit the military men in different political parties, like Prabowo, and also the other generals in different political parties. They are the ones who have the agenda to be immune from any accountability, and so on.

**Danilo:** What do you think now Prabowo was the commander by the group who tortured you and your friends? Prabowo remain an influential person in Indonesia, so how do you articulate this kind of obstacle and lack of punishments and absence of those

who are perpetrating gross violation of rights in the Indonesian society these days? How do you articulate?

**Mugi:** Yes, it is very difficult for us to bring people, like Prabowo in judicial process to get the formal judicial punishment. We do this 'social punishment.' Even if our actions is not official punishment, we are doing this is to tell public about who these persons are. The big challenge in the human rights community is that human rights are not attractive issue in Indonesia in comparison to the issue of corruption. And when we are talking of corruption many people should talk out of Human Rights.

**Danilo:** Why?

**Mugi:** Because I think it's not directly related to them. They are not victims. Maybe for them its abstract that's why Prabowo is popular and also they don't know (about the violations he committed in the past). The people don't know the human rights community. We are still in the secret room, still isolated. Those who talk about justice and human rights, like KontraS, are small in numbers; and the others, they don't see the importance of bringing perpetrators to justice is public discourse.

**Danilo:** Thank you Mugi.

“ It is very difficult for us to bring people, like Prabowo in judicial process to get the formal judicial punishment.”



Indonesian political activist, Reza Patria, 28, testifies at a court martial in front of 11 members of the special forces unit charged with abducting nine activists at a court martial in Jakarta 08 January. Neza said he was subjected to repeated electric shock treatment after being abducted during the last month of the Suharto regime. *AFP PHOTO/MOSISTA PAMBUDI*

## Unsolved cases of torture, custodial deaths and extrajudicial killings

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Indonesia Desk,  
Asian Human Rights Commission

### **Story 1: Police torture two men, including a boy, over a firearm abandoned by a stranger at their house**

*Victims: Alpons Gobay (15) and Menny Gobay(18)*

*Alleged perpetrators: Members of Indonesian National Police and Indonesian Military Joint Force (Mobile Brigadiers of Papua Regional Police, Community Control Unit of Paniai District Police, TNI 753 Battalion)*

*Date of incident: 25 February to 11 March 2013*

*Place of incident: Enarotali, East Paniai, Papua*

**AHRC-UAC-048-2013**

On 25 February 2013, Alpons Gobay, a minor; and Menny Gobay were cooking lunch in their house in Bobaigo Village, Enarotali, East Paniai when a team of about 45 policemen and military officers surrounded their house. The two were questioned and tortured after the policemen and military found a *noken* (Papuan woven bag) in their house containing a handheld transceiver, a 7.56 calibre cartridge, a mobile phone, two TPN-OPM (Free Papua Movement's Military Wing) identity cards and a woven craft with Morning Star flag, a symbol of pro-independence in Indonesia's West Papua. The identity card did not belong to the victims.

The bag was owned by a stranger, not by the victims, who had entered their house without their permission while they were away. The stranger told the victims he was only resting and was about to go fishing nearby. They thought he did not pose any harm to them, so they allowed him to briefly stay. However, when the stranger left without them knowing, he left his bag at their house.

When the police and the military came, they kicked and beat Alpons and Menny while dragging them out of their house. They were struck with guns before taking them to the Paniai District Police Station. While on a journey inside the car, they were repeatedly beaten until they reached the police station where

they were interrogated. As a result, both victims' forehead, lips, head and arms were wounded. Alpons and Menny suffered from excruciating pain in their ribs.

While in the police custody, the police questioned and tortured Alpons and Menny for possessing the materials they found in a *noken* from their house. They were charged with a provision under Emergency Law No. 12 Year 1951 on Fire Arms and Explosive which carry the punishments of death sentence, life imprisonment, or temporary imprisonment for a period of 20 years.

After the victims' arrest, Leo Yeimo, spokesperson for Free Papua Movement (Organisasi Papua Merdeka, OPM), rejected the police's claims that the arrested persons were their members. But despite Yeimo's statement the media reports still indicates, quoting the Indonesian National Police, that the two persons whom they arrested on 26 February 2013 are members of the OPM.

Gede Sumerta Jaya, head of the community relations of the Papua Regional Police, still claimed the persons they have arrested, 'AG' and 'PG', were involved in a number of shootings, in the hostage of nine employees of a construction company, and the abduction as well as rape of a woman in Paniai. The victims were charged for illegal possession of fire arms and explosives. The victims were released on March 11.

### **Story 2: Police demand a bribe for the release of a mentally ill man they beat and detained without charged**

*Victim: Yunus Gobai*

*Alleged perpetrators: Unidentified five officers from Enarotali Sub-District Police*

*Date of incident: 2 March 2013*

*Place of incident: Enarotali, Paniai, Papua*

**AHRC-UAC-040-2013**

At 8:30am on 2 March 2013, Yunus Gobai, former leader of KINGMI Maranatha Nabire Church and was suffering from epilepsy and mental problems, went into the front yard of Enarotali Sub-District police station. He shouted several random words as he was running around the yard.

Upon seeing Rev. Yunus, five police officers came out and started repeatedly beating him to his nose, lips, head and arm. They then detained him without charge, and asked Yunus's family to pay them a IDR 1,000,000 (approximately USD 100) bribe in exchange for his release from their custody. A member of the Paniai Legislative Council (DPRD Paniai) helped Yunus's family raised the money which they paid to the police.

Yunus's had recovered from his injuries; however, his family had to bear the cost of the medical treatment.

**Story 3: Police electrocutes seven men for not knowing the whereabouts of two activists they know nothing about**

*Victims:*

1. Daniel Gobay
2. Arsel Kobak
3. Eneko Pahabol
4. Yosafat Satto
5. Salim Yaru
6. Matan Klembiap
7. Obed Bahabol

*Alleged perpetrators: Iptu Beduh Rahman and other officers attached to the Depapre Sub-District and Jayapura District Police.*

*Date of incident: 15 February 2013*

*Place of incident: Jayapura, Papua*

**AHRC-UAC-024-2013**

On 15 February 2013 at 9am, while Daniel Gobay, Arsel Kobak and Eneko Pahabol were on their way home, about five police officers, one of whom was identified as Iptu Beduh Rahman, of the Depapre Sub-District Police Station, stopped the vehicle they were riding on. The policemen pointed their guns at them and ordered them to go to their police station, about 30 metres away, by crawling.

After arriving at the police station, Daniel, Arsel and Eneko were then taken to Jayapura District Police Station. Here, the policemen started questioning them about the whereabouts of two pro-independence activists, namely Terianus Satto and Sebby Sambom. None of the victims knew the persons the police were looking for. The police repeatedly kicked Eneko Pahabol to his face, in his left and right knees until it bleeds. Eneko and his friends were beaten with a rattan sticks, electrocuted on their legs, had the barrels of their guns pressed to their heads and forced them into their mouths and ears. Arsel was stripped-naked, had his head, face and back kicked. Due to beatings, his mouth and nose bleeds, his forehead wounded and is suffered from hearing loss.

Apart from them, at 10am on the same day, four other person, namely Yosafat Satto, Salim Yaru, Matan Klembiap and Obed Bahabol, were also stopped by the police. The police officers in civilian clothes and carrying Pindad SS-1 assault rifles. They pointed their rifles at Yosafat and his friends. They were all first taken to Depapre Police Station before they were moved them to Jayapura District Police Station. Here, the police officers started beating and electrocuting them after they were forced to take their clothes off. They pressed their guns on their heads while asking them about the whereabouts of Terianus and Sebby.

Like the three person whom the police had earlier arrested, detained and tortured, none of them know Terianus and Sebby Sambom. But when they told the police they do not know the two they were looking for, it angered them. They tortured the victims even more. The officers kicked them, beat them with rattan sticks

on their backs until they bleed, and electrocuted their faces. All the victims were questioned separately. For his part, Obed broke his tooth when a police officer forced the barrel of his gun into his mouth. They also had his forehead repeatedly beaten until it bleeds.

By February 16, the police released five of the seven victims they have arrested without charge. As the time of writing, Daniel Gobay and Matan Klembiap are still detained in the police custody for allegedly possessing bladed weapons.

An Indonesian police holds a knife found in a bag of a man during checks for weapon at a main road in Jayapura, 30 November 2000 in anticipation of unrest ahead of the 29th anniversary of the West Papua proclamation of independence on December 01. The capital of Indonesia's remote Irian Jaya province was increasingly tense following the arrest of the pro-independence Papua Council leader, Theys Eluay, on subversion charges.  
*AFP PHOTO/WEDA*



#### **Story 4: Twenty detainees were tortured for jokingly welcoming the arrival of new detainees**

*Victims:*

*Pelius Tabuni, Gidion Hanuebi (Bob), Serko Itlai, Yoris Fernando Ami Wenda (Soy), Roy Olvin Wally, Ormi Wandik, Roy Kabarek, Irsan Mananggal (Irs), Yosua Merahabia, Samuel Waren, Yakobus Bue, Hendro Wambrau, Ibe Huby, Kaharudin, Kaleb Mantanaway, Imanuel Mauri, Zikenele Hisege, Widodo Santoso, Ahmad Alia*

*Alleged perpetrators:*

- 1. Eli Asip Wamuar, prison guard*
- 2. Bonifasius Manuputy, prison guard*
- 3. Yulianan Wanane, prison guard*
- 4. Juwaini, head of Abepura Correctional Facility's Security Unit,*
- 5. Nuridin, head of Abepura Correctional Facility*

*Date of incident: 21 January 2013*

*Place of incident: Abepura, Papua*

**AHRC-UAC-025-2013, AHRC-UAU-003-2013**

On 21 January 2013 at 6pm, 20 detainees were tortured and ill-treated by prison guards at the Abepura Correctional Facility over their remarks “welcome to the prodeo hotel” and “welcome to isolation” address to three detainees who had newly arrived. After hearing the remarks, prison guards Bonifasius Manuputy and Yulianan Wanane gave orders to the coordinator of the inmates (*tahanan pendamping, tamping*) to unlock the cell where the five detainees are held, and ordered them to come out. They were ordered to walk, in a crouch position, about 100-150 meters to the guards’ office.

When they reached the office, prison guards Manuputy and Eli Asip Wamuar started beating them. They whipped them with a thick white wire measuring ten inches in diameter and two meters in length. The other detainees in other cells had to make noise asking Bonifasius not to stop torturing the detainees.

By 6:30pm that day, prison guard Wamuar again gave orders to unlock Cell Nos. 2, where seven prisoners are held; and 3, where eight prisoners are held. They were all ordered to walk towards the office in a crouch position similar to the five detainees. They were also whipped by Wamuar using the thick wire. As a result, the prisoners suffered wounds and injuries to different parts of their body including arms, back, and shoulder. Some parts of their body were wounded and bruised. One of the prisoners, Pelius Tabuni, had his left arm broken due to severe beatings.

After the torturing and beating the detainees, the prison guards simply put the prisoners back into their respective cells. None of the detainees had received medical treatment from the prison’s clinic despite the severity of their injuries. When incident happened, Nuridin, head of the Abepura Correctional Facility; Juwaini, Head of the Correctional Facility’s Security Unit, were present.

By March 2, after the incident was exposed Nuridin was transferred to another prison facility in East Java province and was replaced by Nico Elias. However, the government, notably the Head of Ministry of Law and Human Rights's local office in Papua, Demianus Rumbiak, denies that his sacking and replacement arises from the torture incident. They claimed, however, that the Madiun Correctional Facility where Nuridin would be transferred to needs to be rejuvenated, and it is hoped that Nuridin along with his experience will be able to improve the situation there.

Nuridin, however, is the latest head of the prison facility to have been replaced over allegations of perpetrating and condoning torture. In April 2012, Nuridin's predecessor, Liberti Sitinjak, was also replaced after the torture of 42 detainees and prisoners in the said facility was also exposed by human rights groups.

**Story 5: Police tortured, pulled out the fingernails of a man buying mineral water**

*Victim: Frengki Uamang*

*Alleged perpetrators: Officers from Mimika Sub-District and Kwamki Baru District Police*

*Date of incident: 27 to 28 November 2012*

*Place of incident: Kwamki Baru District, Papua*

**AHRC-UAC-201-2012**

At 11am on 27 November 2012, Frengki Uamang went to visit a church and to buy mineral water from a local shop. Here, two unidentified men, wearing civilian clothes, had come out from the car they were riding in and arrested Frengki. One of the men introduced himself as a police officer. The police took Frengki to a place where they questioned him of the reason why he was visiting the church. But when Frengki explained he was attending a religious event, but the police instantly told him: "Don't lie to us. You want to buy weapons, so don't lie to us!"

The police took Frengki to Kwamki Baru Sub-District Police where they questioned and accused him of committing various criminal activities, one of which was for supposedly providing food for the armed members of the OPM. While in the police custody, the police tortured Frengki for four hours. They kicked him by their boots; they beat his chest, legs, thighs, head, ears, face and chin. Due to the beatings of his legs and thighs, he could not walk for four days.

Later they took Frengki out of the police station and drove him to the Irrigation Street in Mimika. On their way, the police again tortured Frengki by pulling his fingernails using pliers. About ten police officers were present. The police asked Frengki to show them two houses where OPM's armed members were allegedly hiding in. But Frengki told them that he himself is only a visitor and had no idea of what houses they were talking about. The police took Frengki to a plantation area, ordered him to slither on his stomach with his handcuffs on. They pointed their guns at Frengki

telling him to pray. One of them told Frengki, 'you killed my fellow police officers. You are a member of the OPM's military wing.' The officer accused that Frengki is from Kali Kopi where one of the headquarters of the OPM's military wing is located. The police also randomly opened fire towards the trees to create the impression that they were in crossfire against the OPM's military members.

One of the police officers then took Frengki to the Mimika Sub-District Police. Here, Frengki was again interrogated; however, this time the police asked him of his link to the shooting that took place in the place owned by the PT Freeport, an American gold mine company. When police held Frengki at the police station for one night, his hands and legs were chained to a table. The police released Frengki the following day after it became clear he was not involved with the OPM at all.

### **Story 6: Prison guards torture 42 prisoners demanding better treatment and prison condition**

*Victims:*

*Selfius Bobii, Luis Kossay, Terianus Tabuni, Wayus Hubi, Markus Dabi, Octo Iknia, Fredy Masyrom, Agus Hisage, Habel Itlay, Titus Kogoya, Randy, Kostan, Donny Sineri, Epenus Itlay, Adrian Walangitan, Muhammad Ramly, Orgenes Epa, Elia Komba, Rafles Yoku, Agus Monmut, Jubair, Edi Baransano, Sulario, Ortis Sineri, Kalvin Kapisa, Parmen Wenda, Dominikus Marian, Nius Heba, Narto, Acok, Pas Wenda, Lukas Sawen, Yoram Sawen, Chore Daundi, Luther Ohee, Dedi Dores, Hanan Mambay, Yufri Mameta, Hendrik Kenelak, Stenly Palondong, Alfian Palendeng, Erens Apromis*

*Alleged perpetrators: Liberti Sitinjak, Herman Mulawarman, M. Hutabarat, Juwaini, Olof Itaar, Sarlota Hai, Hardiman, Peneas Kubia, Magrid Kawai, Elly Wamuar, Viktor Paembang, T. Kambu, Bony Manuputy, Wembi Hamadi, Viktor Rio Sitania, Zakarias, Wilson Sibarani, Rahmad, Capung Bc. Ip., Felix Kusali*

*Date of incident: 30 April 2012*

*Place of incident: Class II.A, Abepura Correctional Facility, Papua*

**AHRC-UAC-099-2012**

On 30 April 2012 at 12pm, prisoner Selfius Bobii argued with Liberti Sitinjak, head of Class II A of the Abepura Correctional Facility, when the latter refused to allow the former to conduct some creative activity. Sitinjak was acting on orders of Juwaini, head of the Correctional Facility's Security Unit (KPLP). Juwaini ordered to place Selfius in an isolation cell; however, he resisted and insists that he should not be punished because he did not do anything wrong.

Other prisoners who are supportive of Selfius, yelled at the prison guards telling them to put him back to his cell but they were ignored. They took offence of what the prisoners told them. After putting Selfius in an isolation cell, the prison guards went to the cells where the prisoners were yelling. They took the prisoners out of their cell and beat, kicked and hit them with wooden blocks

and iron sticks. The whipped them with thick ropes, dragged them to the front yard and asked them to walk on a crouching position for about 200 metres.

While they were doing this, the guards kept on beating and kicking them, stepped on their fingers and toes. Two prisoners named Hendrik Kenelak and Otto Ikinia fainted and one named Parmen Wenda had his arm broken. The prison guards repeatedly told them: 'you are all stupid, that is why you end up here'. The torture and ill-treatment lasted for about two and a half hours. The guards also took away and burn the prisoners' personal belongings after they searched inside their cells.

Selfius was taken to the Papua Regional Police Station where he was questioned and taken back to the Correctional Facility on 3 May 2012. After the pressure and intervention from civil society, Libery Sitinjak was replaced by Nuridin as the head of the Correctional Facility.

**Story 7: A man arrested for illegal drugs, tortured and denied access to his lawyer**

*Victim: Munawir Alamsyah*

*Alleged perpetrators: Officers of Narcotics Unit of North Sumatera Regional Police*

*Date of incident: 7 April 2012*

*Place of incident: Medan, North Sumatera*

**AHRC-UAC-085-2012**

On 7 April 2012 at 9am, Munawir Alamsyah was arrested for illegal drugs near Asrama Street in Medan. Upon arrest, the policemen beat Munawir injuring his lips, eyes, face and bruised his back. One of his ears was bleeding while his friend who was with him at that time was shot on his right arm.

Munawir was brought to the police station nine hours after his arrest. Before that, he was taken to a house in Ring Road, Medan where the police continuously beat him while he was interrogated. The next day, when Munawir's legal counsel attached to the Dhi'IraKh & Associates, came to see him at the police station to provide legal assistance they were refused access to the victim. The police questioned Munawir in absence of his legal counsel. One of the police officers, Iptu Helmi Sembiring, said: 'there is no use asking for legal assistance from lawyers. It's just a waste of money. It will be better if you just leave this to the police and the prosecutors.'

On 9 April 2012, when Munawir's legal counsel sent a letter to the Chief of North Sumatra Regional Police requesting that another the investigation should be conducted in their presence; however, police rejected their request claiming that there was no need to do so because Munawir was represented by a lawyer appointed by the police, obviously not of the victim's choice, when the police questioned him on 7 April 2012. When Munawir's

lawyers asked for details of the lawyer represented Munawir the police did not give any further information. Munawir's lawyers were never allowed to meet him and provide him legal assistance.

Munawir's legal counsel also requested that a medical doctor examine him. They also filed a complaint with the Professionalism and Security Division of the police (PROPAM), an agency who had jurisdiction to hear administrative complaints, concerning the excessive use of force. However, at the time of the writing, the police have not taken any necessary measures to respond to the request and complaint.

**Story 8: Police warn victim not to tell the doctor they tortured him**

*Victim: Rokki Hutapea*

*Alleged perpetrators: about six unidentified officers of Medan District Police; Head of North Sumatera Regional Police*

*Date of incident: 30 January 2012*

*Place of incident: Medan, North Sumatera*

**AHRC-UAC-197-2012**

On 30 January 2012, Rokki Hutapea was arrested by policemen attached to the Medan District Police without warrant over allegations of aggravated theft. About six unidentified policemen were involved in arresting him. They tied Rokki's hands behind his back, blindfolded him with adhesive tapes and forced him to get into a car. Inside the car, the police beat Rokki until they reached the house of Aseng, another person also allegedly involved in the theft. Aseng, however, was later released without any clear justification.

Rokki and Aseng were later taken to an unknown and remote place. The police took Rokki out from the car and forced him to sit on the ground. As he was sitting, the police started beating him on his back, arms and head using a wooden block. They took his blindfold off and poured brake fluid on his head telling him that the brake fluid would help stop the bleeding on his head. Despite the severity of his injuries, the police did not take Rokki directly to the hospital but to Medan District Police. It was only after Rokki begged the police to him to take him to the hospital that he was finally taken.

At the hospital, the police warned Rokki not to tell the doctors what had happened to him. He was told that he should only tell the doctor that the injuries that he had suffered were due to fight or a fall. Rokki had 12 stitches outside and four inside the head. Other parts of his body were bruised.

After the incident, on 8 February 2012 Rokki's mother filed a complaint with the Criminal Division of the North Sumatra Regional Police hoping that they would hold a criminal investigation about her son's case. The complaint shed filed is registered as STTLP/140/II/2012/SPKT I. On 14 February 2012,

she also filed a complaint with the Professionalism and Security Affair Division (Propam) against the same police station registered as STPL/36/II/2012/Propam.

However, after filing the complaint, the police have not provided Rokki's mother updates about the development of her son's case. No information were also given whether any investigation to the complaint she filed have taken place. The lawyers of Rokki and his mother have repeatedly sent letters to the police but the latter did not provide them information.

### **Story 9: Policemen only get four years imprisonment for the death of two boys**

*Victims:*

1. Faisal, 14 years old
2. Budri, 17

*Alleged perpetrators: AKP Syamsul Bahri, Iptu Al Indra, Aipda Irzal, Randy Agusta*

*Date of incident: 28 December 2011*

*Place of incident: Sijunjung, Padang, West Sumatera*

*Status of the case: The judgement was delivered by the Muaro Sijunjung District Court on January 29, 2013.*

#### **AHRC-UAC-018-2013**

On 28 December 2011, Faisal and his brother, Budri, were found dead hanging in the bathroom of the Sijunjung Sub-District Police Station. The police denied torturing the victims to death and claimed they committed suicide. But the autopsy conducted on the victim's bodies revealed they had bruises, and an independent investigation by the National Human Rights Commission (Komnas HAM) concluded their death was premeditated.

Komnas Ham found evidence which rejected the police's claims that the victims hang themselves. For example, the clothes used in hanging the body belongs to the police, the toes of one of the victims touched the floor, which indicates the victim was not likely to have hanged himself. The police later admitted that it might have been possible that several policemen had tortured the two; however, they refused to accept that their death was as the result of such abuse.

The four police officers were charged with three optional articles under the Penal Code concerning physical assault: for physical assault leading to death under article 351 (3); for physical assault causing severe injuries under Article 351 (2) and for common physical assault under Article 351 (1). Of these three, article 351 (3) carries the most severe sentence for a maximum punishment of seven years imprisonment.

However, in filing charges against AKP Syamsul Bahri and Randi Agusta, the prosecutors filed charged under article 351 (1), against Iptu Al Indra and Aipda Irzal, they filed charges under article 351 (2); and article 80 (1) for physical assault towards

children under the Children Protection Law to indict Iptu Al Indra. Since the victims died in custody, the prosecutor could have filed charges under article 80 (3) of the Children Protection Law but it did not do so.

It was clear that the charges filed against the policemen were not proportionate to the severity of the crime that the police had committed, notably the death of these boys in the police custody. The accused were only held responsible for the physical injuries but not the death of the victims arising from torture. The judges hearing the case shared the prosecutor's views when they rejected the claim for restitution filed by the prosecutors on behalf of the victims and by the Witnesses and Victims' Protection Agency.

The judges in this case did not consider the investigation report by Komnas HAM and the LBH Padang. The court hearing the case did not invite Komnas HAM who could have provided expert testimonies. In the judgment delivered by the Court, Iptu Al Indra, head of the Sijunjung Sub-District Police's Criminal Unit, was sentenced to three years imprisonment; AKP Syamsul Bahri, chief of Sijunjung Sub-District Police, for 18 months imprisonment; Aipda Irzal, head of the Intel Unit and Randi Agusta, the police investigator, for two years imprisonment.

**Story 10: Court renders light sentence to policemen who tortured and executed a man for 'serving the country'**

*Victim: Yusli, 23 years old*

*Alleged perpetrators: Kemitjo, chief of Cisauk Sub-District Police and four other officers*

*Date of incident: 26 December 2011*

*Place of incident: At the Research Centre for Science and Technology (Puspitek), Tangerang*

**AHRC-UAC-028-2012, AHRC-UAU-015-2013**

On 26 December 2011, Yusli died in the police custody fourteen hours after he was arrested allegedly for stealing motorcycle by three persons carrying long rifles came at his home in Bogor, West Java. At the time of his arrest, he was beaten, handcuffed and dragged towards a car that took him away. When his family looked for him at several sub-district police stations, all the police stations denied knowing neither Yusli's arrest nor who kept him in custody.

At 5pm, Mr. E. Jurjani, community head of the Mekarsari sub-district, informed Yusli's family that he died and they can claim his body at the Kramat Jati hospital. Mr. Jurjani gave the victim's family IDR 2,000,000 (about USD 222) 'as a form of sympathy' but on condition that they sign a blank paper, which they refused, allegedly to be used as a statement confirming they would keep silent and not to take action against the police.

Upon claiming Yusli's body at the hospital, a man who introduced himself as a police officer attached to the Cisauk

sub-district police station, informed them that it was his friends and Kemidjo, chief of the Cisauk sub-district police station, who arrested Yusli. Yusli's family had also gone to the Cisauk sub-district police station looking for him but they denied taking him in their custody. This police officer now explained that Yusli allegedly attempted to escape prompting the police to shoot him.

But the police's claim that Yusli fought it out with the police could not have been possible. When his family saw his dead body, the injuries he had indicates he was tortured and executed while in the police custody. He had injuries to his head, claw marks on his right chest, gunshot wound to his left chest, lacerations on his face and several bruises on his forehead, chin, hands and body. Yusli's family reported this case to the Tangerang district police.

After complaining to the police station, at the funeral another man approached Yusli's family giving them IDR 3,000,000 (about USD 333) as a gesture of sympathy from Mr. Kemidjo. He also mentioned that Mr. Kemidjo had given money to Mr. Jurjani, a person who had offered the family a bribe earlier, asking them whether they had received money.

After reporting to the police's Division of Professionalism and Security (PROPAM) on January 2, 2012, the family was informed on January 31, 2012, by phone that their complaint had been referred to PROPAM at the Jakarta Metropolitan police. There were four police officers, namely Sutrisna, Aan Trihianto, Ricky Ananta Sembiring and Hermanto who were questioned regarding Yusli's arrest, detention and death in custody. Of the four, Ricky and Hermanto were charged for maltreatment resulting in severe injuries and Aan for manslaughter under articles 351 (2) and Article 359 of the Penal Code respectively. Sutrisna was not included in the charge.

On 4 March 2013, the Tangerang District Court sentenced Riki and Hermanto were to two years imprisonment and Aan for five years imprisonment. During the trial, the judges rather give weight to the police's version that Yusli tried to wrestle the gun from the officer and that the shooting was accidental. Also, since the accused are officers 'who serve the country', the court considered this as mitigating factor to justify the imposition of light sentence. This court's judgement disregarded evidence that Yuli had been severely tortured before the police executed him by shooting him to his chest.

**Story 11: Soldiers attack activists, villagers because a drunk informant told them they were separatists**

*Victims:*

*Melianus Wantik, Edo Doga, Markus Walilo, Pilipus Wantik, Wilem Kosy, Elius Dabi, Lamber Dabi, Othi Logo, Nilik Hiluka Hukum Logo, Martinus Mabel, Saulus Logo*

*Alleged perpetrators: Seven officers of the Kurulu military sub-district command (Danramil Kurulu)*

*Date of incident: 2 November 2011*

*Place of incident: Umpagalo village, Kurulu sub-district, Jayawijaya, Papua*

**AHRC-UAC-005-2012**

On November 2, 2011, soldiers attacked three activists, namely Melianus Wantik, Edo Doga and Markus Walilo; and villagers Pilipus Wantik, Wilem Kosy, Elius Dabi, Lamber Dabi, Othi Logo, Nilik Hiluka, Hukum Logo, Martinus Mabel and Saulus Logo, after they were provoked by a villager that a meeting between the OPM and civilians was happening in their village in Umpagalo, Kurulu, Jayawijaya.

The soldiers were attached to the Kurulu Military Sub-District Command (Danramil Kurulu). They went to the village acting on the false information provided by Alex, a villager who was seen to have drunk and gambled with members of the pro-Jakarta militia *Barisan Merah Putih*, before provoking the soldiers with his false information. The soldiers nevertheless proceeded to the villager without obtaining permission from their commanding officers to proceed.

When the armed officers arrived in Umpagalo at 11pm, they started beating the three local activists, stabbed the civilians with their bayonets, forced them to crawl and doused them with water for an hour. They also beat the victims with wooden sticks, kicked them, stepped on them, pointed their guns at them, threatened to cut their heads and shoot them.

The soldiers took all the victims to the 176/ Kurulu military headquarters of Wim Anesili Wamena battalion branch (Pos TNI Batalyon 756 Kurulu cabang Batalion Wim Anesili Wamena) where they were questioned for two hours. The victims were released and had to treat their injuries with herbal medicines because they were too afraid to go the hospital which was located by the military post.

When the colleagues of the victims filed complained at the Kurulu sector police, they refused to register their complaint telling them the victims had no substantial evidence to prove their allegations; and argued that the crimes committed by the soldiers is outside their jurisdiction as stipulated in Law no. 31 of 1997 on Military Court.

Mr. Ibnu Tri Widodo, head of the Military District Command (Korem) 172/PWY, confirmed there were seven soldiers involved in the attack. He earlier mentioned they were held in custody of the Wamena Military Police to be tried in the military court. All the soldiers were on duty at the time of the incident have transferred to another area.

**Story 12: A soldier gets away with attacking a villager whom he thought was a competitor in his business**

*Victim: Yani Meage, 18 years old*

*Alleged perpetrators: Two members of the 756th Wimaneseli Infantry Battalion*

*Date of incident: 31 May 2011*

*Place of incident: Kurima district, Yahukimo regency, West Papua*  
**AHRC-UAC-121-2011**

On 31 May 2011 at 2:15pm, 18-year-old Yani Meage was with his elder sister, Ms. Kallek Meage and her children, riding on a motorcycle on their way home when a soldier assaulted him in Kurima district, Yahukimo regency, in the Papuan highlands. The soldier attached to the 756th Wimaneseli Infantry Battalion was at the Kurima Military Post when he attacked Yani because he assumed he was competing with his business of hiring passengers for his motorcycles.

When the soldier approached Yani, he argued with him, threatened him and slapped his face. He also reported Yani to his squad leader who joined in continuously attacking him. They punched his stomach, struck his ears and sides of his body. The soldier held Yani to repeatedly kick and punched him causing him several injuries. The next day, Yani reported to JAPH & HAM, a local human rights organisation, but one of their staffs who were assisting him had been intimidated by the commander of the 756th Battalion. The soldiers warned the staff not to take any action on the case.

On 12 June 2011, Yani met with Parloi Pardede, who is the Deputy Post Commander of the 756th Battalion at the 1702/ Jayawijaya military district staff headquarters. After the meeting, Yani and the Deputy Post Commander signed an agreement that the soldiers who assaulted Yani should be punished; however, none of the soldiers involved were punished.

**Story 13: Two men convicted for life imprisonment over evidence taken by way of torture**

*Victims:*

1. Sun An "Anlan"
2. Ayong, 51 years old
3. Ang Ho, 34

*Alleged perpetrators: Unidentified officers of Medan Timur Sub-District Police and Medan City District Police; Tagam Sinaga (head of Medan Timur Sub-District Police); Rahmat Ginting; Ronal FC Sipayung*

*Date of incident: 1 to 4 April 2011*

*Place of incident: Medan, North Sumatera*

**AHRC-UAC-193-2012**

On 1 April 2011 at 8am, about six policemen questioned Ang Ho as he and his wife were about to check out at a hotel in Medan. The policemen questioned him on allegation he was involved in a

murder case. They took Ang Ho's necklace by force, ordered him to undress, took a photograph of him holding a gun from the police and repeatedly beat him. Ang Ho was taken to another room in the hotel where his cousin, Sun An, was also held by the police. Here, the police continued beating and interrogating Ang Ho. One of the policemen forced him Ang Ho to take off his underwear and sexually assaulted him.

Before taking him to Medan Timur Sub-District police station, the policemen took Ang Ho inside a car moving him around the city. Inside the case, the police beat Ang Ho while asking him questions of places he had no idea about. The beatings and interrogation continued even after he reached the police station. At the police station, a policeman kicked Ang Ho's private parts and Tagam Sinaga, Head of the Police Station, slapped him so hard that his denture fell off. The police also used hypnosis in interrogating him.

On April 2 at 1:30am, when Ang Ho's wife spoke to Ang Ho, the police officers asked her to persuade her husband to confess. At 7am that day, Ang Ho's cousin, Sun An, was arrested by officers attached to Asahan District Police without arrest warrant. Both Sun An and Ang Ho were brought to the headquarters of the Mobile Brigade of Command in Medan. Here, about ten police officers beat Ang Ho while in police custody severely beat him, strangled him and burnt his body with cigarette butts. The beating was so severe that could hardly move his jaw.

Under this condition, Rahmat Ginting, a police officer, typed the dossier of the investigation report. The lawyer assigned to him was not of his own choice. Ang Ho was forced to sign the dossier by squeezing his hand to hold a pen. Ang Ho could not understand what was written in the document because he was not fluent in Bahasa Indonesia and speaks mostly Hokkian (a Chinese dialect) in his daily life. He could also not read properly since he did not finish his elementary education.

At 4pm, Ang Ho's wife followed the police taking him to the Mobile Brigade Command Headquarters of the Regional Police of North Sumatera. At the same time, Sun An was in another room in the headquarters being tortured by about twenty policemen. He was beaten and kicked upon the orders of First Police Inspector Adjutant, Aiptu Baharuddin, of the Medan City District Police Station. He was also forced to sign the investigation report. On April 3 at 12am, Sun An transferred to the Medan City District Police (Polresta Medan) station. Here, he was tortured further by Tagam Sinaga. A policeman beat Sun An's face while another policemen, Ronald FC Sipayung, placed a chair on his head and sat on it.

At midnight, the policemen blindfolded Ang Ho, they ordered him to undress, tied his hands and foot with adhesive tapes, and told him to sleep on the floor. While on the floor, they poured cold

water on him making it difficult for him to breathe. They trampled on his hand, stomach and foot. The policemen threatened Ang Ho that they would torture him in this manner repeatedly. For Sun An's part, the policemen tortured him in the same manner as well. One of the policemen, Bahruddin, withdrew money amounting to fifty million rupiah (around USD 5000) from Sun An's bank account after taking his ATM card and personal identification number (PIN).

Ang Ho and Sun An were tortured by the policemen attached to the Medan City District Station for two weeks. At 12am every day during this period, for four hours every day the policemen took them to a room where they would be beaten, kicked and their bodies burnt with cigarettes.

When the trial on Ang Ho and Sun An was concluded, they were sentenced to life imprisonment by a local court despite questions to the lack of sufficient evidence. The Supreme Court also dismissed their appeal to the conviction.

#### **Story 14: Court's order to rehabilitate torture victim acquitted from charges not implemented**

*Victim: Syamsul Arifin*

*Alleged perpetrators: Police Brigade Idihuda, Police Brigade Gatot Mulyono, and two others unidentified police officers from East Java Regional Police*

*Date of incident: 8 February 2011*

*Place of incident: Surabaya, East Java*

**AHRC-UAC-056-2013**

Syamsul Arifin was on his way to work when two plainclothes policemen attached to East Java Regional Police approached him. The policemen, Police Brigade Idihuda and Police Brigade Gatot Mulyono, took Syamsul to an empty mosque where they interrogated him for allegedly stealing a television. The policemen ignored Syamsul's plea that he had not stolen anything. They beat him all over his body with a wooden stick. One of the policemen threatened him that if he refused to confess 'he would be treated like an animal.' When Syamsul requested for the policemen's identity, they tortured further.

From the mosque the police took Syamsul to the East Java Regional Police station in a car. Inside the car, his hands were cuffed and his head wrapped with three layers of plastic bag. The plastic bags were tied to Syamsul's neck tight that he could hardly breathe. Two other policemen were also beating him repeatedly. For 53 days in detention Syamsul no visitors were allowed to see him.

After five months of trial, on 4 July 2011 the Surabaya District Court (Judgement No. 1213/pid.B/2011/PN) acquitted him from charges. The prosecutor submitted an appeal to the Supreme Court but was dismissed by the court in 2012 (Judgement No.

2152/Pid./2011). The Surabaya District Court and the Supreme Court has issued an order granting rehabilitation and restitution of Syamsul; however, the court's order has yet to be implemented.

**Story 15: Journalist threatened for exposing illegal logging business**

*Victim: Ahmadi*

*Alleged perpetrators: First Lieutenant Faisal Amin, military member of Military District Command 0115 Simeuleu, Aceh*

*Date of incident: 21 May 2010*

*Place of incident: Simeuleu, Aceh*

**AHRC-UAC-079-2010**

On 19 May 2010, journalists Mr. Ahmadi of Harian Aceh and Mr. Aziz of News Investigasi Medan were tortured and their family were threatened to be killed after exposing the police and soldier's illegal logging business. Ahmadi and Aziz had collected evidence while on assignment to investigate a flooding in Alapan district that the policemen at Alapan District Police Station and the Alapan Military Sub-District Command were involved in illegal logging.

When Ahmadi and Aziz contacted First Lieutenant Faisal Amin from the Simeuleu Military District Command to get his side, he asked them not to publish any information about the logging business. Ahmadi's paper, Harian Aceh, ignored the soldier's request by publishing a story on 21 May 2010. After it was published, the soldiers summoned Ahmadi and Aziz to the shooting range in a Military District Command field. A military officer, Kardiar, of the same unit, picked up the journalists to meet Amin. Amin, however, let Aziz leave saying he had "no business" with him but only with Ahmadi.

Here, when Ahmadi asked Amin why he summoned him, he did not give any explanations. Amin took Ahmadi's mobile phone, laptop, and threw them away. When Ahmadi tried to get his phone back Amin draw his gun and started shooting at targets in the range. While shooting, he shouted: "You liar! You have humiliated me three times. I told you not to publish it but you insisted." Amin elbowed Ahmadi and threatened to kill his family if he would not retract the content of the article. Amin released another shot at the target objects on the field. He ordered Ahmadi to take off his clothes, which he refused to do.

After Ahmadi was allowed to leave, he filed a complaint at the Simeuleu District Police Station against Amin for intimidation and assault. He had himself examined at the hospital for his swollen face and bruised chest. The Head of the Public Relations section of the Iskandar Muda Military Regional Command Yuli Maroko admitted Amin's assault on Ahmadi. The Head of Military District Command 0115 Simeuleu Aceh, Wirana Prasetya Budi, had apologised to him, and the Wirana Prasetya sent a staff member from District Command 0115 Simeuleu Aceh to his house providing him and his family protection.

**Story 16: Torture victim talks about how he was tortured and escaped from the soldier's custody**

*Victim: Tuanliwor Kiwo*

*Alleged perpetrators: unidentified military members of the Kwangkok Nalime post*

*Date of incident: 9 May 2010 at 9am*

*Place of incident: Yogorini village, Puncak Jaya, Papua*

**AHRC-UAC-178-2010, AHRC-STM-013-2011**

On May 9, 2010 at 9am, Tuanliwor Kiwo (also known as Anggen Pugu Kiwo) was arrested while travelling on a motorcycle to Mulia in Papua and taken to a military post. In his testimony, he described how he suffered physical and psychological torture for 32 hours while being questioned about the activities of separatist groups and weapons that villagers were allegedly concealing.

Soldiers pulled his penis with pliers. His chest, stomach and thighs were burnt with a hot iron rod. They tied his hands and smashed his body against hard objects. After putting him underneath piles of wood, they set fire to it and removed him before he could receive major burns. They wrapped his head with plastic bag. After tying his limbs, they stepped on him for a long period. His nose was broken and he suffered cuts to his mouth and head due to beatings. He suffered cuts in his mouth, ears and nose when they roughly shaved his head and beard. His skin was burnt with a mixture of chilli, washing powder and salt. A lit cigarette was forced inside his nose. They threatened to cut his throat, cut his body into two with an axe and hung him upside down. They tied his legs with barbed wire, fractured his back due to beatings with a wooden pole and put him inside a plastic sack. His legs and hands swelled due to tight and prolonged period of cuffing.

At daytime, Mr. Kiwo was exposed to sunlight naked for long period. He lost consciousness, had panic attacks, cramps and suffered excruciating pain. On the second day, he was given basic treatment which involved cleaning his wounds with antiseptic fluid, injections in his swollen feet, hands and thighs and his lacerated nostrils stitched. They gave him some clothes.

On 11 May 2010, Mr. Kiwo said when he could no longer bend his limbs, the soldiers removed the handcuffs. At night time, he heard the soldiers talking that they were planning to execute him. He also heard phone conversation between the post where he was in and other units of the military about how he was subjected to torture. At that point he managed to untie himself and escaped before they could kill him. He was able to walk but with great difficulty in escaping due to the swelling of his legs.

On 24 January 2011, a military court in Jayapura sentenced the military personnel responsible for the torture to 9-12 months imprisonment for 'disobeying orders'.

**Story 17: Three policemen guilty for violating code of conduct**

*Victim: Sushandi bin Sukatma, also known as Aan*

*Alleged perpetrators: Victor B. Laiskodat (Chairman of the Artha Graha building); Johny Siahaan (High Commissioner of the Police at Maluku District Police); two unidentified officers from the criminal investigation unit of Maluku District Police*

*Date of incident: 14 to 15 December 2009*

*Place of incident: Artha Graha commercial office Building, Jakarta*

**AHRC-UAC-026-2010, AHRC-UAU-022-2010**

Mr. Aan (also known as Mr. Sushandi bin Sukatma) was questioned on charges of illegal drugs in the Artha Graha commercial office Building, Jakarta on 14 December 2009 by Johny Siahaan, High Commissioner of Police; Second Inspector John Wattimanela, and Obet Tutuarima, Head of Police Brigadier. The three policemen were from the Maluku Regional Police Station, about 2500 kilometres away.

Under their custody, the policemen did nothing when a civilian, Mr. Victor B. Laiskodat beat Mr. Aan severely. The next day, Mr. Aan was taken to Jakarta Metropolitan Police Office where he was charged for possessing illegal drugs. They recorded the date of his arrest as December 15 not 14.

On 17 May 2010, South Jakarta District Court acquitted Mr. Aan from fabricated charges. However, no compensation was provided to him nor were the three policemen held accountable. Mr. Aan's wife filed a complaint to the Professionalism and Security Division of the police (PROPAM) on 29 December 2009 who did conduct an investigation. On February 18, 2010, Mr. Oegroseno, head of PROPAM concluded that the Jakarta Metropolitan Police Office committed several serious violation of the code of conduct in Aan's case.

On March 18, 2010, Mr. Bambang Hendarso Danuri, the National Head of Police, issued a letter ordering the Head of the PROPAM to investigate the allegation that the policemen had violated the code of conduct. Despite this, the three police officers still have not been disciplined.

**Story 18: A court judge who convicted policemen for torture reduced the punishment because 'they have families, too'**

*Victim: JJ Rizal*

*Alleged perpetrators: Four officers of Beji Sub-District Police*

*Date of incident: 5 December 2009*

*Place of incident: Depok, West Java*

**AHRC-UAC-178-2009, AHRC-UAU-008-2010, AHRC-UAU-012-2010**

Mr. J.J. Rizal was arrested on December 5, 2009 by the policemen on suspicion he was one of the pickpockets operating in the area. The policemen beat him on the head and pointed their guns at him. When he shouted for help, none of the bystanders

would assist. His upper lip ruptured due to beating, his nose bled and his eyes and cheeks swelled. He suffered hearing loss when his ears were struck. Some of the arresting officers were not in uniform while others identified themselves as policemen after putting him in detention.

After an investigation about this incident, on December 6, 2009, Police Commissioner Adjutant Mr. Sukardi the Chief of Beji Sub-District Police, admitted in an interview by the media four of his subordinates had arbitrarily arrested and fabricated charges for theft against the victim. Mr. Rizal filed a complaint against the police at the Jakarta Metropolitan Police. The internal disciplinary unit of the Jakarta Metropolitan police conducted an investigation into the victim's complaint, and the four accused apologise to the victim on the instructions of the Chief of Beji Sub-District police. The four policemen were arrested for charges of police violence.

On 13 January 2010 after an investigation, the Jakarta Metropolitan Police delivered the case to the high office of the public prosecutor in Bandung, West Java.

On 3 March 2010, Judge Syahri Adamy sentenced three of the four policemen to three months imprisonment for violation of Article 170 (1) (violence openly committed by united forces) and 351 (1) (maltreatment) of the Penal Code. The public prosecutor had originally asked for the imposition of a five-month sentence, but the judge reduced that sentence reasoning that the policemen have families to support, too; and had already offered apologies to the victim.

### **Story 19: A policewoman tortured, electrocuted a female robbery suspect in front of her husband**

*Victim: Mrs. Mulyana*

*Alleged perpetrators: Unidentified officers of Natar Sub-District Police and Jakarta Metropolitan Police*

*Date of incident: 24 July 2009*

*Place of incident: Jakarta and Natar, Lampung*

**AHRC-UAC-175-2009**

Mrs. Mulyana, 24, was illegally arrested by police officers from Natar and Jakarta at her home in Natar at 3am on 24 July 2009. On their way to the police station, Mr. Eva Agustina, an officer at the Jakarta Metropolitan police, questioned Mrs. Mulyana regarding a bank robbery at BNI in Jakarta. Agustina suspected that Mulyana's husband may have been involved. When she denied any knowledge about the robbery, she was electrocuted by Agustina six times on different parts of her right arm. Two more electroshocks were used on her while the car was parked in front of the sector police station.

Inside the police station, Mulyana was interrogated. She was beaten and pulled by her hair while being asked where they had taken the stolen money to. At 4:10am, the policemen took her

to the house of Mulyana's brother in a police vehicle when they could not extract information from her. Inside the car, Ade Ros, a police officer, allegedly hit her in the face three times and pulled her hair.

At 2pm on July 25, Mulyana was taken to Jakarta Metropolitan Police Station. She was once again kept inside a vehicle within the police station premises and electrocuted by Agustina. Her husband, Mr. Azwan Effendi, surrendered to the North Sumatera police after arriving in Medan. Effendi was taken to the same police station in Jakarta where his wife, Mulyana, was subjected to torture and interrogation. In front of her husband, policeman Agustina applied electric shocks on Mulyana's stomach. The couple were tortured at the second floor of Unit III of the Criminal and Violence department. The officers continuously tortured the couple about the stolen money until 6 pm.

For five days, the police kept Mrs. Mulyana in detention. The police, however, released her on July 30 at 1 pm when they could not get any information from her. However, after her release, she has been receiving intimidating phone calls from persons who claimed to be from the Jakarta Metropolitan Police. Also, prior to that, there were three officers who came to her house demanding that she gives a statement for the investigation report into the complaint that she filed at the station but she refused due to fear. She filed a report with the internal disciplinary unit of the national police headquarters, with the help of NGOs after she was harassed.

**Story 20: Police tortured a bus driver to admit murdering five persons**

*Victim: Kiten Tabuni*

*Alleged perpetrators: Unidentified officers of Security Implementation Unit, KP3 Airport, Wamena*

*Date of incident: 23 July 2009*

*Place of incident: KP3 Airport, Wamena regency, Papua*

**AHRC-UAC-168-2009**

Mr. Kiten Tabuni was driving a public bus on 23 July 2009 along Yebe-wenas street in Wamena at 2pm towards Bolakme, when police officers in a patrol car ordered him to stop. He was told that the policemen from the Jayawijaya sector headquarters had been looking for him, but the officers did not explain why.

Tabuni was taken to the KP3 airport security unit. Here, he was illegally detained over the allegation that he took part in the murder of five Javanese. The policemen beat Tabuni badly to force a confession. They punched him, hit him with their weapons, helmets, and kicked his his face, head and legs. His relatives were not informed about his arrest and detention. They only heard of his arrest in the news two days later.

On 24 July 2009, his family went to the Jayawijaya police sector headquarters in Wamena, along with staff from a local human rights organisation, to check on his condition. They were told by the chief police officer that Tabuni had been arrested by the KP3 airport police, but the chief at the headquarters eventually contacted the KP3 security unit on behalf of the family and received confirmation. A day later the headquarters produced a formal letter of arrest.

However when the headquarter chief sent for the victim, to check his identity and investigate the charges against him, it was quickly discovered that there were no credible details linking him to the crime of murder. The chief officer apologised to the victim's family and released him.

For eight days, Tabuni was treated at the Public Hospital of Wamena (Rumah Sakit Umum). His medical reports noted that he had suffered from headaches and pain because of the severe beatings. However, the family of the victim was provided a copy of his medical report which they could have use to demand compensation.

**Story 21: Man tortured to death for allegedly stealing a tire**

*Victim: Susanto*

*Alleged perpetrators: Unidentified officers of Krueng Raya Police*

*Date of incident: 9 July 2009*

*Place of incident: Krueng Raya Police Station, Aceh*

**AHRC-UAC-105-2009**

Mr. Susanto was arrested on 9 July 2009 by policemen from the Krueng Raya Police Station at a coffee shop in the Krueng Raya Market. Susanto was arrested after the owner of an automotive workshop in Aceh filed a report that he stole his tire. Without any arrest orders with them, the police confronted Susanto. When he reportedly ran away and hid from the policemen, they called for reinforcement and another 15 policemen arrived in three police cars, to arrest him. According to witnesses, three shots were fired and Susanto was arrested in Lampoh Raya and taken, mostly unharmed, to the Krueng Raya Police Station.

However, as Susanto emerged from three hours of police detention, he already had severe injuries and the police had to take him straight to the nearest health clinic. At the clinic, the medical personnel declared his condition critical and ordered his immediate transfer to the Zainal Abidin Hospital. The police then contacted Mr. Susanto's family. At 7 pm a relative named Dasmi went to the hospital and was told that Susanto's condition was very serious. At 10 pm, he was pronounced dead. When the victim's body was delivered to his family, his right leg had deep wounds, stab wound on his left toe, stitches on the back of his head and bruises around his eyes.

## **Story 22: Court sentenced protesting tortured students for imprisonment**

*Victims: Fachrurozi, Maksum, Rino Hadinata*

*Alleged perpetrators: Darwin Ginting (Chief of City of Medan Sub-District Police); unidentified officers of City of Medan Sub-District and Medan Metropolitan Police*

*Date of incident: 14 May 2009*

*Place of incident: Medan*

**AHRC-UAC-135-2009**

Three student activists, namely Mr. Fachrurozzi, Mr. Maksum and Mr. Rino Hadinata, took part in a peaceful demonstration on 14 May 2009 in front of the Grand Atares Hotel in Jalan Sisingamangaraja Kota Medan. The police assaulted and tortured them in custody after arbitrarily arresting them. The victims, all are members of the student organisation Pancasila Students Group (Mapancas), were protesting against the deceiving advertisement of a hotel claiming they had swimming pool for children and a fitness centre, which does not exist.

Three days prior to the demonstration, the group had complied with the requirements on matters regarding the demonstration. They had sent, as required by Indonesian law Number 9 of 1998, information about their planned demonstration, to the Chairman of North Sumatra Regional Police. But despite complying with the requirements, Darwin Ginting, chief of the City of Medan Sub-District Police, threatened the demonstrators and allegedly gave verbal orders to assault and shoot the protestors. He said: "if the demonstrators move one step forward, hit them or if necessary shoot and I will take responsibility."

After hearing this order, the policemen attacked and violently dispersed the demonstrators. Darwin Ginting and the other police officers used bamboo sticks to beat and assault the demonstrators, particularly the three student activists which resulted in them suffering severe injuries. They were taken to the Medan Metropolitan police where they were detained until 24 June 2009.

One of their lawyers who visited them in jail found torture marks and severe injuries on the victims' body. The lawyer also noticed the victims appeared to have suffered psychological trauma because they could not properly described to him about what they had suffered in detail. The three victims were sentenced to three to nine months imprisonment for charges under articles 170, for assault and violence against person or property; article 351, for maltreatment under the Criminal Law (Case No. 2187/Pid.B/2009/PN.Mdn) by the Medan District Court.

**Story 23: Police tortured a man forcing him to admit he is a drug dealer**

*Victim: Zaenal M. Latif*

*Alleged perpetrators: Ten police officers of Cilegon Police Station, including Ipda Dedi Herdiana*

*Date of incident: 29 to 30 April 2009*

*Place of incident: Cilegon Police Station*

**AHRC-UAC-065-2009**

Mr. Zaenal M. Latif was arrested and detained by more than ten police officers in Cilegon City, Banten province on April 29, 2009 at 10:30pm. The police, who disguised themselves as thugs, arrested him in the area of Taman Bonakarta complex while waiting for a ride with a friend, Nunu.

While Latif was in detention, Ipda Dedi Herdiana, who introduced himself as a member of the narcotics division, repeatedly beat him about his head. They did not give any reason why he was arrested. He was taken to the Cilegon Police Station where they took a urine sample from him. The result of the urine test indicated he was negative from illegal drugs.

Inside the interrogation room, five policemen in plain clothes questioned Latif. They punched his face and back. One of the policemen burnt Latif's left hand with a cigarette while others forced him to confess and admit that he was a drug dealer. The policemen also brought two persons, namely Upik and Neng, before him inside the interrogation room. The two persons claimed they knew Latif and his illegal drug activities but then Latif was later unexpectedly released.

At 11:30pm on the same day, four police officers arrived at a room Latif was renting in Jombang Kali, Cilegon. Again, they arrested Latif without arrest orders. The officers punched Latif on his face and his body, handcuffed him and stepped on his hands and fingers. He could not identify who had tortured him because they had their faces covered.

When the police could not find evidence to show Latif's involvement as a drug dealer, they took him back to the Cilegon station. Here, a policeman, Briptu Rahmat, threatened that if he would not confess and admit, they might have to kill him, as it was ordered by his supervisor. A gun was pushed against Latif's leg during the interrogation. Latif was again released the next day. He was asked to change his clothes which have bloodstains on it. The police warned him not to tell anyone about what had happened to him.

**Story 24: A farmer dies in police custody due to torture**

*Victim: Carmadi*

*Alleged perpetrators: Aiptu Sutrisno, policemen attached to Tegal and Slawi Police and medico-legal officers responsible for the autopsy of the victim's body*

*Date of incident: 14 April 2009*

*Place of incident: Tegal, Central Java*

**AHRC-UAC-111-2009**

Mr. Carmadi was planting rice with his parents on April 14 in Pakulaut village when two policemen in plainclothes, one of them was identified as Aiptu Sutrisno, approached him. They took Mr. Carmadi to the Tegal Police Station where he was detained without charge. He was told to provide a statement regarding an attack against Mr. Imron, and his brother, of the Indonesia Democratic Party of Struggle (*Partai Demokrasi Indonesia Perjuangan*, PDI-P) four days earlier.

When the police presented Mr. Carmadi to Mr. Imron, and his brother at the Slawi Hospital where they were admitted for treatment, they told the policemen Mr. Carmadi was not the attacker, and that they knew him personally but by this time Mr. Carmadi had already suffered head injuries, wounded the upper part of his body and his tongue. Due to severe beatings, the left side of his body was badly hurt and lost his hearing in his left ear. Under torture, he admitted supposedly attacking Mr. Imron. The police also ignored demands to have Mr. Carmadi treated for his injuries.

At 4 pm the police presented to Mr. Carmadi's parents an official order for his detention. He was moved to another police station in Slawi. On April 16 during a family visit the victim told them that he had been vomiting ever since the torture, and reportedly identified one of the police officers who tortured him. At 10pm of the same day the local village head contacted Mr. Carmadi's father, Mr. Kusnadi, informing him that he had been summoned to the station by police. Here, he was told by Rudi, a police investigator, that his son had fainted and fallen ill during an interrogation. He was taken to Slawi hospital where he died.

On 17 April an autopsy was performed at the hospital. The police had claimed that Mr. Carmadi had committed suicide. However, on May 4, the copy of the autopsy report suggesting the victim had committed suicide contradicts to the wounds and injuries that the victim had suffered. The family sought the help of PROPAM who then advised them to lodge a complaint against the policemen with the head of the Criminal Investigation Division. The family also registered a report at the National Police Commission, the National Human Rights Commission and the District Police in Tegal Central Java.

**Story 25: A father heard his son in excruciating pain due to torture**

*Name of victim killed: Bayu Putra Pradana*

*Alleged perpetrators: policemen in Bogor and North Jakarta*

*Date of incident: 2 to 4 April 2009*

*Place of incident: Bogor, West Java, as well as North Jakarta Police Station*

**AHRC-UAC-066-2009**

Mr. Bayu Putra Pradana was taken away by about seven policemen attached to the North Jakarta police force at 2 pm on 2 April 2009. His father, Mr. Munadi, went straight to the police station after he was informed by his daughter-in-law, Ade Nur. Mr. Munadi, however, could not find his son when he searched for him at the police stations, and the policemen also denied keeping him in custody.

At 11pm, the police went to Bayu and Ade Nur's house to search it but found nothing. One of the policemen gave his number (+62 21-97301867) to Ade Nur. When policemen picked-up Mr. Munadi's call, he could hear his son screaming in excruciating pain at the background. He was asking for mercy. Munadi asked the police to stop harming the person but the policeman hung up. Later the policemen returned the call asking for Munadi's identity. When he told the police he was the father of the man in their custody he officer hung up again.

At 11:30pm, Munadi went back to the station and met Mr. Santoso, the second highest detective in command. Munardi recounted what had happened that day. Here, the policemen confirmed that his son was held in Bogor, West Java. On April 4 at 3pm, Ade Nur had informed Munardi that Bayu had died of two gunshot wounds to his chest and stab wounds on both his legs at the CM Hospital.

When Mr. Munadi sought an explanation from Mr. Santoso about his son's death, he explained that the policemen shot him as he tried to escape. At the hospital, Munadi observed that given the injuries his son suffered—like, gaping wounds on his wrists, hands and ten stab wounds on his legs—he could not have possibly attempted to run away.

**Story 26: Prison guard torture detainees for complaining torture, ill-treatment**

*Victims:*

1. Bukthar Tabuni
2. Yusak Pakage
3. Selpius Bobii
4. Cosmos Yual
5. Nelson Rumbiak
6. Ricky Jitmau
7. Elias Tameka

*Alleged perpetrators: Prison guards of Abepura Correctional Facility identified as Adrianus Sihombing, Elly Awii; Marthen Imbiri; Iof Itlai; Rianto; Yosep Yembise; Nikson Yarusrai*

*Date of incident: 1 to 5 February 2009*

*Place of incident: Abepura Correctional Facility, Papua*

**AHRC-UAC-014-2009**

Mr. Buktar Tabuni, who was originally arrested on December 3, 2008 on charges of treason, was taken into custody on February 1, 2009, at Abepura Correctional Facility in Papua province. Upon his arrival at the prison, Mr. Tabuni was beaten by a prison official which resulted in the partial loss of his eyesight.

Six other detainees, also political prisoners, protested against the beating by filing complaints against the director of the prison. The prison guards retaliated by torturing and ill-treating the six prisoners for making complaints. They were punched their eyes, slapped their face and neck, and kicked them.

After the severe beatings, the prison guards transferred Mr. Tabuni and the six prisoners to an undersized detention cell without windows for ventilation. The cell was unhygienic and human excreta was scattered on the floor. They were left inside the cell for four days without food and water. On 5 February 2009 at 8am, when they were transferred to the police prison in Jayapura, the 16 policemen responsible for their transfer forced them to wear only underwear.

**Story 27: Police open fired and tortures villagers protesting against destructive mining operation**

*Victims:*

*M. Saleh Husain, H.A. Wahab, Abdurahman, Ridwan Yusuf, Afandi, Imran, M. Nur, Nasrin, Hasanudin, Suhardin, Hartati, Burhan, a child, Masrun, H. Ahmad Yasin, A. Karim, Arifin, Aris*

*Alleged perpetrators: policemen attached to the Wera Sub-District and Bima District Police*

*Date of incident: 22 July 2008*

*Place of incident: Wera, Bima, West Nusa Tenggara*

**AHRC-UAC-174-2008**

At 8am on 22 July 2008, local policemen attacked villagers from Pai Village, Wera District, in West Nusa Tenggara, protesting against a destructive mining operation in their village. The villagers were angry when the local government ignored their demands to have the licences of Indomening Corp. (IC), Liand Intan Mandiri Corp. (LIM) and Jagad Mahesa Karia Corp. (JMK), to operate mines revoked. Out of desperation, they destroyed the roof top and wall of the mine's base camp.

When the policemen arrived they were armed with shields, sticks and firearms. Upon arrival at the area, they started shooting at the protesting villagers and arrested 18 persons, among them were female and a one child (they were released later.) The 18

people who were arrested were then taken to Wera Sub-District and Bima District Police. All the arrested persons had been tortured. One of them was fell in coma due to severe beatings. Hundreds of other villagers ran to the mountains to hide for fear of arrest and torture by the police.

On 23 July 2008, the remaining 16 villagers were released from police custody after negotiations with the local government, Bima District Police and the village representatives.

Prior to the incident, on 21 July 2008, at about 700 villagers held a demonstration against the construction of a mine in their village, which they said would destroy their traditional source of livelihood and natural habitat. At 8:30am they started moving towards the city of Bima using four buses and one truck. They arrived at 10:30 am and gathered at a community arena. Afterwards, they marched towards the local government office. They were demanding that the licenses of the mining firms be revoked. However, the local government officials ignored their demands.

Also, Mr. Sahbudin, the head of the Local Government's Mining Services, defended the government's action. He also ridiculed the villagers by telling them only a few people were opposed to the mining operation. The Office of the Local Legislative Council also ignored the villager's demand when they asked them to intervene.

**Story 28: A man was tortured to death for allegedly stealing an oil palm nut**

*Victim: Adi Sahrianto*

*Alleged perpetrators: Anjasmara Siregar, a police officer from the North Sumatra Regional Police and three other unidentified persons*

*Date of incident: 26 March 2008*

*Place of incident: Bulan Bintang village, Deli Serdang, North Sumatera*

**AHRC-UAC-118-2008**

Mr. Adi Sahrianto was arrested on fabricated charges that he had stolen an oil palm nut on 26 March 2008. Upon arrest, the arresting officer, Mr. Anjasmara Siregar of the North Sumatera Regional Police, blindfolded him Sahrianto and took him in the direction of the Regional Police Station.

Sahrianto was a gate keeper of the village in Bulan Bintang. Prior to his arrest, a confrontation had taken place between the villagers and a group of militia working for the State's plantation Company (PTPN II). The conflict was due to a dispute over the ownership of the land the villagers were occupying. After Sahrianto's arrest, Mr. Iqro Ramadhan, head of a local organization assisting the villagers and their other supporters were able to confirm that Sahrianto was in police custody on charges of theft after contacting the local police station.

But when Adi Syahputra, the victim's brother went to the police station at 10:05 pm that evening he was told that his brother had been taken to the hospital in Medan, the capital of North Sumatra Province. Syahputra and his family immediately went to the hospital but on arrival were informed Sahrianto had already died. His body showed traces of burns, bruising on his neck and back and cuts to his head. The victim's family did receive an autopsy report that could have explained the injuries.

Mr. Darmawan Sutawijaya, vice director of the Criminal Department of the North Sumatra Regional Police claimed the victim already had suffered severe injuries before they arrested him. He claimed that the victim had been beaten by hundreds of people after he was caught stealing an oil palm nut. The police were supposedly trying to save the victim's life by taking him to a hospital but he died on his way.

When Syahputra reported his brother's death in police custody to the North Sumatra Regional Police they refused to act on his complaint, stating the reason that they had no jurisdiction in the case. Syahputra had to make a complaint to another police station, the Deli Serdang Local Police Station.

KontraS, a local NGO who has an office in North Sumatra noted that there was no such incident of a man being beaten for stealing an oil palm nut. Contrary to the claim by Mr. Darmawan Sutawijaya no one witnessed Sahrianto being beaten.

A few days after the victim's family and supporters protested the Regional Police contacted Sahrianto's family. They were asked questions about the victim's death. Afterwards, Perdamaian Sitepu, a member of the Pam Swakarsa, was arrested by the police. The group is a civilian militia founded by the military who had been involved in countering the student movement in 1998.

Apart from Sitepu, none of the policemen, notably Anjasmara Siregar, who were involved in arresting the victim, were investigated. Instead the police arrested Ramadhan, the man who discovered that Sahrianto was in police custody prior to his death, for his supposed involvement in the confrontation between the villagers and the militia.

### **Story 29: A police officer tortured a man who greeted him**

*Victim: Sumadi*

*Alleged perpetrators: Maryono, of Metro Jaya Police; and his subordinates, Deli and Boy of Metro Jaya Police; unidentified officers of Benteng Police*

*Date of incident: 4 July 2007*

*Place of incident: Tangerang*

**AHRC-UAC-227-2007**

Mr. Sumadi was assaulted by Maryono, a member of the Intelligence and Protection Unit of the Metro Jaya police station

in Jakarta, after he greeted him while he and two friends, Agus and Saran, were eating in a food stall at 10:30 am on 4 July 2007. Sumadi greeted Maryono because the latter was his neighbour.

After being greeted by Sumadi Maryono confronted the victim about an SMS he and two subordinates, Deli and Boy, had received that he was going to murder them. Maryono told Sumadi, "I heard that it was you who wanted to kill me". He slapped Sumadi about his face and a fight then broke out between the two of them. Sumadi's friends tried to intervene by restraining both of them; however, Maryono called for Deli and Boy, who were not in police uniform at the time, to come and to arrest Sumadi.

Agus and Saran went inside the courthouse to ask help from Mrs. Lurah and Yadi, Sumadi's employers. When Yadi saw Maryono holding Sumadi's arms tightly he intervened by trying to release Sumadi from his grasp. But Maryono and Deli instead assaulted Yadi by grabbing his hair and shirt and by restraining him. At that point Yadi witnessed Maryono violently and repeatedly punching Sumadi's face. When Sumadi tried to get away, the three police officers chased after him, grabbed his hair, and dragged towards a public transportation to take Sumadi to Benteng Police Station in Tangerang City. While doing so they trampled Sumadi's body several times.

Inside the police station, Sumadi was subjected to further beating by several police officers whose identity is not known. Due to the assault by the police, Sumadi suffered from a concussion, two open wounds on his head, his lips and eyes were swollen and bruised, and the skin on his chin was ripped. Sumadi was brought to the hospital to assess his injuries and a medical report was taken.

Sumadi was placed under arrest after Maryono, Deli and Boy filed charges to the Benteng Police Station against him for assaulting and allegedly threatening to kill Maryono. On 9 July 2007, Sumadi was transferred to the Metro Tangerang police station by Supriyanto, the police investigation commissioner, because there were too many police officers involved in the case. On 5 July 2007, Sumadi filed complaint against at the Metro Jaya Police Department in Jakarta where Maryono is attached.

### **Story 30: A man lost his hearing due to police torture**

*Victim: Hendrik Sikumbang*

*Alleged perpetrators: Yusril and other unidentified police officers of Pekanbaru police*

*Date of incident: 14 June 2007*

*Place of incident: Pekanbaru, Riau*

**AHRC-UAC-205-2007**

Mr. Hendrik Sikumbang and his friend, Rizal Tanjung, were riding on a motorcycle to Padang Cultural Park at 3:30 pm on 14 June 2007. As they were travelling a car that had been travelling behind them forced them to stop and several police officers in

uniform alighted. One of the police officers was Yusril, who was stationed at Pekanbaru police office and formerly a member of West Sumatera Police Regional office.

Yusril ordered Sikumbang to get inside the police car but he refused and asked, "Why do I have to come with you?" Yusril told him: "Just get into the car and we will tell you later inside." Sikumbang knew that Yusril was a police officer and said, "Are you trying to arrest me? If so, show me the warrant!" The police officers, however, ignored him. They grabbed him and shoved him into their car but Sikumbang resisted by holding tightly onto the doors of the police car.

To draw attention, the policeman started yelling accusing Sikumbang a thief and was involved in a robbery that just happened. Finally Sikumbang was forced into the car.

Sikumbang's friend, Rizal Tanjung, then informed Syaiful, Head of the Pemuda Pancasila- Padang Division, that his friend had been "abducted" by the police. Syaiful approached the West Sumatera Police Regional office and the Pekanbaru Police Station. He was informed that Sikumbang had not been arrested, but only taken for questioning regarding the whereabouts of Joni Rambai, a murder suspect.

The police released Sikumbang from their custody after reading an SMS in his mobile phone from Syaiful telling him: "Hen, I am at Padang police station now, I want to report that you have been 'abducted'." Yusril knew who Syaiful was, so he turned off Sikumbang's cell phone and told the driver to go to the Padang police station. At the station, Sikumbang was released by Mukti Juharsa, Chief of Padang District Police because there was no prior coordination between the Pekanbaru Police Office and the Padang Police Office.

Due to the beatings, Sikumbang suffered severe bruising and scars on the head, face and neck. His ear bled profusely as a result of the beating and he later lost his hearing in that ear. On 15 June 2007, Sikumbang filed a complaint at the West Sumatera Regional Police Office against the policemen who tortured him but no action was taken on his complaint.

**Story 31: A man who mistook a woman as his girlfriend was tortured for inadvertently touching her**

*Victim: Kurniawan (Iwan)*

*Alleged perpetrators: Unidentified police officers of Tegal District Police*

*Date of incident: 3 May 2007*

*Place of incident: Tegal, Central Java*

**AHRC-UAC-201-2007**

Kurniawan had just taken his friend home on a bicycle to Mintaragen Village, Tegal at 7:30 pm on 3 May 2007 when he

saw a woman riding a bike. From her appearance, Kurniawan thought she was his girlfriend, Dewi. He approached and touched the woman but then realised that it was not his girlfriend. The woman, whose name was Dwi Astuti, grabbed him as she was trying to move away from her and they both fell off their bicycles. Dwi Astuti started yelling for help and about ten men arrived started beating Kurniawan.

Policemen who were nearby arrested Kurniawan and took him to the Tegal District police station. At the police station the officers extracted a confession from him on charges of a crime of obscenity and assault on the chastity of a woman. The police officers kicked his chest and placed both his feet under the legs of the table while other policemen sat on the table. After obtaining a confession, the police detained him. Kurniawan could not identify the police officers who beat him because they were not wearing uniforms during the interrogation.

On 7 May 2007, Kurniawan's family visited him in jail but the visiting hours were restricted by the police. His family received a detention warrant from Tegal Resort Police on 22 May 2007 extending his period of detention. Kurniawan's family did not file a complaint for fear of reprisal from the authorities.

**Story 32: A man suffered a fractured arm and skull due to police torture**

*Victim: Teguh Uripno*

*Alleged perpetrators: First Brigadier Police' Syarifudin and Arifin and other seven unnamed police officers, all attached to the Serpong Sub-District Police*

*Date of incident: 20 to 21 April 2007*

*Place of incident: Serpong, Tangerang*

**AHRC-UAC-169-2007**

Teguh Uripno was arrested on 20 April 2007 for defending himself when he was assaulted by a police officer for unknown reasons. At 11 am on the same day, his family immediately went to Serpong police station. When they arrived at the police station, they were prevented from seeing him. They returned the following morning but again they were not allowed to see him.

At 3:30 pm, the police went to the Uripno's house and informed his family that he had died while being taken to a local hospital. The family immediately went to the hospital and found traces of severe beatings on the victim's body. The medical reports indicated that his body had bruising, a broken arm and fractured skull. The cause of his death was due to blunt force trauma to his skull.

Two police officers, namely First Brigadier Police' Syarifudin and Arifin, were alleged to have tortured the victim in their custody; and there were seven other police officers whose names have not been identified. No substantial progress has been made in the investigation into the victim's death. The investigation

by the Criminal Unit of Tangerang police was not satisfactory and Uripno's family filed a complaint against the police officers involved with Komnas HAM.

**Story 33: Police tortured six teenage boys for whistling at a woman**

*Victims:*

1. Odi Modokh
2. Arnoldus Janggur
3. Albertus Benda
4. Marseinus Janggur
5. Dohol Janggur
6. Beni Herwanto

*Alleged perpetrators: Officers of Manggarai District Police in Nusa Tenggara*

*Date of incident: 29 to 30 January 2007*

*Place of incident: Manggarai Resort Police Station in Nusa Tenggara district*

**AHRC-UAC-121-2007**

Mr. Odi Modokh and his friends, Mr. Arnoldus Janggur, Mr. Albertus Benda, Mr. Marseinus Janggur, Mr. Dohol Janggur and Mr. Beni Herwanto were outside a local convenience store in Yos Sudarso Road on 28 January 2007 at 10 pm. They whistled at a woman who was passing by to draw her attention. A few minutes later, the woman returned with a man and singled out one of the boys, Mr. Albertus Benda. The man started arguing with Mr. Benda. When Mr. Modokh heard the argument, he intervened on his friend's behalf and began to quarrel with the couple. At one point he slapped the man and the couple then left.

At 11 pm, Mr. Modokh, Mr. Benda and their friends were on their way home when six men on motorbikes barricaded their way. They grabbed Mr. Modokh and took him to the Manggarai District Police Station in South-Eastern district of Nusa Tenggara. Mr. Modokh's family rushed to the Manggarai Resort Police Station and begged the Deputy Chief of Police not to torture him. They stayed at the police station until 1 am the following day waiting for word of their young son. Mr. Modokh was nevertheless severely tortured whilst in detention.

Modokh later identified one of his abductors and Eko Chayora, a police officer, as one of the two officers who tortured him. On 29 January 2007, Modokh's friends came to the police station to see him with their families. The police also detained the five boys overnight at the police station and they were also tortured by the same police officers who tortured Modokh. Mr. Janggur suffered head injuries and lost consciousness. In detention, the police at the Manggarai Resort Police Station did not provide them any medical attention. No investigation was also conducted into the alleged torture of the victims.

### **Story 34: Police forced a homosexual and his partner perform oral sex**

*Victims: Hartoyo and his partner, Bobby*

*Alleged perpetrators: Unidentified officers of Banda Raya Police; 16 unidentified civilians; employee of Pesona Cafe located below Hartoyo's boarding house in Banda Aceh*

*Date of incident: 22 to 23 January 2007*

*Place of incident: Banda Aceh*

**AHRC-UAC-068-2007, AHRC-UAU-060-2008**

Mr. Hartoyo, an activist; and his partner, Bobby, were inside their rented home when two men kicked open the front door on 22 January 2007 at 11:30 pm. One of the men was his neighbour and employee of a cafe. They vandalized Mr. Hartoyo's property before physically assaulting him and his partner. They were beaten and verbally abused in full view of the public after they were forced out of their home.

Mr. Hartoyo recalled that their attackers told them: "You outsiders slander us; you soil our place with your filthy tricks!" Mr. Hartoyo was then ordered to immediately vacate the boarding house. They took his ID card and wallet, and he was then made to squat on the ground with his partner. At 1:30 am on January 23, four police officers whom the attackers had called arrived at the scene.

After they were taken to the Banda Raya Police Station, Mr. Hartoyo and Bobby were allegedly forced to remove their underwear, and then viciously beaten and verbally abused. Mr. Hartoyo alleges the police officers sexually abused him and forced his partner to perform oral sex on him. When Mr. Hartoyo attempted to push his partner away as he was weeping with humiliation, the police officers kicked and scolded him. They were dragged and were made to squat on the ground of the police station's courtyard in their underwear. The police officers sprayed ice-cold water on them, prevented them from using toilet and forced Bobby to urinate on Mr. Hartoyo's head. Despite Mr. Hartoyo repeated requests to contact his family, the police ignored him. When Mr. Hartoyo introduced himself to the other detainees upon instructions of the police, another police officer assaulted him after learning that he is homosexual.

On 8 October 2008, the court in Banda Aceh District Court tried the complaint of Mr. Hartoyo and Bobby under Article 170 in conjunction with 422 of the Penal Code on violence against persons or property to extract a confession. The accused were police officers Rahmat Hidayat, Wahyu Pratama, Wahyudi Saputra and Amrizal. Sugeng Budiyanto was appointed as judge in charge of the case; and Brigadier General Sudjono, the investigating officer, acted on behalf of the Public Prosecutor. Mr. Hartoyo was summoned on the same day of the trial was held.



The accused were initially indicted under articles 170 and 422 of the Penal Code on violence against persons or property to extract confession; however, after the investigation process, the prosecutor treated the case as a minor offence. During the trial, the judge Budiyanto did not look into the acts of torture committed by the perpetrators but focused on Mr. Hartoyo's sexual orientation. In open court, judge Budiyanto told Mr. Hartoyo to turn away from this sin.

After Mr. Hartoyo delivered his testimony at the trial, all of the accused apologized and did not challenge his version of story. But when the court delivered its judgement, the four perpetrators were sentenced only to three months' imprisonment, six months probation and a fine of IDR 1,000 (USD 0.1). In defending the light punishment, the court argued that the police officers are needed by the country and that they have already confessed their acts. It added that both parties have already forgiven each other and that the perpetrators have only committed a minor offence.

**Story 35: Policemen tortured a woman they accused of counterfeiting money worth USD6**

*Victim: Ni Ketut Suratni*

*Alleged perpetrators: Chief Brigadier I Made Wiguna and Brigadier Erwin Suprayoga*

*Date of incident: 3 January 2007*

*Place of incident: East Denpasar, Bali*

**AHRC-UAC-020-2007**

Mrs. Ni Ketut Suratni was arrested by the East Denpasar Sub-District Police in Bali on 3 January 2007 while she was shopping on suspicion that she was counterfeiting money valued at IDR 50,000 (USD 6). She denied that the money she paid at the market was counterfeited, and that she was involved in the crime. However, the police took her to the East Denpasar Police Sector as they were suspicious about her connection with the counterfeiting network.

That evening when the victim's son, Mr. Gede Ananta, went to the police station to see his mother he found that her right cheek was badly swollen and she appeared to have been struck about the face many times. When he asked her mother about her injury she replied she had been severely beaten and kicked by two police officers, Bripka I Made Wiguna (Police ID: 68010139) and Brigadier Erwin Suprayoga (Police ID: 76100156) during the interrogation.

On 11 January 2007, Mr. I Wayan Gangsar, the victim's husband, filed a complaint at PROPAM at the Bali Regional Police. On the night of the same day the victim was examined by public medical doctors at the police hospital for a medical report for an injury case that was then issued by public medical doctors; however, the medical report did not clearly state that the injuries she suffered was caused by having been beaten.

The victim's lawyers then submitted a request for another medical examination by independent doctors as the previous medical report had been issued by doctors from the police hospital.

**Story 36: Two men tortured for illegally occupying a house and stealing a motorcycle in separate incidents**

*Victims: Rudi Sebastian, Kurniawan*

*Alleged perpetrators: Four officers of Garut Correctional Facility named Ahmad Syarif, Nana, Catur and Oki; officers of Jati Asih Sub-District police*

*Date of incident: 16 August 2006 to 8 September 2006*

*Place of incident: Garut Correctional Facility in West Java, Jati Asih Sub-District police in Bekasi*

**AHRC-UAC-312-2006, AHRC -UAU (formerly UP)-215-2006**

Mr. Rudi Sebastian was arrested by officers of the Garut Attorney General's Office and detained at the Garut Correctional Facility where he was brutally tortured by four correctional officers on 16 August 2006. Mr. Sebastian suffered severe bruising and injuries on his body; two of his fingers were broken, his eyes were swollen and he could not walk due to the swelling in his legs. Mr. Sebastian was sentenced to one-year imprisonment by the Garut District Court on 21 March 2006 for occupying a house without a valid permit.

The day after his arrest, Mr. Sebastian's wife, Mrs. Imas Tini, visited him at the correctional facility. He identified his torturers as Ahmad Syarif, Nana, Catur and Oki. On August 22, Mrs. Imas Tini made a complaint to the institutional authorities, but was threatened by the Chief of the Garut Correctional Institution, who told her: "You could complain to the police, but we cannot guarantee the safety of Rudi's life". Mrs. Imas Tini nevertheless pursued in filing a formal complaint against the perpetrators at the Resort Police of Garut. They gave her the letter code: Pol. STPL/1124.VIII/2006/SPK. Later Mrs. Tini was barred from seeing her husband by officers at the Garut Correctional Facility.

In a separate case, on 8 September 2006, Kurniawan, the driver of a public transportation car was arrested by officers of the Jati Asih Police on the allegation of having stolen a motorcycle; the allegation was not supported by conclusive evidence. The arresting officers ordered him to run which Kurniawan refused to do so. He was afraid that the police intended to shoot him, which they would then manipulate in their police report as an attempt to escape arrest and therefore sure evidence of his guilt. Kurniawan was then detained at the Jati Asih Police station.

At the police station, two police officers tortured Kurniawan to force a confession from him. They severely beat him, burn him with cigarette butts, stamped on him, intimidated and threatened to kill him. He was detained for one night, and then later released without charge due to lack of evidence. After his release, Kurniawan filed a complaint with the Metro Jaya Regional

Police, but it was rejected by Arjun Komisararis Hotlan HS, Chief of Jati Asih Police.

On 18 September 2006, Mr. Hotlan Siagian offered Mr. Kurniawan's father Kusmana a bribe in the amount of IDR 2-3 million (approximately USD 375) to withdraw the complaint that Mr. Kurniawan filed against the alleged perpetrators. His father refused to accept the bribe. On 18 November 2006, the Disciplinary Commission of the Bekasi District Police found Brigadier Nugroho, one of the alleged perpetrators, guilty of arresting Mr. Kurniawan on fabricated charges and for brutally torturing him at the Jati Asih Police station. Despite Brigadier Nugroho's guilty verdict, the Commission passed a lenient sentence: demoting the Brigadier in rank and freezing future increments to his salary. The disciplinary hearing was handled internally within the police, but no further action was taken against the alleged perpetrators.

**Story 37: Police torture two men for asking how much time they have to take to investigate**

*Victims: Arafik Bin Amri, Hendri Bin Suandi, Hendra Gunawan*

*Alleged perpetrators: Briptu Bram Fahlevi, Briptu Rahmat Dedi Kurniawan, Bripda Meki Daniel Ortega, Bripda Niko Apero Atma, Bripda Hendy Afrizal, Bripda Okky Sakti, Bripda Herwindo, Bripda Andi Triana – all are officers of Buay Runjung Sub-District Police, South Sumatera*

*Date of incident: 23 November 2005*

*Place of incident: Buay Runjung Sub-District Police, South Sumatera*

**AHRC-UAC-020-2006**

Arafik Bin Amri and Hendri Bin Suandi went to buy two cows with their driver Hendra Gunawan in the villages of Kota Aman and Negeri Batin Baru, South Sumatera at 10 am on 23 November 2005. After buying the cows and obtaining permission from the head of the villages, they went home. On the way, two officers from Buay Runjung Sub-District police stopped them. The police ordered them to turn in to the police station so the police could check their permission letters. The officers asked Arafik and Hendri for a permit letter from the OKU Selatan District Police, which was not necessary for them since they were still in the same district.

After waiting for an hour, Arafik and Hendri asked the police officers how much longer they would have to stay. One of the police officer became angry and began hitting Arafik with his gun and a flash light. Another police officer hit Hendri and threatened to shoot Hendra Gunawan if he attempted to help them. After assaulting Arafik, the officers dragged him away by his legs to the backyard. They stripped him naked and put him in a room until midnight. The Chief of Buay Runjung Sub-District police came and questioned Arafik and Hendri.

Arafik told him that he had been tortured by some police officers, and asked for his clothes, wallet, mobile phone and money

to be given back to him. His clothes and wallet were returned but his mobile phone and a sum of IDR 200,000 (USD 20) was not. At 2:30 am, a police officer named Roni brought them to OKU Selatan District Police to be detained. At 7 am, two officers in the detention room further assaulted them before releasing them few hours later. Arafik's family made a complaint against the police officers at the Buay Runjung Sub-District Police the following day resulting in the arrest of the perpetrators.

**Story 38: Police forced murder suspect to hold each other's penises**

*Victims:*

1. *Sahidu*
2. *Hasanudin*
3. *Bambang*
3. *Lei*
4. *Nanga*
5. *Masuna*
6. *Kahar*
7. *Raya*
8. *Asani*
9. *Olimin*

*Name of alleged perpetrators: Unidentified officers in Central Sulawesi Regional Police, one of them identified as Bripda Max*

*Date of incident: 27 October 2005*

*Place of incident: Central Sulawesi*

**AHRC-UAC-239-2005, AHRC-UAU (formerly UP)-120-2006**

On 27 and 28 October 2005, about 312 villagers from Dusun Salena surrendered to the Central Sulawesi Regional Police Office. They were interrogated over the killing of three police officers on October 25 during a confrontation between the villagers and the policemen in Dusun Salena, Kelurahan Buluri, Kota Palu, Central Sulawesi. The police officers were attached to the Central Sulawesi Regional Police officers.

Of the 312 villagers, 11 were held as murder suspects and were held in 'special' custody while the other one was held *incommunicado*. The ten villagers were beaten repeatedly and their heads were struck with guns and kicked. They were forced to do 100 times push ups, to remove their clothes, hold each others' penises and they fed with rotten food.

On 13 December 2005, the victims filed a complaint of torture with the commander of police. But Brigadier General Oegroseno, Chief of Central Sulawesi Regional Police denied that the policemen tortured the victims even before the investigation was made.

The murder of three police officers happened when the police officers attempted to arrest Madi, a leader of a 'deviant' religious sect and his followers. Madi, who practices traditional self defence medicine, had been accused by the police of spreading heretical Islamic beliefs. Those killed were: two high ranking officers from the Resort Police (Polresta) of Palu, one officer from the Police

Intelligence Service (Intelkam) of the Central Sulawesi Regional Police and one civilian. The police and military encircled the village and forced the villagers to run away. After hiding in the forest, the villagers returned and surrendered to the police.

On 17 May 2006, the District Court of Central Sulawesi sentenced the tortured victims Raya, Kahar, Lai, Olimin, Hasanuddin, Bambang, Asani and Sahido to nine years imprisonment. They were convicted even though the confessions used as evidence against them during the trial were obtained by way of torture. Two other victims, Nanga and Masuna, were acquitted for helping the police locate Madi's whereabouts.

**Story 39: Soldiers say that a man who died from multiple broken bones actually died of a drug overdose**

*Victim: Bagus Ariyanto*

*Alleged perpetrators: Unidentified military officers attached to the Detachment Supplies and Transportation Jaya Raya 44-12, TNI AD (Denhar 44-12, TNI AD), Jakarta Indonesia - 10 persons are military officers, 1 person is a civilian employed in this office*

*Place of incident: 15 to 16 October 2005*

*Date of incident: Army Station of Detachment Supplies and Transportation Jaya Raya (Denbekang Jaya Raya)*

**AHRC-UAC-213-2005**

Bagus Hariyanto was arrested by a group of military officers at Tambak Street Central Jakarta on 15 October 2005 at 9:30am. He was accused of stealing a bicycle which was owned by a military officer. He was taken to the station of Detachment Supplies and Transportation Jaya Raya. The military forced him to run, do push ups and tied him to a pillar. The officers did not inform Hariyanto's family that they were keeping him at their station.

Hariyanto was released on the next day after his family gave IDR 270,000 (USD 27) as payment for the bicycle. He suffered severe injuries all over his body, his hand was broken, he could not walk properly and his heart beat was irregular. On 17 October 2005, he died at his home because his family could not take him to a hospital for treatment as they had no money. In the evening, the family reported Hariyanto's death to the Detachment Supplies and Transportation Jaya Raya 44-12, TNI AD. Lieutenant Colonel M Hafil Aminuddin, the representative of the detachment group Denhar Jaya 44-12, apologized to them and promised to investigate the case.

On 18 October 2005 after Hariyanto was buried, the military commander came and gave money worth IDR 1,200,000 (USD 120) to express condolences to the family. He, however, demanded that the family sign a letter stating that they will not sue the military officers. In justifying the victim's death, Lieutenant Colonel Apang Sopandi, head of Public Relation of Jakarta Military Regional Command, told the press that the victim died due of a drug overdose.

On 12 October 2005, the Jakarta Military Regional Command exhumed the victim's body and performed an autopsy. The result of the autopsy proved that the victim was assaulted by hard object to his head and several bones had been broken, which was contrary to the report of Lieutenant Colonel Apang.

**Story 40: Police tortured a man alleged to have stolen money**

*Victim: Fitriyanto "Sanep"*

*Name of alleged perpetrators: Unidentified officers of Belitung Timur District Police*

*Date of incident: 12 September 2005*

*Place of incident: Belitung Timur*

**AHRC-UAC-210-2005**

Fitriyanto was waiting for a passenger in Manggar Belitung Bus Terminal at 11 am on 12 September 2005 when a police officer named Buya told him that the Gantung Sector Police was looking for him. He forced Fitriyanto to go with him to Belitung Timur District police station where several police officers accused Fitriyanto for stealing money worth around IDR 130,000,000 (around USD 12, 967), some gold and a generator from a Gantung resident. The police assaulted him to force a confession.

The police officers hit the victim one by one, using their hands, helmets and a piece of wood. They hit his face, head, back and legs. The officers then took him in a police car to look for Gajul--the other alleged criminal--and to bring him to the Gantung Resort Police. At the same time, two police officers from Resort Police Belitung Timur, one of them was identified as Simanungkalit, illegally searched the house of Fitriyanto's parents to search for evidence of the stolen money.

At 11 pm, Fitriyanto's parents came to the police station to look for their son, but the police denied arresting him. His parents looked for him at the Gantung Resort Police however they were told that the police could not tell them of his whereabouts because the information was confidential. They asked them to return the following day.

On 13 September 2005, Fitriyanto's parents went back to the Gantung Resort Police, but learned that their son had been moved to the Belitung Timur District Police. When they saw their son at 3 pm, he had injuries on his face, head and legs, and he could not walk properly. Some of the police officers involved were Lili, Wahyudi and Buya. Lili apologized to Fitriyanto's parents. Fitriyanto was then brought to a small hospital where he was examined by a doctor and treated.

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**Cover photo:** In 2006, Iwan Mulyadi was shot by policeman to his stomach. The bullet hit the lower part of his body. His spinal cord rots and caused his disability. *Photo: AHRC/Monicha Lelly*



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48 Hoi Yuen Road, Kwun Tong  
Hong Kong SAR, China  
Tel: +(852) 2698-6339  
Fax: +(852) 2698-6367  
E-mail: [editor@article2.org](mailto:editor@article2.org)  
Website: [www.article2.org](http://www.article2.org)