

Exposing Crimes With Crimes

Survey of Torture by the Police in Jakarta and Surrounding Areas in 2008



LBH JAKARTA

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Chapter I

Introduction

Introduction

A. Background

The United Nations Resolution number 34/169 on the Code of Conduct for Law Enforcement Officials¹ requires all officials to respect and protect human dignity and to uphold human rights. This is universally recognized, including in Indonesia, where such laws apply: including the provision in the 1945 Constitution (UUD 1945), the Law number 39/1999 regarding Human Rights, the Law number 2/2002 regarding the Indonesian Police Force and other laws regarding protection, fulfilment, and respect to human rights. Internationally, nations refer to such provisions as follow: the Universal Declaration on Human Rights, the Civil and Political Covenant, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and other declarations regarding, racial discrimination, abolishment of apartheid, crime of genocide, Standard Minimum Rules for the Treatment of Prisoners, and the Vienna Convention.²

All law enforcement officials should abide by the human rights principles by restricting themselves from committing violence, starting with refraining from the use of violence and guns.³ Moreover, law enforcement officials should also restrict themselves from the use of torture and other cruel, inhuman or degrading treatment or punishment. Respecting a human's rights to humane treatment would ensure protection of someone's rights from the violence of law enforcement.⁴

In the Indonesian law, although there is a prohibition of torture, however, the literal term used is not "Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," but rather, "pressure" against a person(s) during an interrogation.

¹ Police is part of the law enforcement officials in this declaration.

² Adnan Buyung Nasution and A. Patra M. Zen (ed.) : Instrumen Internasional Pokok Hak Asasi manusia, pp. 476-477

³ See the Article 5 of the Code of Conduct for Law Enforcement Officials; Ibid, p. 478.

⁴ This Convention has been ratified by the government of Indonesia by Law No. 5 Year 1998 regarding ratification of Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

No witness or suspect should be put under pressure from any party during any interrogation.⁵ Internally, as law enforcement officials, the police have also stipulated a regulation barring all forms of violence and pressure during interrogations.⁶

Referring to the provisions under the Law number 2/2002 regarding the Indonesian Police Force that describes its function as the main guard of security and public order, law enforcement, protection, guardianship, and public service, every police officer in this country is supposedly bound to uphold human rights principles.⁷ However, in reality, a 2005 survey showed that police have not lived up to their required conduct. This is seen from the high numbers of victims of torture and other cruel, inhuman or degrading treatment or punishment by the police, all in the name of obtaining confession and information.

That same year, The Jakarta Legal Aid Institute conducted a survey regarding the issue of torture and other cruel, inhuman or degrading treatment or punishment in Jakarta and its surroundings. The respondents in the research were 639 people who were under custody in the Salemba Detention facility, Cipinang Correction Center, and the Pondok Bambu Correction Center with case period limitation from 2003 until 2005. The result of the research shows that 81.1% or equal to 535 people admitted that they experienced torture and other cruel, inhuman or degrading treatment or punishment. As many as 491 people or 74,4% out of 639 correspondents admitted to having been physically abused by police officers, 30 people or 4,5% by wardens, 6 people or 0,9% by the military officers, 4 people or 0,6% by the Civil Servant Investigators (PPNS), and 38 people or 5,9% by other parties.⁸

Answering such finding on the high number of torture and other cruel, inhuman or degrading treatment or punishment, the Indonesian government has denied any wrongdoing, calling them “not true and misleading”.⁹ This can be found in its official supplementary report on the implementation of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

⁵ Article 117 of the Law number 8/1981 regarding Criminal Procedure.

⁶ An addendum to the Decision Letter of the Chief of the Police Force of the Republic of Indonesia Number Pol: Skep/1205/IX/2000 on September 11 2000 regarding the Revision of the Implementation Guidelines and Technical Guidelines of Criminal Investigation Process. In the section of Criminal Investigation Process, Chapter III, Article 8c, 3e and number 6 it is stated that “During investigation, violence or pressure in any forms are prohibited under an investigation process”.

⁷ See the Consideration section, point b and the Article 4, 13, 14, 15, 16, and 19 of the Law number 2/2002 on the Police Force of the Republic of Indonesia.

⁸ Research Report from 5 Areas in Jakarta; Mereka yang Ditahan dan Disiksa; LBH Jakarta; 2005; p. 44.

⁹ Paragraph 113 of the supplementary report on the implementation of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment states that: “The concern regarding the high number of persons reported to be suffering from after-effects of torture and other forms of ill-treatment, is not true (somewhat misleading/not fully correct). The notion of “high number” is relative and can only complicate situation in kind, while in fact the torture cases are significantly rare.”

In an effort to prove the validity of the government's statement, this year the Jakarta Legal Aid Institute initiated a new study, also aimed at raising public awareness and promoting policy changes, as well as supporting the victims and their families the right to justice.¹⁰ Given this context, it is imperative that new and updated data be gathered.

Findings from this research will also be the civil society's contribution in presenting an alternative report before the Committee Against Torture of the United Nations (CAT). Therefore, it is significant to verify the data based on the survey of torture and other cruel, inhuman or degrading treatment or punishment during 2003 until 2005 with the new data during 2007 until January 2008. The output of this research will give objective information about reports of torture and other cruel, inhuman or degrading treatment or punishment committed by the police. This alternative report can provide recommendations for the Indonesian government to help prevent torture.

The research will be conducted by using quantitative approach, using questionnaire to gather data. Respondents of this research are detainees processed by the police between the period of 2007 until January 2008, spread out in four places in Jakarta.

B. Issues

This research is aimed at addressing the following issues:

1. Are torture and other cruel, inhuman or degrading treatment or punishment still practiced in the arrest and investigation process by the Police?
2. How high is the number of torture in the arrest and investigation process?
3. What are the types of torture and other cruel, inhuman or degrading treatment or punishment practiced by the Police?
4. Who are the perpetrators of the Convention against torture and other cruel, inhuman or degrading treatment or punishment outside the Police?
5. Where do the acts of torture and other cruel, inhuman or degrading treatment or punishment, practiced by the Police, take place?
6. What is the role of judges and prosecutors in dealing with the respondent's reports on torture and other cruel, inhuman or degrading treatment or punishment committed by the Police?

¹⁰ *Ibid.*, p. 4.

7. What are the efforts from the victims in order to reveal torture and other cruel, inhuman or degrading treatment or punishment committed by the Police?

C. Research Implementors

This research was conducted by the Jakarta Legal Aid Institute. The people involved in the research team are Gatot, as coordinator, and as researchers: Nurkholis Hidayat, Febi Yonesta, Kiagus Ahmad Bellasti, Edy Halomoan Gurning, Tunggul Sri Haryanti, and Restaria F. Hutabarat. In addition, this research involved a voluntary field team that consisted of : Dwi Septiani, Nena Wulandari, Abdul Haris, Adam Pantouw, Hadi Syahroni, Muhammad Isnur, and Syamsul Munir. This research team was also supported by Abraham Jonathan, Theodora Subyantoro, and Yoanita Eliseba, as consultants in the making of this report.

D. Research Target

Different from the 2005 study, the target of this research is to closely explore administrative information such as arrest warrant during an investigation. The research also intends to find additional information regarding torture and other cruel, inhuman or degrading treatment or punishment committed by the police in Jakarta and its surroundings. The target itself is divided into 2 (two) parts, general and specific.

General Target

To obtain comprehensive information regarding Convention against torture and other cruel, inhuman or degrading treatment or punishment committed by Indonesian police officers during 2007 and 2008 in Jakarta and its surroundings.

Specific Target

1. To comprehensively identify the prevalence and forms of torture and other cruel, inhuman or degrading treatment or punishment, and the locations where these were committed by the police during 2007 and early 2008.

2. To identify the number of victims who report as being victims of torture and other cruel, inhuman or degrading treatment or punishment during arrest and detention by the police.
3. To identify the reaction of judges and prosecutors in dealing with the reports on the practice of torture and other cruel, inhuman or degrading treatment or punishment by the police.

E. Structure

This report will be structured as follows:

Chapter I

Introduction

- A. Background.
- B. Issues.
- C. Researchers.
- D. Research Target.
- E. Structure.

Chapter II

Indonesian Police Authority

- A. The Indonesian National Police in the Integrated Criminal Justice System.
- B. The Indonesian National Police and the Prevention of Practice of Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment.
- C. The Remedy Mechanism
- D. The Authority of the Metro Jaya Regional Police in Jakarta.

Chapter III

The Research In Brief

- A. Respondent.
- B. Method.
- C. Procedures:
 1. Preparation.
 2. Data Collecting.
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Chapter IV

The Findings Of Violence Committed By The Police In Jakarta And Its Surrounding Areas.

- A. About the Respondents.
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- C. Field Result
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 - 3. Trial Process.

Chapter V

Elements Fulfillment, Consistency, And Protection Towards The Vulnerable Groups

- A. The Finding Compatibility with the Article 1 of CAT.
- B. The Finding Compatibility with the Article 16 of CAT.

- C. The Complexity and Consistency of Torture.
 - 1. Geographic Spread
 - 2. Means and Method in Use
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- E. Practices Against Women and Children
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Chapter VI

Closing

- A. Conclusion
- B. Recommendation

Chapter II

Indonesian Police Authority

Indonesian Police Authority

A. The Indonesian National Police in the Integrated Criminal Justice System

The integrated criminal justice system in Indonesia involves, at least, 5 (five) institutions; Judicial Body, that is ruled by the Law number 5/2004 on Judicial Body, the prosecutor office, that is regulated by the Law number 16/2004 on Prosecutor, and Police, regulated by the Law number 2/2002 on the Police Force of the Republic of Indonesia. The other two are, advocates as legal advisers, regulated by the Law number 18/2003 on Advocate; and the correctional institution that consists of mentorship and guidance for inmates and detainees.¹¹

The above institutions are the implementers of the integrated criminal justice system and those are all aimed at providing legal certainty to those who are conflicting with the law, and to guarantee the protection of one's basic rights that is facing deprivation of liberty. Deprivation of rights, especially the freedom of movement, has been applied since the beginning of the investigation process at the police level, especially for cases that require detention for the suspects. Therefore it is very important to look at the system of protection to prevent anyone from inhuman treatment.

According to Marwan Effendi, the existence of those legal enforcement institutions are aimed at protecting human rights for those who are involved in a criminal case, either as perpetrators or victims, as well as a form of state protection for the public. Additionally, the integrated criminal justice system also defines the roles of each institution in accordance with its function and also aims to limit the power of the institutions in order to prevent power abuse.¹²

¹¹ From the institutional aspect of justice system in Indonesia, in addition to prosecutor, there are also judge, police, advocate, correctional institutions, and even suspects, accused and prisoners are included in the subsystem of law enforcement in Indonesia. Marwan Effendi, *Kejaksaan Republik Indonesia (RI)*, Gramedia; 2005; Page. 101.

¹² According to Kanter and Sianturi in the *"Asas-asas Hukum Pidana di Indonesia dan Penerapannya"*; Penerbit Stora Grafika; Jakarta; 2002; Page.55, it is argued that the aim of criminal justice is, besides as a human rights protection for every individual, also to limit the abuse of powers from the authority.

In addition to what have been ruled by the law, legal enforcement officials in the criminal justice system are generally bound under the Law number 8/1981 regarding the Criminal Procedure Code (KUHP) and the Government Regulation number 27/1983 on the Implementation of the Criminal Procedure Code. The Police Force of the Republic of Indonesia (hereinafter Indonesian National Police) in the Criminal Procedure Code (KUHP) is regarded as a law enforcement institution that stands in the front line in the inquiry and investigation process. This can be seen in the beginning of the explanation KUHP where Indonesian National Police is put in the frontline to guard the criminal justice system. It reinforces the Indonesian National Police as an institution that has the authority to conduct inquiries and investigations to solve criminal cases.¹³ The authority to conduct an inquiry consists of arrests of a person who is suspected of committing a crime, with sufficient initial evidence.¹⁴ Whereas the mentioned investigation is to continue an inquiry on a person who has been officially declared as a suspect or is in a form of detention.¹⁵

The roles above, according to Koeparmono Irsan in the book *Quo Vadis Polisi*, are related to the role of the police to enforce law and order. Universally, the role of the Police are: (1) fighting crime, (2) maintaining law and order, (3) protecting people, (4) maintaining public order, (5) peace keeping, and (6) serving the public.¹⁶

However, those roles, according to Sarlito Wirawan Sarwono and Adrianus Meliala (1996) tend to create conflicts, since one of the police's authorities is to enforce the law with force and violence. Law enforcement with violence and force is one of police characters that, whether we like it or not, has impacts to the society.¹⁷ However, the use of force and violence is not permitted to go beyond the authorized limit. An authority can be considered abusive if excessively used, like Police brutality, torture or other cruel, inhuman or degrading treatment or punishment.¹⁸

¹³ The explanation of this can be seen in the Article 1 point 1, 2, 3, 4, 5, Article 4 up to the Article 12 of the KUHP. Besides that, please see, Rudy Satrio, Ketidakterpaduan antara Polisi dan Jaksa dalam Penyelidikan, in "Quo Vadis Polisi" published by the Forum Keadilan 1996, page. 41, that divides the duties of Police into three part, which are: (1) as the investigator of general crimes, (2) to conduct additional investigation (Article 110(2) of KUHP), and (3) as the Coordinator of Civil Servant Investigator (Article 7 (2) of KUHP).

¹⁴ Article 1 point 20 and the Article 16 up to the Article 19 of KUHP.

¹⁵ Article 1 point 21, Article 20 paragraph (1) of KUHP and some exceptions for some cases that has potential penalty less than 5 (five) years as it is mentioned in the Article 21 paragraph (4) point b of KUHP.

¹⁶ This conclusion can be seen in a paper made by Chairudin Ismail, *Sosialisasi Konvensi Anti Penyiksaan melalui Kurikulum Pendidikan Polisi*, page. 2, presented in a forum organized by KontraS.

¹⁷ Sarlito Wirawan Sarwono; *Beban Mental POLRI*; page. 3, and Adrianus Meliala; *Mengupas Insentivitas Polisi*; page. 25 in the Quo Vadis Polisi, published by Forum Keadilan 1996, both agree that Police role is vulnerable to conflict and violence, in arrest and detention process over a person that is suspected for committing a crime, for instance, Police might engage in a conflict with the suspect's family, and maybe the community in general because of their determination to enforce law and order.

¹⁸ Chairuddin Ismail; *Op cit.*, Page. 1.

Unfortunately, the Police Law does not strictly regulate the prevention against power abuse, police brutality, and torture or other cruel, inhuman or degrading treatment or punishment. There is only a tiny general explanation related to the upholding of human rights principles. The Prosecutor Law also does not regulate it. The Judicial Body Law only regulates the principle of presumption of innocence, availability of legal aid, and a simple, quick, and inexpensive judicial process.

The same issue is found in the Advocate Law, which does not require an advocate to play a role in preventing torture or other cruel, inhuman or degrading treatment or punishment. In the Advocate Law, there is only a general provision stating that an advocate shall provide legal aid to everyone who needs it.

B. The Indonesian National Police and the Prevention of Practice of Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment.

According to the Code of Conduct for Law Enforcement Officials,¹⁹ that was adopted in the Resolution of the United Nations General Assembly number 34/169, the use of violence²⁰ is limited and can only be used by police in order to prevent crimes or in performing an arrest. The reason to use force shall not be accepted when it goes beyond the applicable legal provisions. The same justification shall also be imposed in the use of guns. Guns shall not be used in an “extreme” way, especially to minors. Guns shall only be used toward those who are armed or those who endanger other people’s life, and the use of guns shall be reported in a regular basis.²¹ In other words, principally, every police officer has to abide to the human rights principles.

Another limitation for police is the restriction of the use of torture or other cruel, inhuman or degrading treatment or punishment. The restriction is based on the Declaration on the Protection of All Persons from Being Subjected to Torture

¹⁹ In the UN Resolution number 34/169, police is part of law enforcement officials.

²⁰ Violence is not only defined as physical attack, but also in non-physical form. Physical violence can take form in the acts of trashing, kicking, and other acts that can cause physical injuries, while non-physical violence can take forms in verbal acts such as, threat, scolding, abasement, and other acts that can cause physiological damage towards a person. Another form of violence is sexual abuse, such as, inter alia, physical harassment (like touching), and rape. These forms of violence are considered as offending and harming acts, and considered as a violation against the society’s norms. Those norms mentioned above are described in the Indonesian Penal Code (KUHPidana), where it is explained that violence can happen against person(s) or property. Violence in the KUHPidana, especially against a person has a various forms, such as violence that displeased a person psychologically (Article 335), physical violence, persecution (Article 351), and mass attack against a person or property (Article 170) and the definition in the Law number 23/2004 on the Abolition of Domestic Violence.

²¹ See the Article 3 of the Code of Conduct for Law Enforcement Officials; Ibid., page.477.

and Other Cruel, Inhuman or Degrading Treatment or Punishment.²² As an implementation of this declaration, in 1985, the United Nations adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The restrictions were made in order to guarantee that there would not be any practice of torture, and other inhuman treatments toward anyone that is accused of committing a crime or an offence.²³

Generally speaking, the United Nations in 1948 through the Article 5 of the Universal Declaration of Human Rights has affirmed that “*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*” A further explanation can be found in the Article 7 of the International Covenant of Civil and Political Rights (ICCPR) that was adopted in 1966. This Article firmly states the similar provision in the Article 5 of the Universal Declaration of Human Rights, it says “*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...*”²⁴ On December 10 1984, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was born and went into effective on October 23 1985.²⁵ By the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Indonesia as a state party to the convention, is required to implement all the provisions in the convention itself.

In the Article 1 of the Convention Against torture or other cruel, inhuman or degrading treatment or punishment, there are provisions to be fulfilled. The fulfilment of the provisions is aimed to distinguish the difference between violence in general and the definition of torture. The main element in the Article 1 on the definition of torture is as follows:

- 1) Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person.
- 2) For such purposes as obtaining from him or a third person information or a confession.
- 3) Punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind.

²² See the Article 5 of the Code of Conduct for Law Enforcement Officials; Adnan Buyung Nasution & Patra M. Zen, *opcit*, page. 478.

²³ The convention has been ratified by the Indonesian government through the Law number 5/1998 on the Ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

²⁴ This covenant has been ratified by the Indonesian Government through the Law number 12/2005 on the Ratification of the International Covenant of Civil and Political Rights.

²⁵ Taken from Raoul Wallenberg Institute of Human Rights and Humanitarian Law, UN Centre for Human Rights Facts Sheets 1-25 (Lund:1995), page. 65-68.

- 4) When such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.²⁶

Aside from the elements that show the definition of torture, the convention also explains other prohibited acts such as cruel, inhuman or degrading treatment or punishment.²⁷ The description of those acts consists of several different criteria to other elements of torture, such as, *inter alia*;

- 1) An act that does not require fulfilling an element of purposes.
- 2) An act that does not require one of the purposes associated with torture.
- 3) An act that does not always have to be committed intentionally.
- 4) An act that does not have to inflict pain and severe suffering.

Therefore, it is clear for the law enforcement officials to prevent themselves from committing torture or other acts of cruel, inhuman or degrading treatment or punishment. As an institution, the Police has to prevent crimes by abiding to the code of conduct. Crime prevention has to be performed by upholding human rights principles, even if the arrested person has a status as a criminal or an offender.

C. The Remedy Mechanism

The Convention Against torture stresses on the need for a mechanism for redress for torture victims. The redress consists of compensation that is guaranteed in the legal system, and it can consist of restitution, compensation, and rehabilitation.²⁸ In addition to that, compensations can be in forms that provide psychological remedy for the victims such as, revealing facts of torture in general, accepting responsibility and apologize, administrative sanction for perpetrators, and a guarantee of non-recurrence of torture.²⁹

In the Indonesian legal system, remedy mechanism for torture or other cruel, inhuman or degrading treatment or punishment victims has not been fully adopted yet, especially on the police level. The remedy mechanism is only given to other specific issues, such as: (1) whether an arrest or a detention is performed lawfully or not,

²⁶ The Law number 5/1998 on the Ratification of the Convention Against torture or other cruel, inhuman or degrading treatment or punishment. Human Rights, Humanitarian, and Social and Culture Directorate of the Foreign Affairs Department of the Republic of Indonesia; Jakarta, 2005, 38.

²⁷ Article 6 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

²⁸ Article 14 of CAT.

²⁹ *Ibid*

specific issues, such as: (1) whether an arrest or a detention is performed lawfully or not, (2) whether a cessation of a criminal investigation or indictment is performed lawfully, (3) compensation for a cessation of a criminal investigation or indictment.³⁰

According to KUHAP, a suspect, an accused, or a convict has a right to ask for compensation for any mistake over a person or jurisdiction. A plea for compensation can be submitted for an acquittal. These two pleas shall be submitted through a pre-trial mechanism.³¹ This mechanism still has not been able to accommodate those who are victims of torture or other cruel, inhuman or degrading treatment or punishment either at the inquiry or investigation level in the police.

Pre-trial mechanism has a weakness that creates a room for some particular parties to misuse it. This is often used by the Police to acquit a plea for pre-trial submitted by a complainant. Article 82 paragraph (1) d of the KUHAP states that:

In terms of a case that has been examined by a district court, if the plea for pre-trial examination has yet to be accomplished, the plea is automatically acquitted.

This fact has created a *modus operandi* among the police, especially those who are reported to pre-trial to conspire with the prosecutor office and the court to promptly trial the case before the court. This is not a random act committed by police, instead, it is systemic and well planned, like it is shown in the one of the Decision Letter of the Police Chief³² of the Republic of Indonesia number Pol: Skep/1205/IX/2000 on December 11 2000 regarding Field Manual on Pre-trial, Chapter III, Article 10 Point 3:

“In order to dismiss a pre-trial case, investigators must accomplish and submit their document to the prosecutor’s office with a notification to be promptly submitted to the court as well as make a good approach to the people in the court in order to have the....tried at least before the decision of the pre-trial is decided”

The instruction shows the anti correction perspective of the police and their corps’s spirit. On the other hand, the instruction has also been hampering the enforcement of real justice as well as being an obstacle for the police institution to develop professionally.³²

³⁰ Article 1 points 10 and Article 77 of the KUHAP.

³¹ Article 95, Article 96, and Article 97 of the KUHAP.

³² Asfinawati and friends, “Mereka Yang Ditangkap Dan Disiksa; Research Report in 5 areas of Jakarta” LBH Jakarta, 2005.

There is a mechanism regarding compensation, restitution, and rehabilitation, but it is only available for victims of gross human rights violation,³³ therefore it has to in accordance with the elements of crimes against humanity and genocide.³⁴ It was not relevant with this research, where victims of torture or other cruel, inhuman or degrading treatment or punishment were those who were under investigation by the police and would not fall under the category of gross human rights violations.

D. The Authority of the Metro Jaya Regional Police in Jakarta.

The administrative authority of the Metro Jaya Regional Police in Jakarta falls under the authority of the Jakarta Regional Police. The Metro Jaya Regional Police not only supervises sector police in the areas of Jakarta, but also covers Depok city, Bekasi city and regency that is supposed to be under the administration of the West Java Province, Tangerang city and regency and the Banten province.

The Metro Jaya Regional Police has been established since December 6 1949 and named *Kepolisian Komisariat Jaya* (Police Commissariat of Jakarta). At that time, the First Level Police Commissariat was Raden Said Sekanto Tjokrodiatmodjo who established the Police Commissariat of Jakarta by appointing the First Level Head of Police Commissioner, Ating Natadikusumah as the head of the Police Commissariat of Jakarta at Jl. Merdeka Barat. The momentum of the establishment of the Police Commissariat of Jakarta was a milestone in the history of the birth of the Jakarta Metropolitan Regional Police Department. In its history, the Jakarta Metropolitan Regional Police Department has changed its name several times in accordance with the independence struggle at that moment.³⁵

According to the command structure, Metro Jaya Regional Police supervises 12 Resort Police Departments, which are; Resort Police of the Central of Jakarta, Resort Police of the West Jakarta, Resort Police of the East Jakarta, Resort Police of the North Jakarta, Resort Police of South Jakarta, Resort Police of KP 3 Tanjung Priok, Resort Police of the Seribu Islands, Resort Police of Tangerang, Resort Police of Depok, Resort Police of Bekasi, and Resort Police of the Soekarno-Hatta Airport, Resort Police of Bekasi regency, Resort Police of Tangerang regency and the Water Police that has the same level with a Resort Police.³⁶

³³ Article 35 of the Law number 26/2000 on Human Rights Court juncto Article 1 paragraph 6 of the Government Regulation number 3/2002 on Compensation, Restitution, and Rehabilitation for Gross Human Rights Violation Victims.

³⁴ Article 7 of the Law number 26/2000 on Human Rights Court

³⁵ Koesworo Setiawan, *Polda Metro Jaya Lahir Dalam Kancah Perjuangan*, in *Jurnal Nasional*, March 4 2008.

³⁶ See the Indonesian Police Force Website http://www.polri.go.id/polri_map

The technology development, globalization, and crimes require the Metro Jaya Regional Police to adjust its structure in accordance with the needs in performing the tasks and function of the police. Today, the Metro Jaya Regional Police supervises several directorates that directly related to specific crimes, such as Narcotics and Drugs Abuse Directorate, Special Crimes Division (Reskrimus) and General Crimes Division (Reskrimum).

Related to detention centers for suspects of crime, every resort and sector police station under the Metro Jaya Regional Police jurisdiction has a detention room. However, due to insufficient space and related with the power and authority of the Correctional Directorate, the Salemba detention center and the Pondok Bambu women detention facility are provided by the government to accommodate detainees. The Salemba detention facility takes detainees from the Resort Police of the Central of Jakarta, Resort Police of the West Jakarta, Resort Police of the North Jakarta, Resort Police of KP 3 Tanjung Priok. But recently, since the detention facility has become overpopulated, detainees are put in the level II juvenile correctional centre in Tangerang that now has become a detention facility. Furthermore, for the detainees from the Resort Police of South Jakarta and East Jakarta are put in the Cipinang Correctional Center and the Pondok Bambu Detention facility that were supposedly established specially for women and children. While, for detainees from the Tangerang regency and the city are put in the Level II A Juvenile Correctional Center

The statistic data from the General Crime Division of the Metro Jaya Regional Police mentions that in 1996, there were 54,382 criminal cases that were investigated in total. In 2007, the number of crime increased to 54,484 cases. The highest rank of crime every year has been the automotive transportation stealing, followed by fraud and other regular stealing.³⁷

Jakarta as the nation's capital is seen as the face of Indonesia that provides the correct public service in particular to those who conflict with the law. Anything Jakarta does, serves as a model to the rest of the country, good or bad.³⁸

³⁷ See <http://www.reskrimum-metro.org/statistic.php>

³⁸ In a research in Bali, it was admitted by a respondent in an in-depth interview at the Level I Correctional Center of Krobokan Denpasar, that the method of torture used by the police officers in Denpasar came from Jakarta.

Chapter III

The Research in Brief

The Research in Brief

A. Respondent

This research used a quantitative research method with the aim of obtaining data in a large number ($n \geq 30$), so as to represent respondent population which likely have experienced torture, and other cruel, inhuman, and degrading treatment or punishment, committed by the police. The respondents are detainees underdoing investigation in the period of January 2007 to January 2008. Additionally, respondents have to have the ability to read and write properly. This character is required for the reason that the compilation of research data was conducted by using paper-pencil technique.

The selection of respondent in this research was conducted in a random sampling method towards the detainees who were under the police investigation during January 2007 to January 2008. In other words, all of the detainees who were under the police custody have the same opportunity to be the samples of this research. Given that the samples used in this research represent the entire sample population; enormous benefit of using random sampling method, therefore, is that the conclusion of this research can be generalised for the whole sample population (Kumar, 1999). Researchers, with some help from officers, randomly chose and requested the detainees' willingness that have suited characteristic to participate in the research by answering questionnaires given to them.

The process of collecting data took place in four detention facilities located in Jakarta and the surrounding areas. Those are, State's Detention Facility Class IIA of East Jakarta (Pondok Bambu) with 125 respondents, conducted on Thursday, 31 January 2008; Youth Correctional Facility Class IIA of Tangerang with 118 respondents conducted on Saturday, 2 February 2008; State Detention Facility Class IIA of Central Jakarta (Salemba) with 99 respondents conducted on Monday, 4 February 2008; and Correctional Facility Class IA of Cipinang with 70 respondents conducted on Monday, 4 February 2008.

The total respondents are 412 people, however, only data from 367 people were then used in the analytical process. The reason is because the rest 45 people were under the police custody prior to year 2007.

B. Method

Questionnaire-disseminating method was chosen by the research team in collecting data. Questionnaire is the best alternative method designed for situation whereas the respondents are reluctant to talk some issues with researchers.³⁹ In this method, the anonymity of respondents is more secured (Kumar, 1999). Respondents, therefore, are expected to comfortably provide detailed and honest information. This can positively affect the collected data's reliability.

Questionnaires given are comprised of selected questions and several fill-in type of questions, using paper-pencil technique. Selected questions are comprised of questions with alternative answers that are generally experienced by victims, as found by the previous research.

C. Procedure

1. Preparation

Questions in the questionnaire delivered to the respondents referred to the initial research in 2005. Several questions in the earlier research were retained, in line with the need of information and changed several foreign terminologies.

The questionnaires are divided into 4 (four) parts, *first*, demographic data covers gender, age, case, education, as well as respondent's criminal case status at present. The *second part* is in relation to the arrest process as well as torture and other cruel, inhuman, and degrading treatment and punishment during such process, and specifically regarding the perpetrator, location, date, and duration of such act, as well as the behaviour of the police who arrested them. The *third part* explains the verbal process, regarding location, number of policemen who tortured the victims, forms of torture, duration of such process, and assistance. This part also questions

³⁹ This may be the case with studies on drug use, sexuality, indulgence in criminal activities and personal finance. Kumar, 1999 (Research Methodology); p. 110.

the physical condition of the respondents while they were tortured and treated or punished in a cruel, inhuman and degrading manner. The last part questions the trial process, effort which carried out by the respondents to reveal the torture, and other cruel, inhuman, and degrading treatment or punishment, judge's and prosecutor's responses as well as suggestions to change police behaviour in the forthcoming future.

Questionnaire tryouts were conducted prior to the process of collecting data which then became a measure instrument in this research. The first tryout was aimed to elucidate and help the respondents get a more accurate comprehension towards the content of the questionnaires content. Accordingly, even with lowest education level, respondents are able to understand the content and answer it. The amended questionnaire was then tried out to 5 (five) people who were not involved in criminal cases. This manner was intended to know the meaning of each and every word in the questionnaire. The second tryout was designated for 5 (five) people who were in the custody with intention to analyze the meaning of each word in the questions as well as to test out the answers provided by respondents.⁴⁰ Based on the tryout results, the questionnaires were then amended and adjusted several times.

2. Data collecting

The dissemination of the questionnaires was not, technically, conveyed through any officer. It is done to avoid respondents' reluctance to fill the questionnaire because there was no one would explain the objective of this research as well as intended to diminish error on filling the questionnaire. It was directly conveyed by the researchers using the method as follows⁴¹ :

1. Request the respondents who wanted voluntarily to participate in this research. Such request was addressed to the officers by gather the respondents who were involved in criminal cases during 2007 to 2008 amounted 70 to 125 people.
2. Respondents, who were interested in the research, came to the provided place gradually.

⁴⁰ Abu Hamid reminds that questionnaire-disseminating method has to consider information development that wanted to be delved by and instruction development for researchers; as well as the initial questionnaire test has to be carried out so as to that the question can be answered satisfyingly and in line with the research objectives. The content of questionnaire is a question which formulated from list of developed information. Questions can not be a burden for the respondents by measure the quality of the question, whether the researcher herself is able to answer her own made question. Ibid., p. 24-26.

⁴¹ This method is used to minimise filling error as predicted by Abu Hamid regarding the questionnaire's weakness. In delivering the questionnaire, researcher should observe the effectiveness so that the questions are easily understood and answers can easily obtained. Ibid., pp. 21-24.

3. Respondents, then, were welcomed by researchers with introduction, statement of objectives, structure of questionnaire, data confidentiality, as well as opportunity to inquire if they have any problem with fill in the questionnaire for those who have difficulty in reading and are illiterate.
4. Afterwards, researchers distributed the questionnaire and stationery. Those who need assistance can request from researchers.
5. After filled in the questionnaire, researchers then re-checked it to ensure that no error in answering the questions. If they found any errors, they would re-verify again, however, generally the researchers only looked at the questionnaires without requested respondents to correct their answers should it was not a fatal mistake.

3. Data analysis

Questionnaires, which have been filled in by respondents in four places, then were collected and once again re-checked to conform the answers given to the flow of the questionnaires. Every error in filling the questionnaire was immediately marked by researchers to conform the logic of the questions, such as the following:

1. Case was only written with the article concerned or mentioned the name of the case. Researchers agreed to use the name of the cases.
2. Second error is that the date/time of the arrest was not filled in; researchers agreed to look at the respondents' criminal status if they were still in detention of the police and public prosecutor, researchers then decided that the case happened in 2007.
3. The names of police institutions are occasionally emptied and decided as 'see the arrest and place of act of violence committed by the police.' If the name was written, it will then be added otherwise it would be emptied.
4. If there was no violence that took place during the arrestment, the subsequent answers then would be emptied by marking it.
5. On the question of investigation, if no violence occurred, then the subsequent answers would be left to blank.
6. On the question of court proceeding, if no session taking place, then the subsequent answers would be emptied.
7. Input from the respondents at the end of the questionnaire would be noted as conclusion.

Questionnaires which have been adjusted with the logic of the question then were coded to analyze the report effortlessly. Answers which have been given by the respondents were coded or symbolized to produce systematic data to be made as a conclusion and prove the issues⁴². Afterwards, researchers analyzed the data by using statistic calculation technique.

⁴² Example of questionnaire coding can be seen in the materials provided by the Steering Committee in the compilation of papers of Training of Community Research held on 15 March 1988-21 March 1988, Makasar Legal Aid Institute.

Chapter IV

The Findings of Violence Committed by The Police in Jakarta and its Surrounding Areas

The Findings of Violence Committed by The Police in Jakarta and its Surrounding Areas

A. About Respondent

The samples that have been researched amounted to 367 of 412 questionnaires in which the respondents were in the investigation throughout 2007 to the early of 2008. Forty-five samples of which were unable to be analyzed due to the event had happened prior to 2007.

From such samples, there were 333 men and 34 women. Categorised based on age, there were 345 adult (above 18-year-old), 22 children. Based on their criminal status, 196 were still in detention, 165 were prisoners, while the remaining 6 did not indicate their status.

Respondents educational background were varied, 18 of them did not attend formal education, 86 of them attended elementary school, 109 of them attended junior high school, 125 respondents attended high school, 18 of them have diploma degree, 2 respondents claimed that they were bachelor degree and the remaining 9 did not specify their educational background.

Referred to the previous chapter, Metro Jaya Regional Police authority covers 5 (five) Jakarta City Area and 1 (one) Kepulauan Seribu Regency, Tangerang, Bekasi, Depok, added to Soekarno-Hatta Airport Resort Police, KP3 Tanjung Priok Resort Police and Water Police equivalent to Resort Police. Consequently, the obtained data explains that 10 respondents declared that they were in two police instances, such as detained in the Sector Police and then were moved to Resort Police or straight to Metro Jaya Regional Police. There was also a respondent who caught by Resort Police and then was moved straight to Metro Jaya Regional Police. If the two times transfer condition is removed from the data, there were only 209 respondents who had experienced one time investigation process.

There were only 123 respondents who had been arrested and detained at the Sector Police level, and 25 of who had been arrested and investigated by the Metro Jaya Regional Police.

There were 337 from 367 respondents who only literally answered 73 police institution meanwhile 20 of total answered Sector Police office, 13 of total answered Resort Police office and the remaining 7 answered without mentioning the name of the area. The latter condition, however, does not reduce the Metro Jaya Regional Police's areas of work, for the reason that the places of detention located in Tangerang and Jakarta generally are still under the supervision of Metro Jaya Regional Police.

B. Percentage

As much as 83,65% from 367 respondents or equivalent to 307 respondents stated that they experienced violence when they were under arrest and investigation process. Based on sex, as much as 84,35% from 333 male respondents stated that they had been subjected to violence and 76,47% from 34 female respondents stated the same experience as well. Based on age, as much as 100% from 22 of children respondents had been subjected to violence and 84,35% from 345 of adult respondents answered the same thing.

The category of age is divided into several sub categories more, *inter alia*: numbers of respondents who have been subjected to violence, 100% of 22 respondents aged 11-17, 98,24% of 170 respondents aged 18-25, 94,02% of 117 respondents aged 26-35, 95,45% of 44 respondents aged 36-45, and 85,71% of 14 respondents aged 46-58.

There were 74,66% of respondents who stated that they had been subjected to violence in various forms at the arrest level. Solitary confinement 52,59% of total, equivalent to 158 respondents, who had been beaten, which is the highest number compared with others types of physical violence. Meanwhile non-physical violence such as verbal intimidation/threats (43,32% of the respondents, equivalent to 159 respondents) and threats by pointing gun (24,25% of the respondents, equivalent to 89 respondents).

As much as 59,09% from 22 children respondents stated that they have been subjected to violence when they were arrested, meanwhile 75,65% from 345 adult respondents stated the same thing. Based on the category of sex,

as much as 64,71% from 34 female respondents stated that have been ill-treated by the police and 75,68% from 333 male respondents stated the same thing as well.

During the investigation process, there were 75,75% or equivalent to 287 respondents have been subjected to physical, non-physical, and sexual violence while they were questioned for the Police Investigation Report (*Berita Acara Pemeriksaan*). Based on the category of sex during the investigation process, there were 70,59% from 34 female respondents who have been subjected to violence and 78,28% from 333 male respondents. Based on the category of age, 72,73% of 22 children respondents and 75,94% of adult respondents claimed that they had been subjected to violence.

C. Field Result

This part is divided into two sub-chapters; the first one explains the acts of violence which occurred during the arrest, while the second one explains the acts of violence committed during the investigation process. Such division follows phases used by the police in resolving criminal cases, possibly employing interrogation techniques that can inflict pains either physically or mentally; given that one of the elements of torture is an act of violence by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining information or a confession, by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

In this finding, therefore, violence is included in one of derivative forms of the definition of torture, and the perpetrator is addressed to as the officials, which in this context, are the police. The research also obtained information concerning other perpetrators as the third party who commits violence.

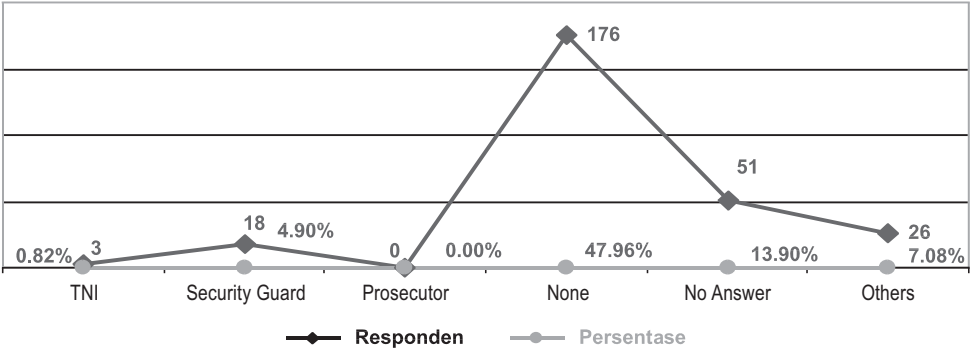
At the level of writing the Police Investigation Report, it is assured that the torturer is police investigator. Such argument is based on the fact that the police have authority to arrest, which then continued to investigation process. To make the 'intentionally' part clear, it can be seen from the whole method or violence technique. Techniques which are used by the torturer are common forms of violence at the arrest and investigation process.

1. The Arrest Process

1. 1. Perpetrators

At this phase, as much as 74,66% or equal to 274 respondents stated that they had been subjected to violence in various forms. Such violence was committed by the members of the police and other parties such as Indonesian National Army (*Tentara Nasional Indonesia – TNI*), Security Guard and party-like spy and society. The percentage of the police as perpetrators is much higher than non-police. As much as 0,82% respondents stated that TNI also commits violence, meanwhile those who pointed their fingers at security guards are at 4,90% and other parties like informant, peer-friend, and the public is 7,08%. As much as 47,96% respondents stated that there is no other party who committing violence other than police.

Table 1
Other Parties Committed Violence

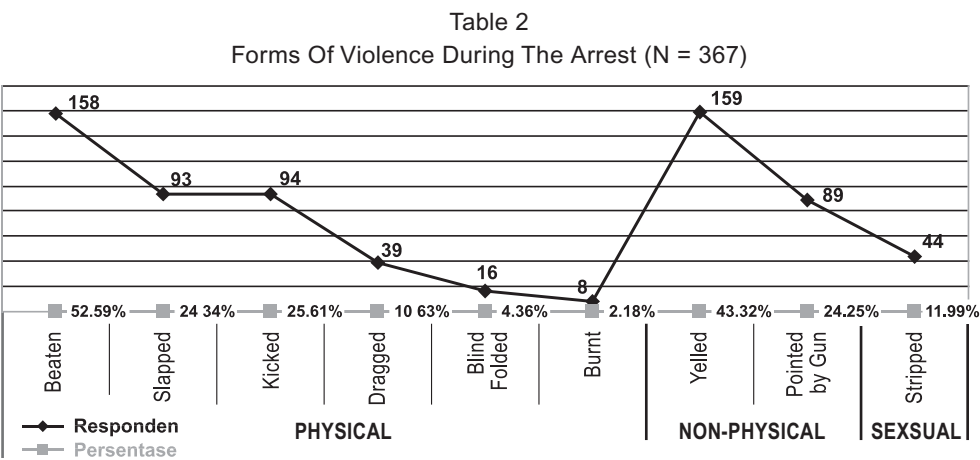


1. 2. Forms

There are three types of violence: physical, non-physical, and sexual. Derivative forms of physical violence is taken from the previous research and based on the information and other findings during an interview with respondents in other research.

The highest finding of forms of physical violence is beating, reached 158 respondents, kicking 94 respondents and slapping 93 respondents. Other forms are such as dragged, experienced by 39 respondents and blindfolded, experienced by 16 respondents. As for the non-physical violence, there are only two forms of it, which are verbal intimidation/threats and threaten by pointing gun and stripped as form of sexual violence.

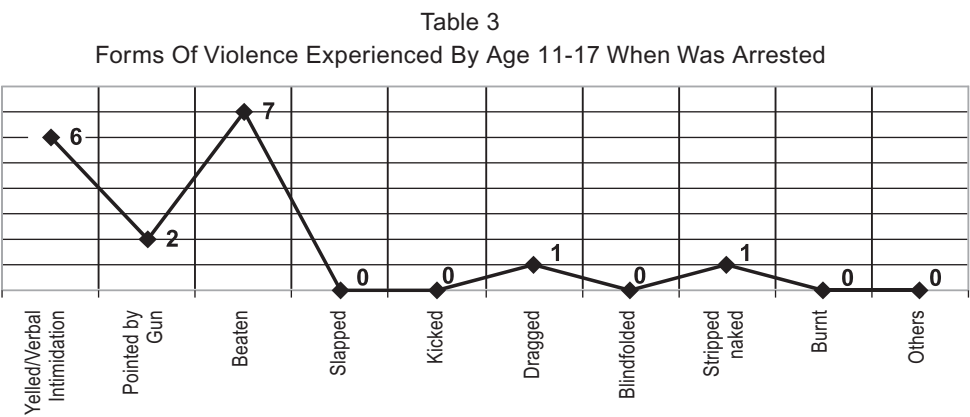
Explanation in graphic as follows:



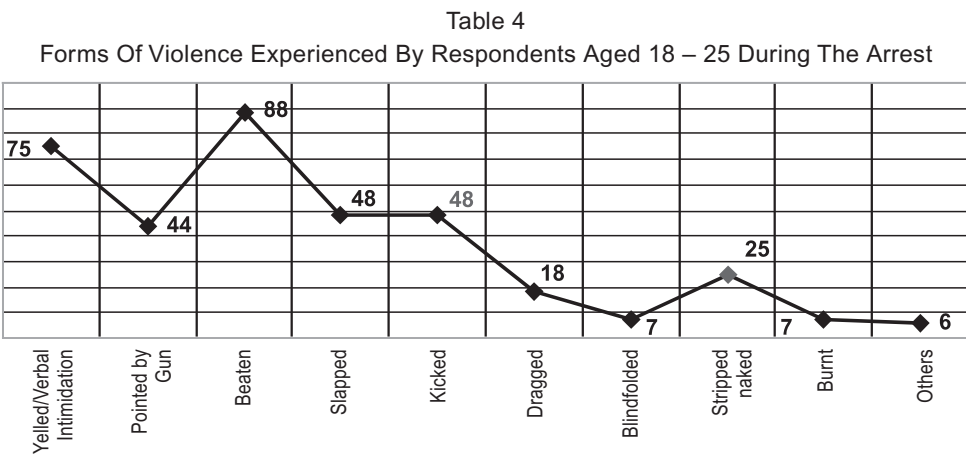
In terms of physical violence, respondents also described the tools to beat them in order to force confessions, which are stick, helmet, footwear, wooden chair, and other blunt tools. There were also respondents whom her/his foot was shot after giving up to the police and her/his chest was stomped by the police. Respondents were also electrocuted and stabbed by the third party—in this regard would be the victims of respondents—with the consent and order from the police.

1. 3. Age-based analysis

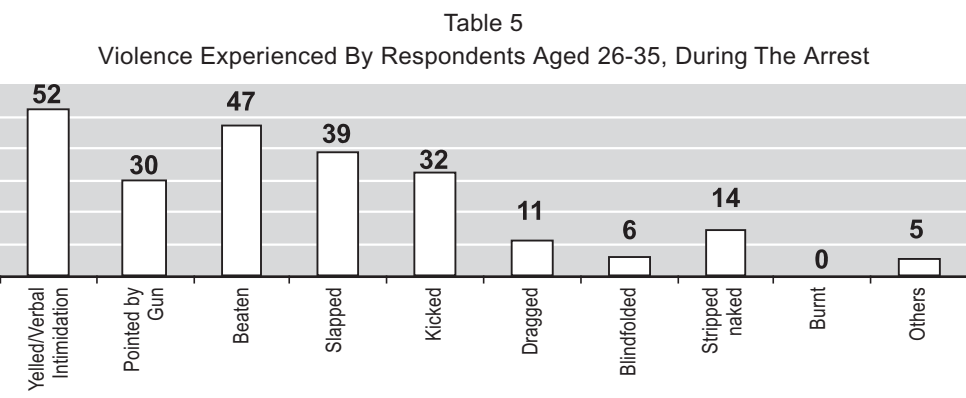
Respondents, age 11-17 year-old, had been subjected to beating, yelling, and pointed by gun while they were arrested. There is one respondent who claimed to have been dragged and stripped naked, which clearly denies juvenile protection. Below is a diagram which explains respondents, age 11-17, who have experienced violence:



Due to its large number, respondents age 18-25 tend to experience more forms of violence compared with the younger age. In this category, beating and yelled are the highest findings compared with other forms of violence. Although the number of being dragged and pointed by gun is relatively small, but these acts are indicative of some of the forms of violence that are often used.

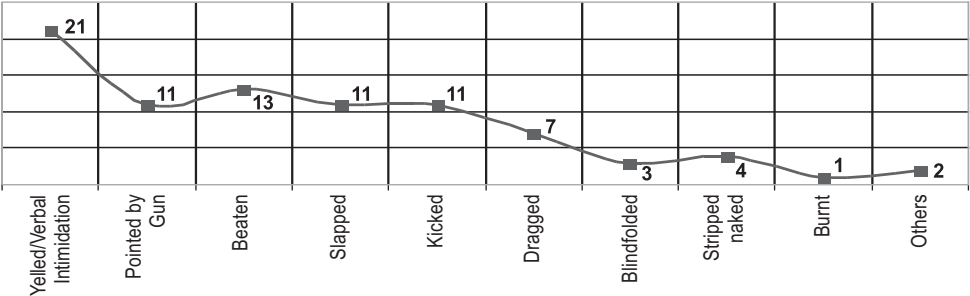


As for the category of age 26-35, yelled and beating are too the highest findings of forms of violence. Meanwhile, other forms such as slapped, kicked, and pointed by gun are fairly experienced by some 30 respondents. In this category, other forms such as dragging, blindfolding, and stripping are experienced by the respondents as well. The age factor also does not exempt respondents from maltreatment. Below is the diagram showing numbers of violence experienced by the respondents:



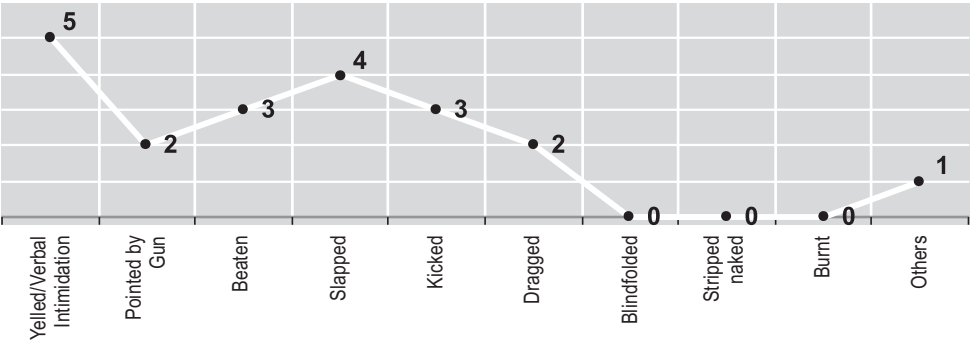
At the age of 36-45, forms of ill-treatment are also the same as the younger age. Yelled and beating are the highest findings in this category. Please see diagram below to know the fact and figures.

Table 6
Violence Experienced By Respondents Aged 36 - 45, During The Arrest



In the category of age 46-58, the highest findings is yelled and slapped, meanwhile beating is the third below. Dragging was also experienced by the respondents, excluding blindfolding, burning and stripping. Below is the diagram for this category.

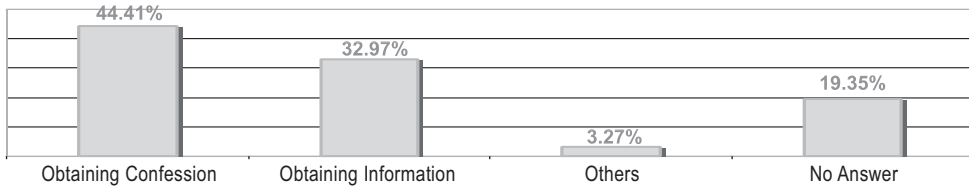
Table 7
Violence Experienced By Respondents Aged 46 - 58, During The Arrest



1. 4. Objectives

According to the respondents, aforesaid violence has an objective in relation to the alleged criminal act. It was meant to obtain confession and information. As much as 44,41% from 367 respondents explained that such violence was aimed to obtain confession, meanwhile as much as 32,97% stated that such violence was aimed to obtain information on criminal act from the respondents. The remaining 3,227% said that the use of violence was aimed to acquire evidences. The explanation in diagram as follows:

Table 8
The Objectives Of Violence In The Arrestment



1. 5. Places

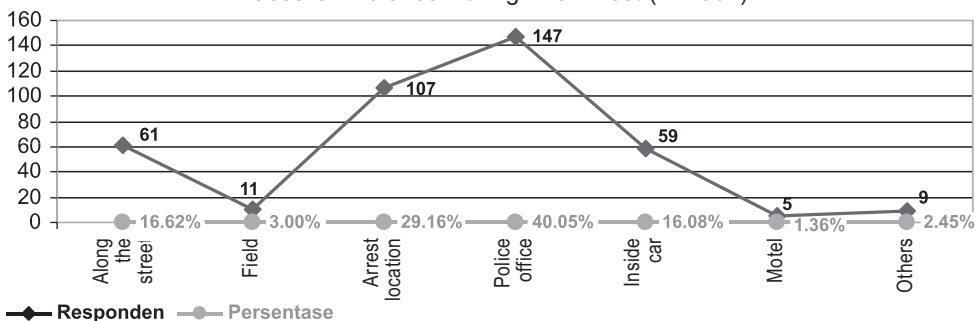
Violence experienced by the respondents took place in several places. Information is obtained from the previous research using in-depth interview. There are no data, however, that explain where the violence took place. According to the previous research, there is a correlation between the location of the arrest and physical torture, but none with psychological and sexual torture.

Respondents in this questionnaire mentioned places in which violence took place based on the alternative questions. If it had happened along the street, respondents then gave the name of the street, and if it had happened in a discotheque, respondents also gave the name of the discotheque. It also applies if it had happened in fields or housing complexes.

In this research there are several findings which are not much different from one answer to another, such as, according to the respondents, the highest number of violence is taking place in the police office, and followed by the location of arrest. After that is the location in which the respondents were on their way to one place, like inside a vehicle, in a field, even in a motel.

Below is the diagram to explain places of violence:

Table 9
Places Of Violence During The Arrest (n = 367)



1. 6. Duration

Violence occurred during the arrest has varied duration, ranging from at least one hour to more than 15 hours. According to the finding, 101 of the respondents experienced violence for less than 1 hour, 60 experienced violence from one to two hours, and 11 experienced violence from two to five hours. Below is the diagram to explain this category:

Table 10
Duration

Duration	n	%
less than 1	101	27.52%
1 – 2	60	16.35%
2 – 5	11	3.00%
0 – 15	4	1.09%
15 – 24	15	4.09%
Don't remember	136	37.06%
Others	6	1.63%

n = numbers of respondents

1. 7. Assistance

74,58% of 358 respondents who endured violence were not assisted by any lawyer. Meanwhile, the number of those being maltreated despite having legal assistance is at 77,78% of 9 respondents.

Table 11
Correlation Between The Lawyer With Violence In the Arrest



2. Investigation Process (BAP)

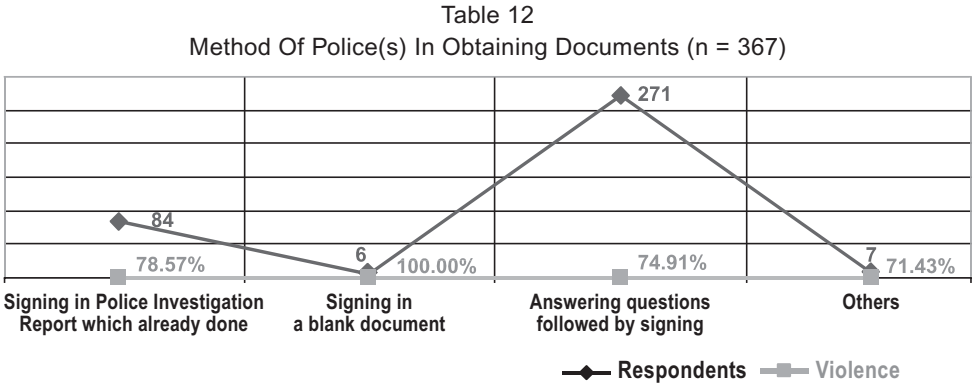
2. 1. How the police obtain the Report

At this stage, police as an investigator has rights to interrogate someone in relation to a criminal act. Normally, only after an inerrigation would someone be

required to sign the Police Investigation Report (BAP). 271 respondents attested to this procedure, but still, there were others who were forced to sign blank BAPs before going through any interrogation.

However, 74,91% out of 271 respondents who did go through the regular interrogation also said that they fell subject to violence by the investigator, as well as through the sophomore procedure whereas as much as 78,57% of 84 respondents said the same thing, and meanwhile through the latter procedure 100% of 6 respondents said that they had been subjected to violence and 71,43% of 7 respondents who have chosen other answer inter *alia*, inquired but not signed, were forced and not given a chance to read the BAP, with the police holding out some information they had given.

Below is the statistic information to understand the above explanation:



2. 2. Types of violence

In overall, there were 75,75% or equivalent to 278 respondents who had been subjected to violence in types of physical, non-physical and sexual. Most of the violence occurred in the police institution, according to the respondents. As much as 76,55% from total respondents, or equivalent to 354 respondents, experienced violence in the police office, meanwhile 12 respondents or equivalent to 3,27% said in other places such as Pulomas field, empty house, and office of National Narcotics Agency (*Badan Narkotika Nasional – BNN*).

2. 2. 1. Physical

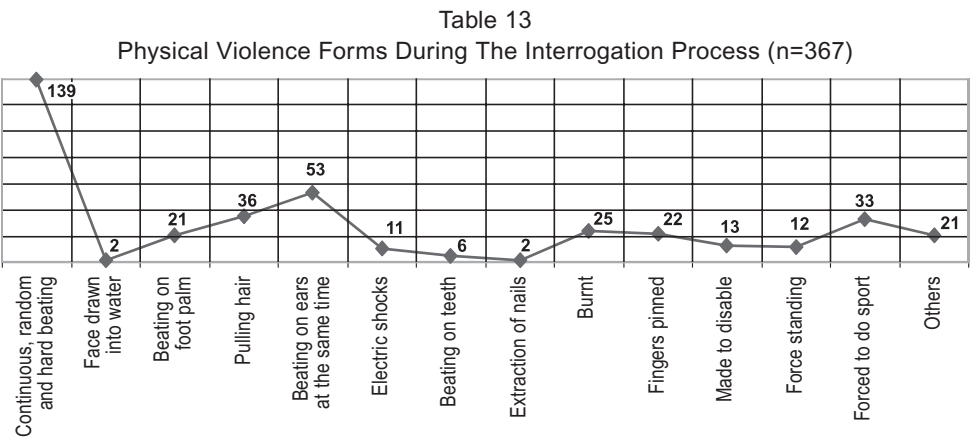
Forms of violence used during interrogation at the investigation level are divided into three categories. From total respondents of 367 people, there were 212 respondents or 57,77% who admitted that they had been subjected to physical violence,

262 respondents or 71,39% admitted they had been subjected to non-physical violence and 110 respondents or 29,97% admitted that had been subjected to sexual violence. According to the research, such violence was carried out systematically, involving preparation, technique, and media or tools. For instances, random, hard and continuous beating is aimed to inflict a severe pain for someone. The use of water as a medium, beating one’s foot palm and ears using hands or tools are explaining the existence of technique and preparation phase at first. The same condition applies to other technique as well, such as, extracting nail, electric shocks, made to disable, forced standing or sleep deprivation are forms of torture which is commonly practice since long time until the finding of the research disclose.

In reply to one question in the questionnaire for category of others, respondents gave detailed information regarding forms of beating using hard materials such as: wooden stick, steer key, chair, glass, thick book, bamboo, baseball stick, iron, and additional electric cable for cell phone charger to whip. Other tools are: helmet, footwear (shoes and sandal), corkscrew, rattan, gun, and belt as well as crowbar to press victim’s body. One’s head was also hit by an iron stick, strapped and wrapped by plastic. Some said that they were continuously handcuffed, pointed by gun and forced to kneel down for hours. Such tools were pointed to other parts of their body too, such as face, hip, head, et cetera.

Additionally, there were respondents who had been stripped to naked in a cold weather, put into a fish pond, and threw by handcuffs. Body part was stuck to hot muffler, stomping knee using shoes, exploded gun was placed near one’s hear, dragged to outside office and detainees were ordered to beat each other.

Below is a table that explains number of forms of violence:



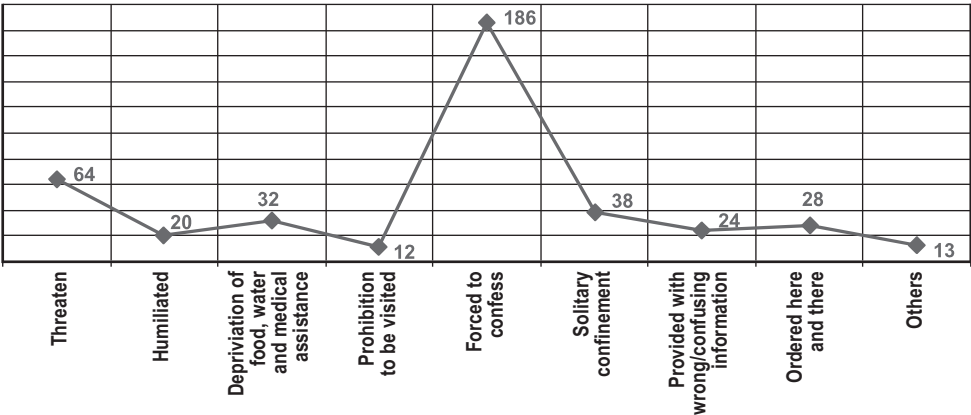
2. 2. 2. Non-physical

As for non-physical violence, it is found that form which was used by the torturer was aimed to degrade the victim’s dignity and mental, for instance, through confessions, humiliation, solitary confinement and physical orders. Other types of this violence include deprivation of food, water and medical assistance and provision of false and confusing information. These techniques were not merely used by the police, but it is a specific pattern experienced by someone who is alleged to commit crime(s) during the process of interrogation.

In addition, the victim’s personal goods such as money and jewelry were also confiscated by the police. Respondents admitted that they had to bribe the investigator and exchange their evidence.

Below is table which shows numbers of respondents who had been subjected to non-physical violence during the process of interrogation:

Table 14
Non-physical Violence Forms During The Interrogation Process (n=367)

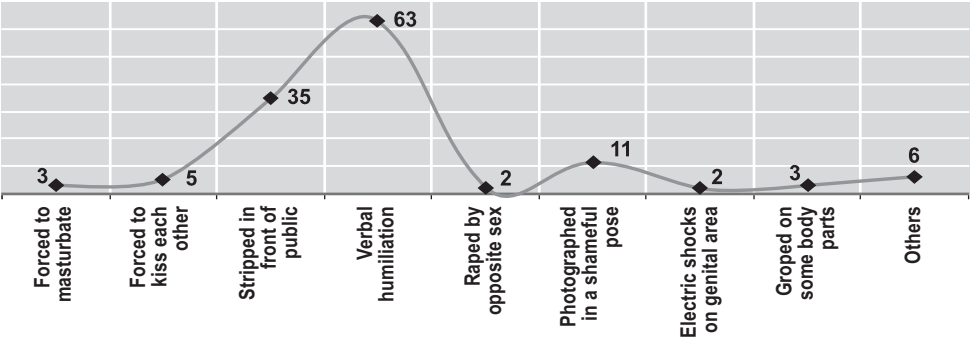


2. 2. 3. Sexual Violence

The act of sexual violence in essence is not much different with the objective of non-physical violence which is to degrade one’s dignity and mental. This separation, however, aside from the reason that it is still occurring to date and was found from the previous research, it is also to exemplify in-depth information regarding how the police assault or force respondents to confess by means of using violence towards their genital.

In this report it is informed that respondents had been treated improperly by forced to do sexual activities. Below is the recapitulation of information which conveyed by the respondents:

Table 15
Sexual Violence Forms During The Interrogation Process (n=367)



2. 2. 4. Gender-based violence

The impact of violence experienced by female respondents is indeed not significant compared to the male respondents. Physically, female respondents also experienced random and hard beating, beating on their foot palm and beating on their ears using hand palm at the same time. Meanwhile, male respondents -apart from the same sexual violence experience by females- experienced other forms which were also significant, such as being burnt, having their hair pulled, face drawn into water and teeth beaten.

Below is the comparison of physical violence experienced by female and male respondents:

Table 16
Comparison Forms Of Physical Violence During The Interrogation

Female	Responden	Male	Responden
Continuous, random & hard beating	5	Continuous, random & hard beating	134
Beating their foot palm	1	Beating their foot palm	20
Beating their ears at the same time	1	Beating their ears at the same time	52
Beating teeth	0	Beating teeth	6
Burnt	0	Burnt	25
Made to disable	0	Made to disable	13
Forced to do sport	0	Forced to do sport	33
Face drawn into water	0	Face drawn into water	2
Pulling hair	0	Pulling hair	36
Electric shocks	0	Electric shocks	11
Extraction of nails	0	Extraction of nails	2
Fingers pinned	0	Fingers pinned	22
Forced to stand	1	Forced to stand	11
Others	0	Others	21

On the non-physical violence, types of such violence which was experienced by female respondents were almost all the same. They, however, did not fill the answer of ‘being ordered here and there’ and ‘others’. The highest findings for female respondents are forced to confess, threatened, and humiliated. As for male respondents, they were all experienced all kinds of non-physical violence; and the highest findings are the same as in the female category, which are, forced to confess threatened, deprived of food, water, and medical assistance, solitary confinement, and ordered here and there. Below is the explanation and comparison:

Table 17
Comparison Forms of Non - Physical Violence during the Interrogation

Female	Responden	Male	Responden
Threats	4	Threats	60
Humiliated	3	Humiliated	17
Deprivation of food, water and medical assistance	1	Deprivation of food, water and medical assistance	31
Prohibition of visits	0	Prohibition of visits	12
Forced to confess	17	Forced to confess	169
Solitary confinement	1	Solitary confinement	37
Provided with confusing information	1	Provided with confusing information	23
Ordered here and there	0	Ordered here and there	28
Others	0	Others	13

The highest finding of sexual violence in female category is humiliation, meanwhile only one respondent was stripped to naked. Other forms of sexual violence are not found in this category. Meanwhile all male respondents had been subjected to all forms of sexual violence except raped by same sex. Male respondents were also forced to masturbate, electrocuted on their genital, groped, and forced to kiss each other. They were also respondents who had been stabbed by the victims of crime upon police order. Below is the comparison:

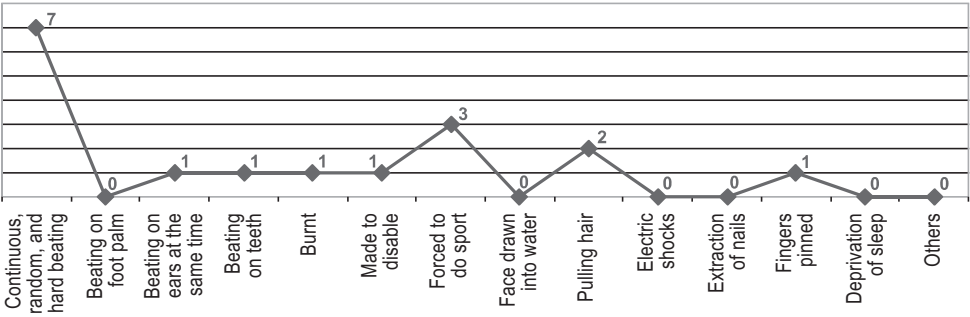
Table 18
Comparison Forms of Sexual Violence during the Interrogation

Female	Responden	Male	Responden
Forced to masturbate	0	Forced to masturbate	3
Raped by same sex	0	Raped by same sex	0
Forced to kiss each other	0	Forced to kiss each other	5
Forced to naked	1	Forced to naked	34
Verbal humiliation	6	Verbal humiliation	57
Raped by male	0	Raped by male	2
Photographed in a shameful pose	0	Photographed in a shameful pose	11
Electric shocks on their genital	0	Electric shocks on their genital	2
Groped in some body parts	0	Groped in some body parts	3
Others	0	Others	6

2. 2. 5. Age of 11 – 17 years

At this age, forms of physical violence were still experienced by children respondents, age 11-17 years. The highest findings in this category are random beating, being forced to play sports, and have their hair pulled. Beating on their ears, burnt, beating on teeth, made to disable and fingers pinned also found in this category.

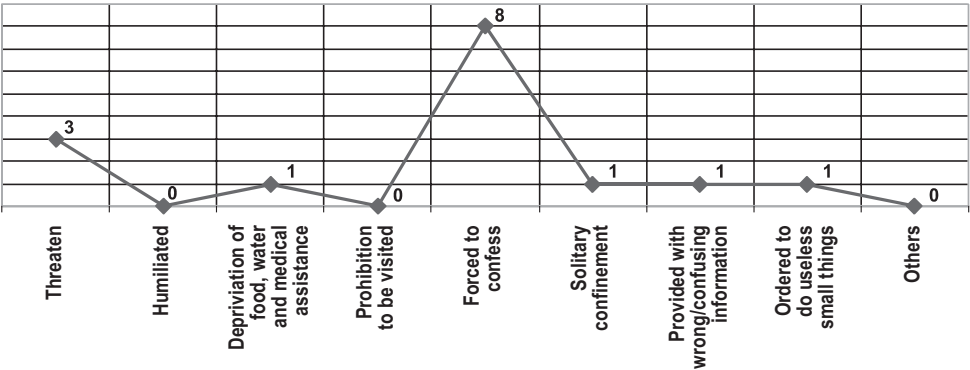
Table 19
Forms Of Physical Violence Experienced By Age Of 11-17 Years During The Interrogation



For the non-physical violence, forced to confess is the highest findings followed by threats. Other forms such as deprivation of food, water, and solitary confinement, provided with wrong information and ordered here and there were also experienced by respondents aged 11-17 years old.

Below is the diagram to explain more detail:

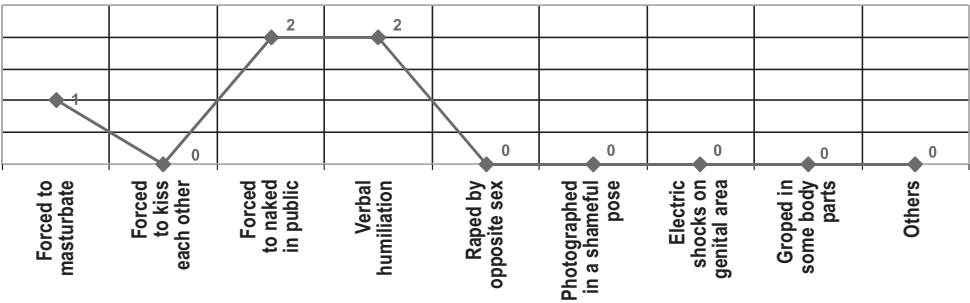
Table 20
Non-physical Violence Experienced By Age Of 11-17 Years During The Interrogation



Although numbers of sexual violence experienced by respondents aged 11-17 is not significant, there were some forms of it experienced by them, such as forced to masturbate, stripped to naked and verbal humiliation.

Below is the diagram to give more detail explanation:

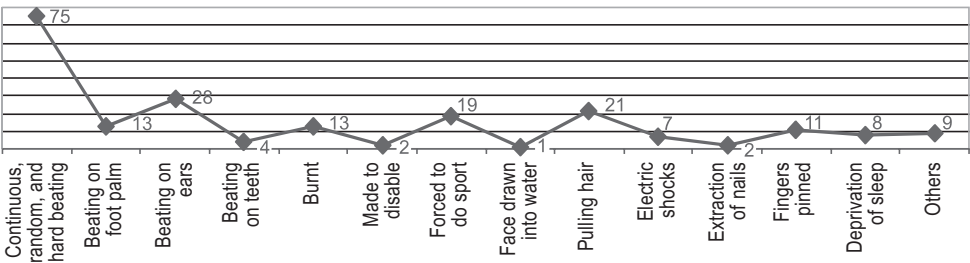
Table 21
Sexual Violence Experienced By Age Of 11-17 Years During The Interrogation



2. 2. 6. Age of 18 – 25 years

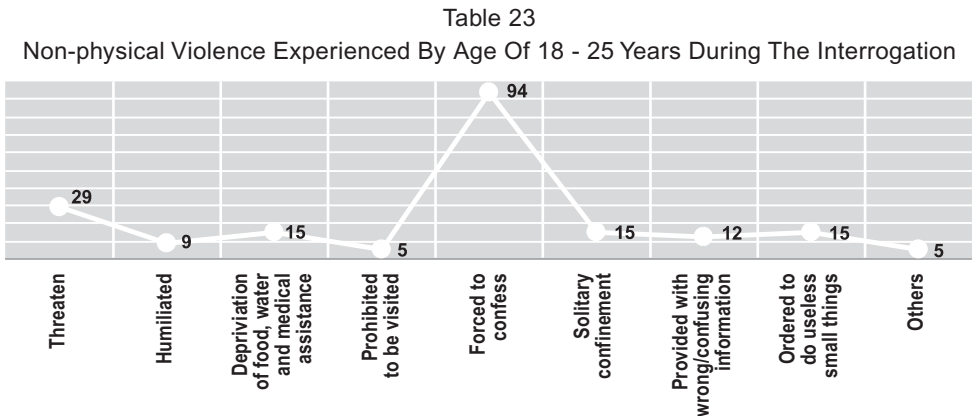
At this age, forms of physical experience were still experienced by respondents aged 18-25 years old. The highest findings of this forms of violence is random beating, second one is beating and beating on respondent’s foot palm. Pulling hair and being forced to play sports were also experienced by many respondents in this category. See blow diagram for detail information:

Table 22
Forms Of Physical Violence Experienced By Age Of 18-25 Years During The Interrogation

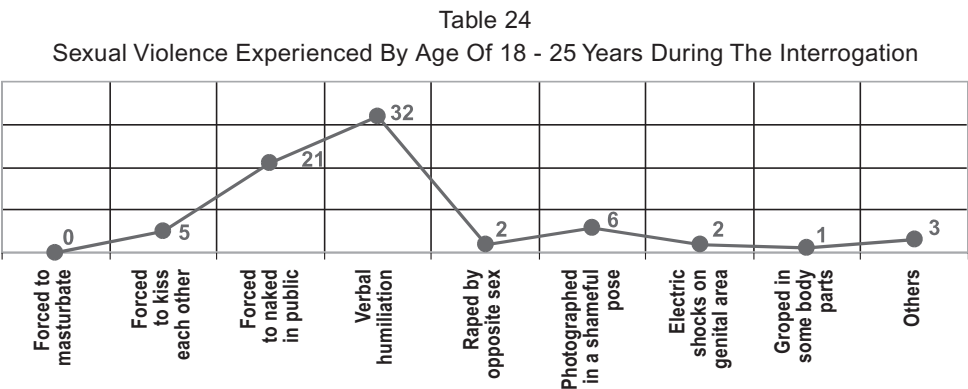


As for non-physical violence, forms of forced to confess ranked the highest findings and followed by threats and deprivation of food and water. Other forms such as solitary confinement, provided with wrong information and being ordered here and there were also experienced by respondents aged 18-25 years.

Below is a diagram to explain more detail:



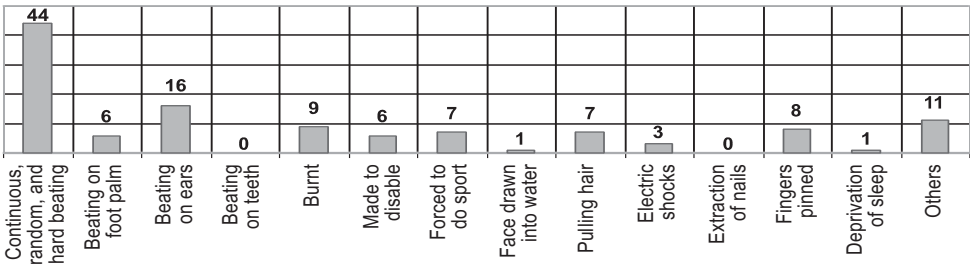
Respondents of this category experienced almost all types of sexual violence. Verbal humiliation is the highest findings, followed by being stripped to naked and photographed in a shameful pose. Electric shocks on their genital and raped by different sex were also experienced by respondents in this category. Below is the explanation in diagram:



2. 2. 7. Age of 26 – 35 years

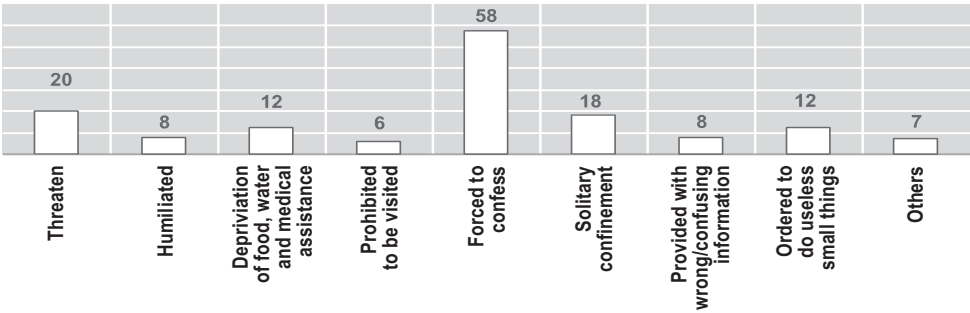
At this age, forms of physical violence were experienced by respondents aged 26-35 years old. The highest findings in this category are random beating, and the second one is beating on respondents’ ears and beating on their foot palm. At this age too, the variant of violence was much more such as fingers pinned, deprivation of sleep, and face drawn into water. Pulling hair and forced to do sport were also experienced by the respondents of this category. See below diagram:

Table 25
Forms Of Physical Violence Experienced By Age Of 26 - 35 Years During The Interrogation



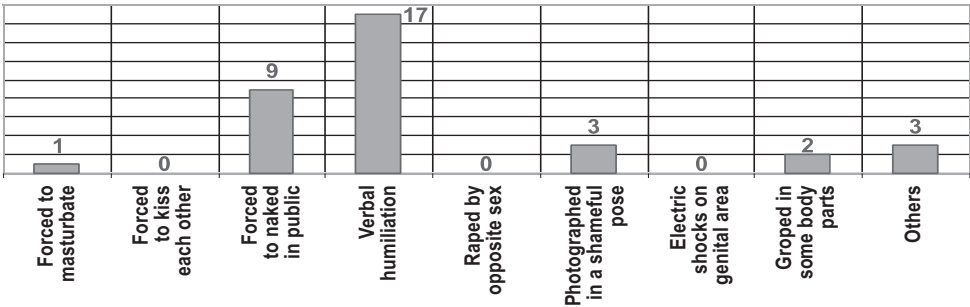
Forced to confess is the highest findings in this category, and threats as well as solitary confinement. Deprivation of food and water, ordered here and there, and humiliation were also experienced by the respondents. Below is a diagram to explain detail information :

Table 26
Non-physical Violence Experienced By Age Of 26 - 35 Years During The Interrogation



Verbal humiliation ranked the highest findings in this category followed by stripped to naked and photographed in a shameful pose. Electric shocks on their genital did not occur, however, some respondents admitted that some part of their body was groped and forced to masturbate. Below is the explanation in diagram:

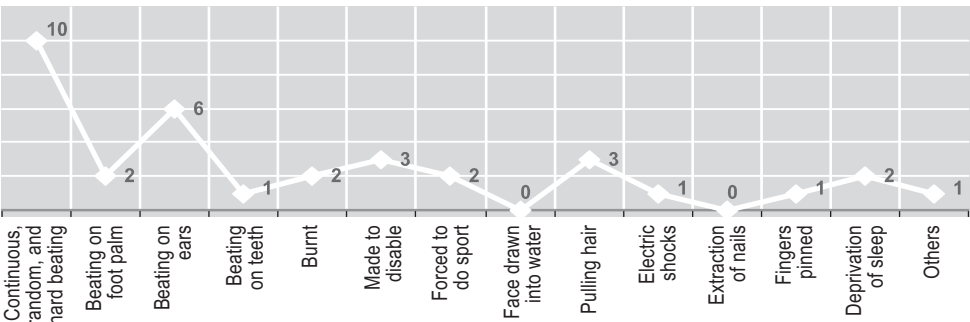
Table 27
Sexual Violence Experienced By Age Of 26 - 35 Years During The Interrogation



2. 2. 8. Age of 36 – 45 years

Random beating ranked the highest findings in this category followed by beating on ears and on foot palm. Pulling hair, fingers pinned, deprivation of sleep, and forced to do sport were also experienced by the respondents in this category. See below diagram:

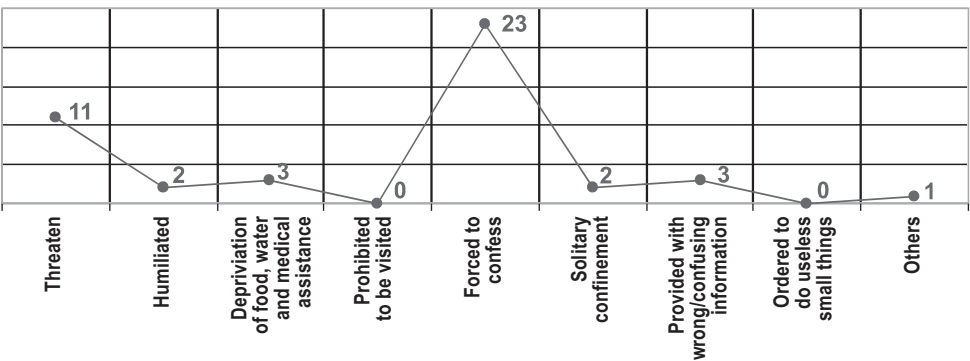
Table 28
Forms Of Physical Violence Experienced By Age Of 36 - 45 Years During The Interrogation



Forced to confess is ranked the highest findings at this age, as well as threats and solitary confinement. Deprivation of food and water, ordered here and there, and humiliated were also experienced by the respondents.

Below is the diagram which explains detail information:

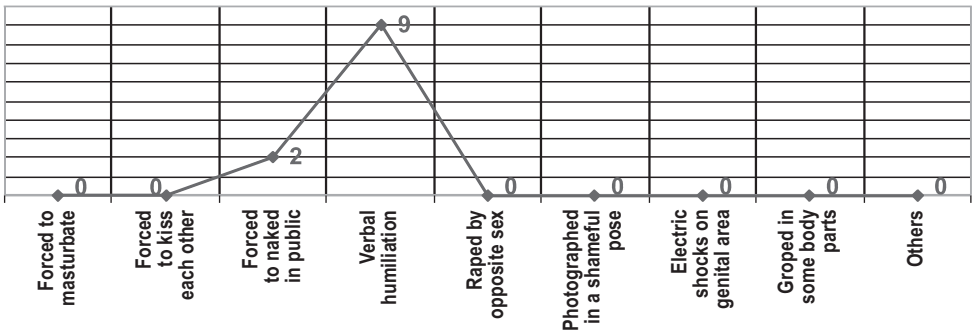
Table 29
Non-physical Violence Experienced By Age Of 36 - 45 Years During The Interrogation



Verbal humiliation is the highest findings in this category, followed by stripped to naked. Forms of photographed in a shameful pose, electric shocks on their genital and others did not occur.

Below is the explanation in a diagram:

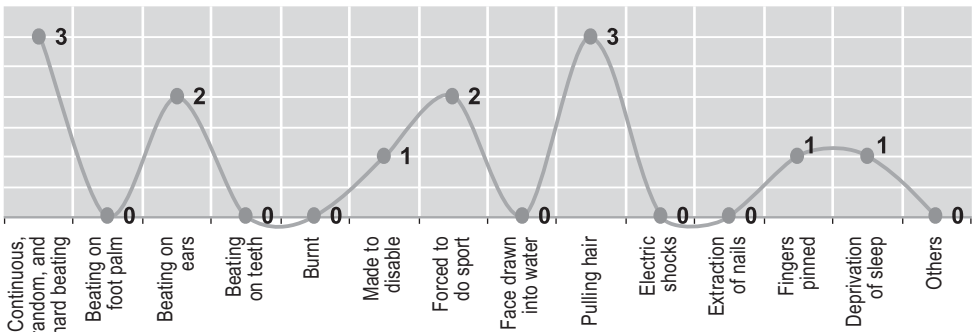
Table 30
Sexual Violence Experienced By Age Of 36 - 45 Years During The Interrogation



2. 2. 9. Age of 46 – 58 years

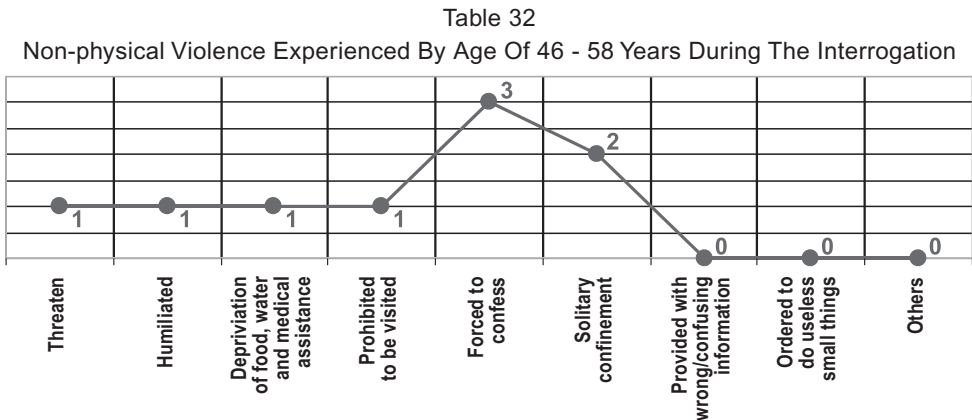
Although some respondents are more than 40 years old, they still endured violence in the forms of hair pulling, random beating and beating on their ears. In this category, there were respondents who admitted that they had been made to disable, fingers had been pinned, and had been subjected to deprivation of sleep. Please see the diagram below:

Table 31
Forms Of Physical Violence Experienced By Age Of 46 - 58 Years During The Interrogation



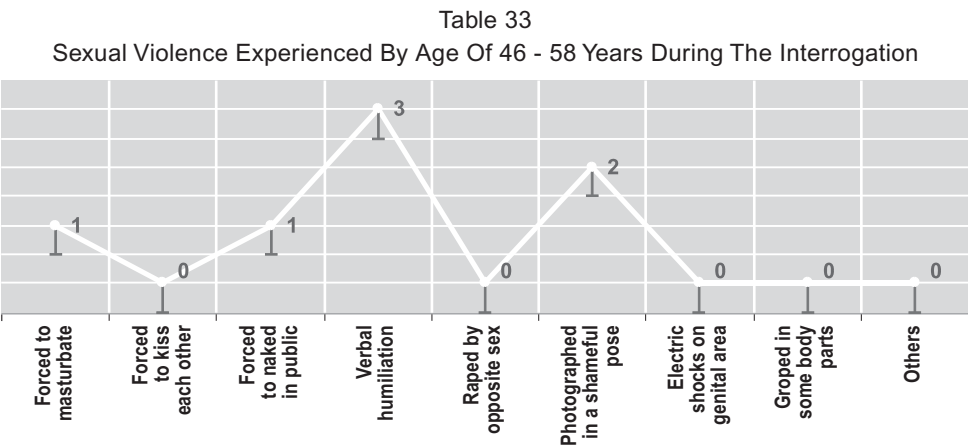
Respondents in this category are relatively low by numbers; however, it did not mean they were freed from violence. Forced to confess is the highest findings and threats as well as solitary confinement and other forms of violence. Respondents in this category were not ordered here and there.

Below is a diagram which explains in detail:



Same as previous category, verbal humiliation ranked highest findings in this category, followed by photographed in a shameful pose. Being forced to masturbate was also experienced by respondents, as well as public humiliation.

Below is the explanation in a diagram:

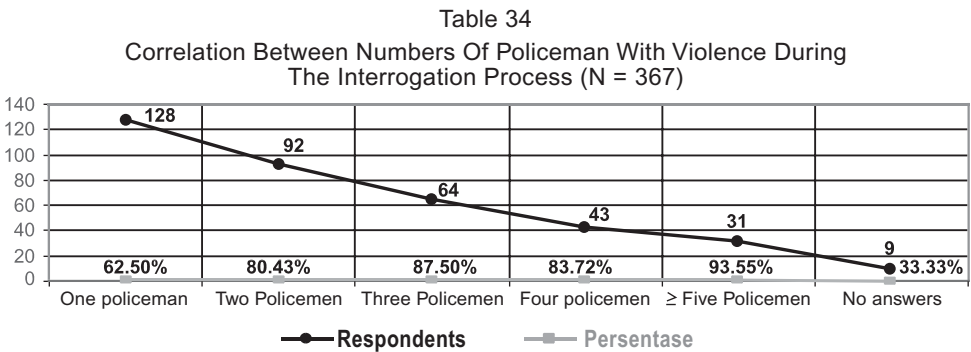


2. 3. Numbers of police with violence

This research found that interrogation processes were attended by more than one policeman. Based on the field research, there were 62,5% of 128 respondents who were inquired by 1 policeman admitted that they had been subjected to violence. The numbers of violence is increased if the interrogation attended by 2 policemen whereas 80,43% of 92 respondents admitted such condition. Inquired by 3 policemen, as much as 87,5% of 64 respondents said the same thing.

When the interrogation process conducted by 4 policemen, as much as 83,72% of 43 respondents had been subjected to violence and when it was conducted by more than 5 policemen, as much as 93,55% said the same thing too.

Below is a diagram to know detail information :



Based on this research, it is found that the more policemen attended the interrogation process, the more likely some types of violence would occur. Although there is difference concerning numbers of respondents with each numbers of police categories, the analysis of this research shows that the correlation between numbers of policemen with types of violence is significant. On the table below, it can be seen a significant correlation of numbers of policemen on number 1 and mark (**) which affirms strong correlation between the two.

Below is correlation between numbers of policemen with numbers of violence occurred, which can be seen in the following graphic :

Table 35

Correlation Between Numbers Of Policemen With Numbers Of Violence Occurred During The Interrogation Process

		Numbers of policemen	Numbers of violence
Numbers of policemen	Pearson Correlation	1	.271(**)
	Sig. (2-tailed)	.	.000
	N	367	367
Numbers of violence	Pearson Correlation	.271(**)	1
	Sig. (2-tailed)	.000	.
	N	367	367

** Correlation is significant at the 0.01 level (2-tailed)

Types of physical violence is strongly correlated with numbers of policemen who conducted interrogation by looking at the significant number on the second row on physical column which shows significant number in which it also correlated

with non-physical violence at the significant number and sexual violence at the significant number as well. In addition, non-physical violence and sexual violence which shows correlation each other with physical violence and vice versa with significant numbers. It means that the numbers of policemen who conducted investigation of a criminal case can affect the safety of the one being investigated, because the more officers are present, the higher the chance for an act of violence to occur.

Table 36
Correlation Between Numbers Of Policemen With Numbers Of Physical,
Non-physical And Sexual Violence

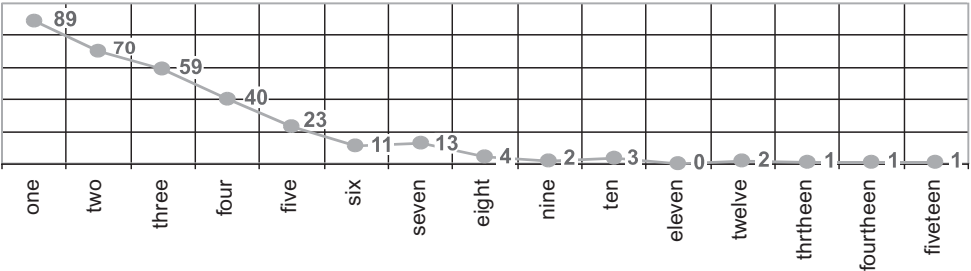
		Numbers of policemen	Physical	Non-physical	Sexual
Numbers of policemen	Pearson Correlation	1	.268(**)	.273(**)	.271(**)
	Sig. (2-tailed)	.	.000	.000	.000
	N	367	367	367	367
Physical	Pearson Correlation	.268(**)	1	.998(**)	.999(**)
	Sig. (2-tailed)	.000	.	.000	.000
	N	367	367	367	367
Non-physical	Pearson Correlation	.273(**)	.998(**)	1	.999(**)
	Sig. (2-tailed)	.000	.000	.	.000
	N	367	367	367	367
Sexual	Pearson Correlation	.271(**)	.999(**)	.999(**)	1
	Sig. (2-tailed)	.000	.000	.000	.
	N	367	367	367	367

** Correlation is significant at the 0.01 level (2-tailed).

2. 4. Respondents and Frequency of Violence

Respondents admitted that they had been subjected to more than one forms of violence. Such violence, as mentioned in previous analysis, is divided into three categories, physical, non-physical and sexual. As much as 89 respondents experienced just one type of violence and there were also respondents who experienced 13 to 15 types of violence. For more detail information please see the diagram below :

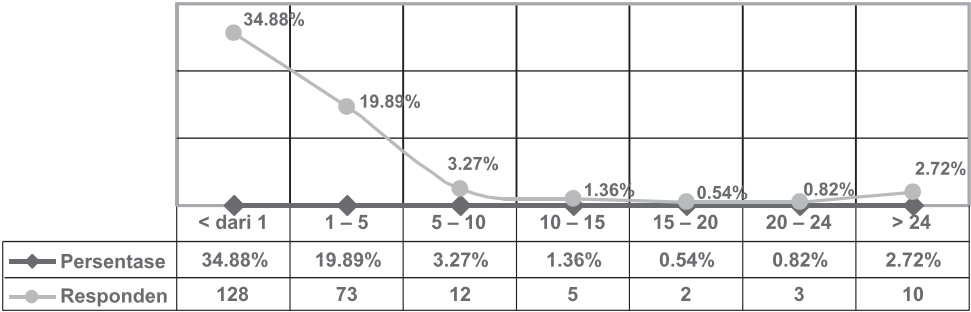
Table 37
Frequency Of Violence Experienced By The Respondents (n = 274)



2. 5. Duration

Duration of violence during the arrest does not differ much from the duration of the interrogation process. However, the duration of the arrest is shorter than duration of the interrogation process. The option of a longer duration is only more than 24 hours whereas there were 10 respondents who answered or only 2,72% out of 367 respondents.

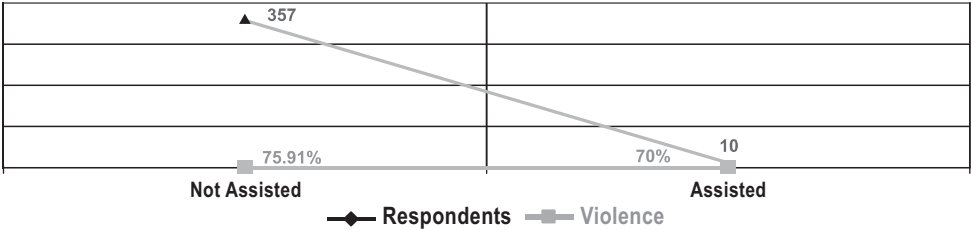
Table 38
Duration Of Violence During The Interrogation Process



2. 6. Assistance

During the interrogation process, there were more respondents who were not assisted by lawyers. Respondents who were not assisted by lawyers reached 357 respondents and the remaining 10 respondents were assisted by lawyers. As much as 75,91% of those who were not assisted by lawyers admitted that they had been subjected to violence as well as 70% of those who were assisted experienced the same thing.

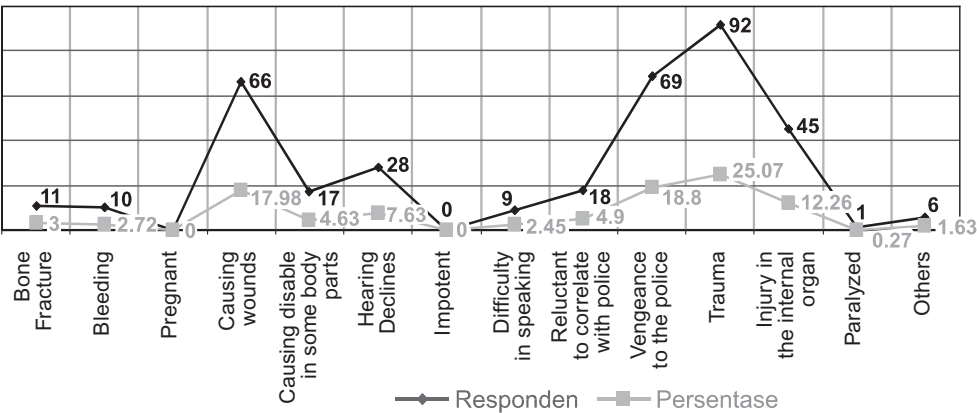
Table 39
Correlation Between The Lawyer With Violence



2. 7. Impact

According to the respondents, such violence has caused serious impacts both physically and psychologically. Physically, bone fracture, bleeding, causing wounds, causing disable in some body parts, hearing capability is deteriorating and injury on the internal organ are impacts which were most experienced by the respondents. Meanwhile, psychologically, it is related with trauma, difficulty in speaking, and vengeance to the police. In answering other questions under this category, the respondents gave answers such as: nearsighted eyes, disappointment to the police, and reluctance to deal with the police. Below is an explanation in statistics :

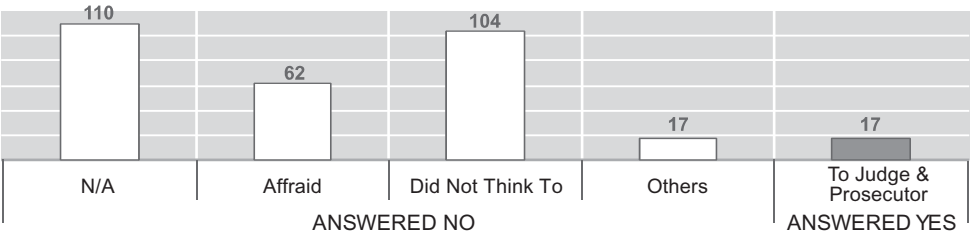
Table 40
Impact Of Violence To The Respondent



3. Trial process

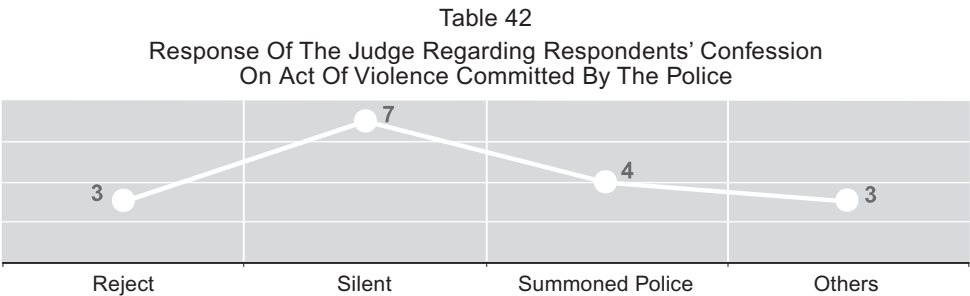
During the trial process, there were some respondents who told the prosecutor and judges that they had been subjected to such a severe violence, but there were some who did not. The reason why they did not do such action was varied; some said that it was useless due to the situation of law enforcement at the moment. Some said that they forgot, got scared, and did not think of it. Below is the analysis in diagram :

Table 41
The Respondent Who Revealed And Did Not Reveal Act Of Violence During Trial Process

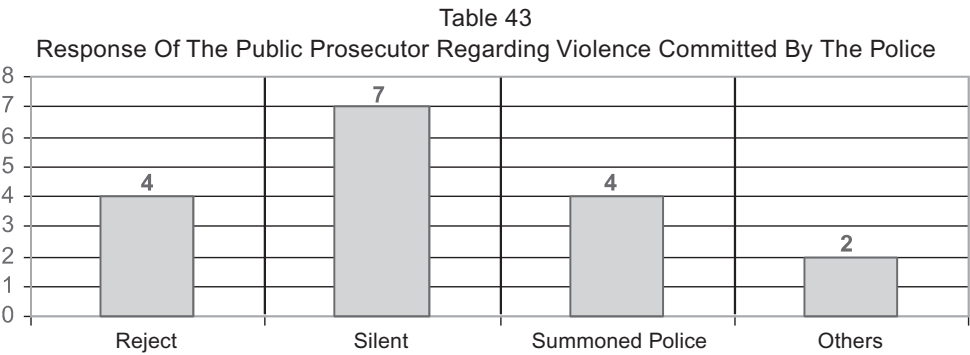


Respondents’ answer regarding the act of violence during the trial was indeed insignificant, both for those who were assisted by lawyers and those who were not. Although respondents were assisted by lawyers, however, there was only one respondent who revealed the violence had occurred during the arrest and police investigation.

Even after some respondents told the panel of judges regarding violence they had experienced before, no one responded seriously. According to the 7 respondents who revealed their torture in court, 3 of them said that the judges declined to acknowledge such matters and the remaining 4 admitted that the police were summoned. On the answer of ‘others’, as much as 3 respondents stated that it was useless to reveal it due to the brutal act of police and the corrupted judiciary. Below is the diagram which explains judges’ response :



Regarding to the prosecutors’ response when receiving complaints from 17 respondents, according to 4 respondents the prosecutors declined such complaint, 7 respondents said that the prosecutors kept silent, 4 respondents said that the prosecutors summoned the police and 2 respondents gave other answers. If respondents’ complaints are converted to percentage it will only be 4,23% from the total of violence occurred during the arrest and interrogation amounted 307 respondents. Below is a diagram shows the prosecutors’ response :



It is unusual to hear such confessions out in the open, in the court room. If the situation were more transparent, the number of complaints over physical, non-physical and sexual violence—all of which are rendered inhuman— would be much larger. It is time to act on claims of injustice as cried out by the respondents.

In the column of 'others', respondents gave comment regarding arbitrarily action by the police. According to them, police should not overreact in interrogating suspect, human rights should be highly upheld and they have to responsible of what they did. Ahead, respondents don't want any violence to take place again, so there is a need to have a special supervision in the process of investigation. As compensation, if there was any violence occurred at the police investigation level, respondents request that legal process of her case is annulled.⁴³

Respondents' complaints on the last question of the questionnaire, was answered in their own language and desire. Generally, such answers are related to the physical violence experienced by them, confiscation of personal belongings, blackmail, and so on. Respondents also urge judges and prosecutor to be more professional in conducting the trial so that justice is done.

There are so many complaints found in this research that could serve as a basis for the concerned authorities to improve themselves, by altering their paradigm and conduct at the arrest and investigation levels. Ironically, such violence still occurs even after the government ratifies and promotes a number of human rights instruments.

⁴³ Please read respondent's comments on the column of wish list to improve police institution in the future by stating comment as follows: so that there is no violence, there will be supervisor agency at the level of police investigation, no longer arbitrarily in conducting any action, responsible, as compensation set me free me now, don't overreact in investigating, due process of law, there is no such thing as human rights, and police is the witness.

Chapter V

Elements Fulfillment, Consistency and Protection of Human Rights Towards The Vulnerable Group

Elements Fulfillment, Consistency and Protection of Human Rights Towards The Vulnerable Group

A. The Finding Compatibility with the Article 1 of CAT.

A number of finding as explained in chapter IV shows that the acts of violence experienced by the respondents are covered acts of violence done by the police, as described in findings (chapter IV) compatible with requirements stipulated in Article 1 of CAT:

“For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”⁴⁴

According to this Article, there are four important elements of torture, as follows :

- (1) Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person;
- (2) For such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind;

⁴⁴ Article 1 of CAT

- (3) When such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity;
- (4) It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Referring to those elements, this research found acts which experienced by respondents could be categorized as torture.

First Element: any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person.

From finding in Chapter IV, a number of respondents which shown in table forms of violence stated that during the arrest or investigation process, they experienced such treatments as follows :

Physically

1. Continuous random and hard beating
2. Beating foot palm and ears by using hand palm and tool
3. Beating teeth
4. Extraction of nails
5. Fingers pinned
6. Force to stand
7. Electric shocks
8. Head strapped and wrapped with plastic
9. Continuous hand cuffs
10. Kicked
11. Forced to kneel down for hours
12. Dragged
13. Blind folded
14. Burned
15. Put outside police office when it is raining
16. Body parts was stuck to hot muffler
17. Stomping on knee using shoes
18. Exploded gun placed near ears
19. Ordered to beat each other
20. Shooting
21. Stabbing

22. Stomping on body parts
23. Made to disable
24. Force to do sport
25. Face drawn into water
26. Pulling hair

Non-physical

1. Threats
2. Forced to confess
3. Humiliated
4. Deprivation of food, water and medical assistance
5. Yelled
6. Pointed by gun

Sexually

1. Stripped in cold weather
2. Electric shock at genital
3. Rapped
4. Forced to kiss each other
5. Forced to masturbate

Such violence done with solid materials such as; cudgel, steer key, chair, glass, thick book, bamboo, baseball stick, iron and additional electric cable for telephone charger to whip. Other tools are, helmet, footwear (shoes and sandal), screw driver, rattan, gun and belt as well as crowbar to press victim's body. Such tools were pointed to other body parts such as face, back, knee, head et cetera.

Such treatments are indeed acts by which severe pain suffering, whether physical or mental to the respondents. These things are also proved with findings that the impacts from such treatments to respondents physically and non-physical are as follows:

1. Physically; the highest impacts are broken bone, bleeding, causing wound, causing disable to body parts, hearing declines and injury on internal organ.
2. Mentally; relating to trauma, difficulty in speaking and resentment to the police. As for physically; near sighted eyes, disappointed to the police and reluctant to correlate with the police.

Types of treatments and its impacts as mentioned above, physically, non-physical as well as sexually, indeed comply with first element of torture as stated in Article 1 paragraph 1 of CAT.

Second Element; for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind.

As explained in Chapter IV Finding, researchers found that the actions which cover in first element were done to respondents in relation to the alleged criminal act. It was meant to obtain confession and information. As much as 44,41% out of 367 respondents explained that such violence was aimed to obtain confession, meanwhile as much as 32,97% stated that such violence was aimed to obtain information on criminal act from the respondents. The remaining 3,227% said that the use of violence was aimed to acquire evidences.

Referred to the description above, second element of article 1 of CAT has fulfilled.

Third Element: when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

According to the research's finding, the actions in first element tend to be done by police. As many as 47,96% of the respondents stated that there is no other party who committing violence other than police. As many as 0,82% of the respondents stated that TNI is also committing violence, meanwhile those who stated that security guard is also committing violence is 4,90% and other parties like informant, peer-friend, and the crowds is 7,08%.

Members of Police are public officials who perform function of state government in security maintenance and public order, law enforcement, protection, and service to the public. So, police officials are also public officials as indicated in the third element. In addition to the police officials, other public officials were also found, although in small percentage, namely TNI.

As for perpetrators besides public officials, but participated in such act with conscience or order from public official (police) was found in stabbing case to the respondent.

From this explanation, the third element of Article 1 paragraph of CAT has been fulfilled.

Fourth Element: It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Related to this element, based on the facts that such acts were done at the time of arrest and investigation process, so those acts are not inherent to lawful sanctions. As a result, the fourth element from any act which is committed by members of the police or other party in recognition by or with approval from the police members as public officials has been fulfilled.

B. The Finding Compatibility with the Article 16 of CAT.

As explained in Chapter II, besides elements that describe the definition of torture,⁴⁵ Convention Against Torture also regulates other forms of action that are prohibited, that is other acts of cruel inhuman or degrading treatment or punishment.⁴⁶ The legal normative concept of other acts of cruel inhuman or degrading treatment or punishment does not necessarily cover the criteria with elements of torture in Article 1 of CAT.

In this research, some act of violence were found and did not comply with torture elements that mentioned in Article 1 of CAT however can be categorized in Article 16 of CAT, as follows :

“Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture or references to other forms of cruel, inhuman or degrading treatment or punishment.”

⁴⁵ Article 1 Convention Against Torture And Other Cruel Inhuman Or Degrading Treatment Or Punishment (CAT)

⁴⁶ Article 16 Convention Against Torture And Other Cruel Inhuman Or Degrading Treatment Or Punishment (CAT)

Besides to obtain confession or information, there is another purpose done by the police. These were found in some statements that conveyed by respondents related to blackmail and confiscate of private possession to benefit their selves and exploit suspect's money, as stated below:

"I experienced heavy abuse during my arrest. The police shouldn't use violence. They are protectors of the people. And when I was going to be put into the cell, the abuse continued. They asked money from me (1,5 million rupiahs) and daily levies (40 thousand rupiahs) and if I don't pay, we can be punished, beaten, made to crawl and mop the floor with our bellies. The punches were of the officers guarding the cells". (24 year old male)

"When I was at the police station, they asked for 25 million rupiah to release and acquit me. They took some money to alter the interrogation records and reduce the evidence, but after it got to the prosecutors office nothing had been changed."

"I am a drug user, not criminal. I don't think that I have harmed anyone. Why did the police punish, treat me brutally like some kind of animal? That man must be processed, prosecuted and discharged. (He) took my money and cell phone, saying that they were evidence." (24 year old male)

"What I experienced while in the District Police was blackmail. The detainees was compelled to pay for a lot of things that shouldn't be my duty to pay for. It is only for their benefit, the officers who knows no compassion towards the poor families of detainees. Even the food is horrible." (33 year old male)

"I wish that the officers wouldn't abuse the detainees and treat them unlawfully, extorting them, like when they promised me release if I provided them 15 million rupiahs. I didn't, and I'm still detained." (26 year old male)

"My verdict is not in yet. And why weren't my belongings returned to me as they weren't part of the evidence? The names of the officers were: (1) Yono (2) Muklis (3) Su'atin, S.H. (4) Yusuf Suwarno. I want legal aid, I'm a helpless man. They took my motorcycle (2007 black Yamaha Jupiter MX), refrigerator (Toshiba Glacio), TV (Goldstar), cell phone (Sony Ericsson K 610i), my wife's golden necklace (8 grams), my wedding ring (4 grams) and money (3 million rupiahs)". (27 year old male)

"At that time, the police framed me. I knew nothing. I had a friend that turned out to be a friend of the police. I was told to confess that the item was mine,

even though it was my friend's. I was arrested, while my friend wasn't. Then the police blackmailed me, remanding ransom from my parents of 50 million rupiahs. My parents didn't have the money. The perverted police officers distorted truth as lies and lies as truth." (23 year old male)

"The legal process is imposed to those who have no money. People can walk away on a "settlement". In my case, there were three people, different evidence, but one crime scene. At one point we were told to provide 45 million for us to go home. But one of us was broke and that person was me. I went on to Cipinang (Prison)". (26 year old male)

"When my visitors came, they were asked for money". (23 year old male)

There were also degrading treatments to the female respondents when they were undergoing interrogation at the police, as they told us:

"When we are arrested by the police, then everything that is on us, like money, cell phone, jewelry, is taken by the police saying they were evidence". (29 year old female)

"I want the law (enforcement) condition in Indonesia to be mended. As an inmate/detainee, I feel toyed, harassed with humiliating words. I was also stripped by the officers who arrested me. I feel like I couldn't accept it, but because I was afraid, I gave in to the demands of Mr. Kasman of the West Jakarta District Police. I want the legal system be fair in processing a suspect. I am only a victim of drug abuse. I hope that what I have explained here is noted". (27 year old female)

While other acts committed to minor respondents, include:

"please let the violence towards inmates be reduced". (16 year old male)

Those actions were done together with physical violence and threat done by police.

The Police have known that in arresting or investigating is not allowed any physical action. This explains that perpetrators realize or recognize factual situation that violence is not part of arresting or investigating, thus this partaking in serious rate of action in article 16 of CAT.

C. The Complexity and Consistency of Torture.

The findings of this research demonstrate complexity and consistency of torture. Some indicators showed the complexities as follows :

1. Geographic Spread

The findings of this research show police offices which become places of violence in arresting and investigating process (see Chapter IV). It discovered 2 things: firstly, torture is occurring in all of the police instances; secondly, indicating that the practices of torture are spread in region of Metro Jaya Regional Police, although in number are not even. However, number of torture cases which were found in several police offices show that practices of torture are spread in particular geographical area.

2. Means and Method in Use

Based on findings of the research that act of violence is directly address to victims namely suspect of criminal action. So with torturers which show tendency to be more than a person in every police office as well as number of victims in massive scale.

The problem of torture can be seen from method used by torturer which repetition in every incident. From findings it's discovered that the torture in police offices happen constantly year after year. There was finding consistency in previous survey in 2005 done by Jakarta Legal Aid Institute with this research.

Collective torturers/perpetrators with degree of seriousness are two uppermost things from this research. The finding of this research shows the tendency of torture happens when there is only one or more than one police man. While regarding degrees of seriousness can be seen from sequence of torture, complexity of torture, preparation, tools that are used and accuracy of target of torture. Research found that various forms, method and pattern of torture needed skills, tools, preparation and effective way in order to force victims to fulfil the desire of the perpetrators.

3. Perpetrators

Finding shows that the majority of perpetrators are police(s). From this research it is found that the practices of torture were not organized in detail, however the tortures are more likely to be done by the police and other actors in the arrest.

4. Systemic and Consistent Pattern.

In the previous survey (2005), female respondents experienced forms of violence. As many as 7,2% of the respondents experienced physical violence, 16,1% experienced non-physical violence while 8,8% of 116 experienced sexual violence. The research also showed that the women fell subject to violence in the arrest and investigation process.

As much as 64,71% from 34 female respondents stated that they have been subjected to violence by the police while 70,59% have been subjected to violence in investigation process.

Various forms of violence that were found in 2005 have not changed, when compared to the 2008 research. This means there is continuity in form of violence from that time until now.

The previous survey in 2005 found that respondents experienced physical violence, where the highest findings were 22,1% in form of force to physical exertion followed with hair pulling at 15,8%.

As for non-physical violence (psychologically), the highest findings included being forced to act improperly, sign false documents, disclose information et cetera for 40,6%. Threats and humiliations and deprivation of fundamental needs were at 38,3%. As for sexual violence, the method of being stripped in front of public accounted for 22,9% and sexual verbal humiliation was at 13%.⁴⁷

The research in 2008 shows that 57,77% or equivalent to 212 respondents admitted that had been subjected to physical violence, 71,39% or equivalent to 262 respondents admitted that had been subjected to non-physical violence and 29,97% or equivalent to 110 respondents admitted that had been subjected to sexual violence. Random, hard and continuous beating is found as highest practice of torture followed

⁴⁷ Please compare on the findings Chapter IV

with beating one’s ears using hands or tools. As for non-physical violence, research findings show violence were done in form of threats, forced confessions, humiliation, solitary confinement and physical order. Other types of this violence included deprivation of food, water and medical assistance and provided with confusing information as for sexual violence in the forms of assault or violence on respondents genital.

Concerning the location, most of the violent acts tend to be done at home, at the office or on the street. Research in 2005 mentioned that the respondents experienced physical, non-physical and sexual violence. Below is the finding analysis in 2005:

Table 44
Analysis Of Findings Based On The Place Of Arrest

Location of Arrest		Total of physical	Total of non physical	Total of sexual
House	Mean	1.2745	1.6405	.3007
	N	153	153	153
	% of Total Sum	21.2%	22.9%	18.5%
Office	Mean	.8077	1.4615	.4231
	N	26	26	26
	% of Total Sum	2.3%	3.5%	4.4%
Street	Mean	1.6959	1.8099	.4548
	N	342	342	343
	% of Total Sum	63.2%	56.4%	62.7%
Other	Mean	1.0252	1.5882	.3051
	N	119	119	118
	% of Total Sum	13.3%	17.2%	14.5%

Explanation above describe that some particular behaviours of the police have not changed. Despite previous recommendations, to date there are no significant changes in the ways the police gather information, which tends to use technique of torture.

D. The Findings of Torture in the Context of Integrated Criminal Justice System

Article 15 of Convention Against Torture regulates that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings. This regulates that evidences as a result of torture

ineligible before the court. According to researchers this explains the absolute formal procedure that must be respected by investigator. If the formal procedure in obtaining evidence uses practice of torture then such evidence is ineligible.

The problem is, there is no way of telling that the evidence had been obtained through the practice of torture or through a criminal act.

However, the Integrated Criminal Justice System in Indonesia actually has the objective to obtain *materiele* truth. Judges are only bound to the facts expressed in court proceeding.

Hence an accused may withdraw his/her explanation in investigation process. However, consequence of disclosing pressure and torture during investigation process is subjected to the accused. The accused often threatened with accusation of providing false evidence in investigation process as well as providing false evidence or perjury in court proceeding. Those threats of criminal penalty are regulated in Indonesian Criminal Code.⁴⁸

Although judges only bind to *materiele* truth, disclosure of practice of torture in court proceedings should be responded and provided with adequate action. The disclosure should give significant impact to judges to be more accurate in examining facts which made before court proceedings.

The judge may order the public prosecutor as elongation of state to investigate and take action against torturer and this could be done during court proceeding, nevertheless the research found that the judge does not concern about the disclosure of torture before the court.

As explained in Chapter IV, according to 7 respondents the judges were kept silence, 3 of them said that the judges declined such matter and the remaining 4 admitted that the police was summoned. On the answer of 'others', as much as 3 respondents stated that it was useless to reveal it due to the brutal act of police and the corrupted judiciary. Although in small sample, the finding shows that the judge lack of sensitivity and awareness to follow up the practice of torture in investigation process.

⁴⁸ Article 242 and 243 Indonesia Criminal Code.

There is objection from the judge that show the judge tends to ask the accused to prove had experienced practice of torture and usually along with threat if the accused fail to prove as a consequence he/she will be charged of providing false evidence or perjury. By doing, the judges have taken position as public prosecutors. The finding in Chapter IV, show similarity or respond by the judges and the public prosecutors.

E. Practices Against Women and Children

1. Human Rights Discourse.

Some international conventions regulate Vulnerable Groups such as labour, indigenous people, women and child. Women and child are categorized to this group because they are considered vulnerable to all forms of human rights violation including discrimination.

Article 1 of Convention of Elimination of All Forms of Discrimination Against Women regulates:

“... discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”

In other words, any act that marginalized women made on the basis of sex is included in definition of discrimination against women. This article is in harmony with provision in Article 1 of CAT regarding definition of torture which one of the objectives is ‘discrimination’.

Although based on research, there were no data that explain that practices of torture and other cruel, inhuman or degrading treatment or punishment were done based on gender, however some differences in percentage and form of torture may explain there is an element of violation against CEDAW.

At least it is revealed that there is no effort to do affirmative action for women in integrated criminal justice system as regulated in Article 4 paragraph 1 of CEDAW:

Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

In national development plan which regulated in Presidential Decree number 40/2004 regarding Human Rights Action Plan, it is affirmed that protection for women is related to prevention of violence. However, if it connected to research findings, women have become target of violence of criminal procedure in the arrest and investigation process.⁴⁹

CEDAW Working Group of Indonesia's Report in 2007, made by some of women NGOs to monitor the implementation of CEDAW emphasized on trafficking, migration that related to migrant workers and all forms of stereotypes and discrimination against women in some Local Regulations in Indonesia. The problem of practice of torture and other cruel, inhuman or degrading treatment or punishment was not discussed in the report, which mean the practice of torture still consider as a minor issue in women's human rights enforcement discourse.

Meanwhile, regarding the rights of children, as regulated in Convention on the Rights of The Child, the principle of the best interests on the child shall be a primary consideration, as mentioned in Article 3 paragraph 1 Law Number 23/2002 regarding Child Protection:

"In all action concerning children, whether undertake by public or private social welfare institution, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration."

2. Analysis of Finding

2. 1. Women

As explained in the previous chapter from 367 respondents, if divided based on gender there are 34 female respondents, based on age, there are 22 children respondents. The percentage of male respondents that subjected to violence is

⁴⁹ See Point E item 5, Presidential Decree Number 40/2004 regarding Human Rights Action Plan.

higher than female respondents (7,88%).⁵⁰ As for forms of violence subjected to women are physical violence in form of random, hard and continuous beating, beating one's foot palm and ears using hands or non physical (psychological) violence in form of forced to confess, threatened, and humiliated, deprivation of food, water, and medical assistance, solitary confinement, and provided with confusing information. Most of perpetrators are police officers.

Although the forms of violence that subjected to male respondents vary compare to female respondent, however the numbers above prove that women are also subjected to becoming victims of violence when dealing with police in criminal justice system.

This denies common public opinion that violence only happen to male inmates, that the male prison is more horrifying than female prison, or that male police officers are more brutal than female police officers.

On the assumption that female respondents were interrogated by female police officers, hence the gender of the victims and the perpetrators does not affect significantly the number of violence done by the police (84,35% male respondents and 76,47% female respondents experienced violence). In other words, the "gender factor" does not influence the acts of violence that take place during interrogations.

2. 2. Children

In percentage, children have experienced violence 11,62% lower than adults.⁵¹ Physical violent acts are found in the form of random beating, second is forced to do sport, and pulling hair. Beating on their ears, burnt, beating on teeth, made to disable and fingers pinned, while non-physical violent acts included forced confession, deprivation of food and water, solitary confinement and providing inmates with wrong information. Even children experienced sexual violence in form of being forced to masturbate, stripped to naked and verbal humiliation.

Although in percentage, the number of violence which experienced by children compare to adults is lower than the number of violence which experienced by female compare to male, however the forms of violence which experienced by

⁵⁰ as much as 84,35% from 333 male respondents stated that they had been subjected to violence and 76,47% from 34 female respondents stated the same experience as well.

⁵¹ As much as 72,73% from 22 of children respondents had been subjected to violence and 84,35% from 345 of adult respondents answered the same thing.

children are more varied than the forms of violence which experienced by female, including sexual violence. Besides, the variety of violence which experienced by children is similar to adults. It means that the quality of violence which subjected to children is similar to adults.

Even though the number of violence experienced by adult is higher, but the percentage of violence experienced by children is also relatively high which is 72,73%. As part of vulnerable groups that suppose to receive special protection, most of children become victims of violence in investigation process. It means that age of the accused does not affect significantly to police behaviour same as gender.

As explained previously, police often to use violence as part of their interrogation techniques. For child inmates, forced confessions rank high as the most common violent act.

Chapter VI

Closing

Closing

A. Conclusion

Compared with the 2005 study, which used samples from the period of two years (2003-2005), the 2008 study only employs respondents from the period of one year, hence the fewer number of respondents.

Research explanation in previous chapters gives an important conclusion that practice or torture by the police(s) are still taking place until today. The respondents who are involved in the research from January 2007 to January 2008 described that the practice of torture are still happening until now. There is no such indication of change to behaviour of the police when revealing act of crime. The police are still using violence on people dealing with legal problems.

The disclosure of a crime by using practice of torture done by the police is categorized as a crime. This can be seen when rights of the accused are not given, for example right to disclose information liberally. The police as a legal enforcer are obliged to protect every person's interest when dealing with legal matters. Tragically, the techniques of torture used by the police are effective to disclose an act of crime; however this matter is in contrary with principles regulated in Convention Against Torture. Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for obtaining information or a confession by a public official is a categorized as a crime.

The patterns of violence which found in previous research in 2005 compare to this research appear to be consistent even tend to increase. Continuous random and hard beating, beating on their foot palm and beating on ears, on feet palm, short distance shooting, stripping, threats, blackmail and robbery of private possession proved that there is consistency of behaviour institutionalized in the police force.

There is no procedural law as well as criminal law in Indonesia that regulates practice of torture. Same as for special provisions which regulate sub systems of Integrated Criminal Justice System in Indonesia such as judge, public prosecutor, advocate and parties from Correction Centre to prevent practice of torture.

Therefore, it appears that there is no such obligation for the legal apparatus in sub system of integrated criminal justice system in Indonesia to pay attention to a person that becomes a victim of torture.

Also with the rehabilitation mechanism for victims of torture, until date the national mechanism is not yet recognized. Rehabilitation is available only to the victim who pledged not guilty in a court or victim of gross violation of human rights. Besides, victims' confession in police investigation report can not be withdrawn by public prosecutor or judge in an investigation process because of there is no law that regulates that action.

The number of the police(s) involved in interrogations have significant ties to the number of torture cases. The national law does not regulate how many police officers should be allowed in interrogating a crime suspect. Women and children are also subjected to violence done by the police in the arrest and investigation process. In national and international instruments they are considered as vulnerable groups that should be protected.

Moreover, it is found that access of the detainees to their lawyers are strictly limited, where only some detainees accompanied by lawyers. However, the advocacy process provided by advocate does not mean acquit one from practice of torture done by police.

The explanation in previous chapters is that many incidents took place in Jakarta and its surroundings, the area also known as the national barometer for political and law development and other society activities. The police behaviour that still uses act of violence in disclosing a criminal act is not the type rendered ideal by the civil society. Making it worse, the acts take place in the nation's capital.

This research has not explored broader motive of torture, for example: is torture done based on economic motive which may related to ability of a detainee to bribe the police of motive for higher position in police force where more police officers disclose criminal acts to accelerate career promotion.

The problem of motives must be explored in the upcoming research so other factors which cause practice of torture in the arrest and investigation process could be identified.

B. RECOMMENDATION

- Indonesian Government cannot postpone amending Indonesian Criminal Procedural Code (KUHAP) and Indonesian Criminal Code (KUHP) to soon prevent practice of torture. The process of discussion for both drafts is not the list of priority of discussion in legislative or executive body. The draft of Indonesian Criminal Procedural Code and Indonesian Criminal Code are still in Department of Law and Human Rights of Republic Indonesia which have been discussed for several times but have not submitted yet by President to House of Representatives. The substance of draft must cover reduction of detention duration, rehabilitation of victim and value of information proof obtained by tortured.
- The revision of Indonesian Criminal Procedural Code (KUHAP) and Indonesian Criminal Code (KUHP) should be fully socialized to public, especially vulnerable parties to torture and legal apparatus to bring to reality the prevention of torture.
- A regulation that prevents practice of torture must be passed prior to amendment of Indonesian Criminal Procedural Code and Indonesian Criminal Code taking into effect nationally. The regulation may be in form of prohibition to police(s) for using practice of torture, either through circulate letter of Supreme Court of Republic Indonesia regarding of invalidation of legal documents which obtained from act of physical and non physical violence or other forms of violence done by the police.
- Monitoring mechanism to the arrest and custody process in Indonesia is not available, so that the government of Indonesia needs to ratify the Optional Protocol of Convention against Torture immediately. Ratification is expected to prevent practice of torture to a person in detention centres because of visits done by independent institution concerning the condition of the detainees and place of detention.

- The patterns of exploring crime information must be done by the police prior to investigate a suspect. Reinforcement of complete evidence does not need a suspect's confession because facts that indicated someone has done a criminal act is available. This is useful for preventing coercion of police desire to detainees who do not have enough evidence so that the police(s) do not force a confession as evidence.
- A criminal sanction must be imposed to a torturer by considering victim confessions and bases on *visum et repertum*, including to parties who disregard initial information that indicate existence practice of torture.
- The upcoming researchers must mention the salary of respondents and total of money that have been used as expropriation or extortion done by the police. The police motives in practicing torture must be included in list of questions in questioner.
- In addition, interview to public prosecutor, judge and advocate in relation with torture must be described in the upcoming research. This is useful to discover the understanding toward Convention against Torture especially regarding reaction of reports on torture which done by police in the arrest of investigation process.

Annex

- Complaints, Sights, Suggestions and Opinions from Respondents Who are subjected as Victims of Torture

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- The Total Of Police Institution Which Found The Questionnaire
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Complaints, Sights, Suggestions and Opinions from Respondents Who are subjected as Victims of Torture

- The police did not give us chance to defend our selves especially to have/to be accompanied by a lawyer.
- Even though we are guilty, please give our rights as Indonesian citizen. Please punish us according to positive law, not according what public officers desired.
- In police investigation report, my age is written as 19 years old, it is supposed to 23 years old.
- My money, cell phone, and jewellery were taken, the reason was for evidence.
- My money and cell phone were taken for evidence.
- Please return my money and other private possession to my family.
- Please treat us with good manner.
- Please be wise as legal apparatus.
- I do not want to repeat what I have done.
- Sonny Djabatmiko, the accused, experienced physical violence in the arrest process, was beaten severely and forced to eat human dirt, locked up in a hotel room by police(s) from Regional Police Office Kanit IV.
- The detainee already stayed in Salemba Detention Center for a month but has not been moved to block.
- All legal process is subjected to people who do not have money. I was arrested with two of my friends, but my friends were able to give Rp 45 million to the police so they were sent home, while I continued to Cipinang Correction Center because I do not have money.
- In the arrest process when police investigation report was made I was with Investigation Team.
- I was sick and had a lot of things to think about when I was in custody.

- I was treated good when I was in custody.
- In the arrest process I was black mailed to pay all unreasonable consumption for police.
- As a drug addict, I was sick because of drug influenced when I was in custody, but I was deprived from medical assistance.
- I was not in crime scene at time of arrest.
- I have reconciled with the victim because it was disaster. And I did not received any criminal charged from the public prosecutor.
- I experienced deep trauma.
- I want the police not to beat people in a gang.
- I want law in Indonesia to be reformed. I fell insulted.
- I want to be accompanied by a lawyer when conveying act of violence that took place in the making of police investigation report and not charged with additional punishment because I was considered impeding court proceeding.
- I got the impact, the evidence was not mine it belonged to my friend.
- I want the police to respect us as human beings.
- I was asked to confess where the narcotics/drug came from, where it can be bought and from whom.
- I was framed by a friend who has a friend who works as a police officer. I was asked to confess that 'the thing' it's mine actually it belonged to my friend.
- I was arrested in having one insulin but the police asked me to confess that I just finished using it in the bath room.
- My husband and I were taken to custody because of other people possession.
- When him self was take to hospital, the police harassed his wife sexually.
- The police asked for unofficial collections (pungli).
- The police (s) do not have sense of humanity.
- The police do not follow up the case after receive information from the drug dealer because the police work together with the drug dealer.
- The police do not need to use violence in the arrest.
- The police when arresting the suspect always using violence and lack sense of humanity.

- The police(s) are sadistic.
- The police often abuse his power.
- The police pointed the gun.
- The police using violence in investigation process.
- The police unable to place the problem correctly.
- The police(s) corrupt and manipulate the investigation report.
- In the making of verbal police investigation report, the police tend to beat the detainee.
- The police do not treat the suspect/the accuses arbitrarily.
- The police do not beat people freely like beating animal.
- The police(s) have to change their behavior.
- The police(s) must alert not to mistreat the detainee. There are a lot of polices that have bad mentality compare to detainee.
- The police is only a public officer who recognizes money.
- The changing behavior at the time of arrest.
- The brutal act of police at the time of arrest.
- A corrupt judicial system.
- I want to go home, I don't feel at home at the prison.
- I was blackmailed by the police, additional evidence and prohibition from visit.
- To the police and public prosecutor, please do not place the accused in difficult position. Pay attention to the chronology and do not just guess right away.
- To the police, please do not violate human rights.
- Please take action for act of violence done by police.
- Demand to the police to not torture people again. Law should be enforced because police is beating up people arbitrarily against wrong people.
- Asking for a commutation of sentence because of pregnancy.
- I believe the police(s) do not have to do violation in form of shooting gun besides the ears as the result I can not hear for three weeks.
- Why in the police offices, if we can not give money the police would not give assistance, where as there is a board written "Ready to serve you".

- Forced to confess regarding evidence.
- Manipulation of police investigation report.
- Look at the case or the article, the police seen as legal enforcer.
- Legal Aid Institution can help to reduce the punishment.
- We have human rights.
- Why the article that is charged changing.
- Why dry leaves are arrested, that is categorized as natural plant.
- Please reduce the act of violence against the prisoners.
- Physical or non physical violence done by police is a public secret.
- Why we are arrested? We are pick pockets but we are not working anymore.
- We are not the main actor, the main actor are three of our friends.
- If there is small mistakes then violation is not expected.
- The public prosecutor must consider police investigation report, do not just suit the claim.
- Do not beat vital organ and do not take our wallet in order to obtain confession.
- Do not treat us like criminals.
- The public prosecutors corrupt.
- I want to file for final review appeal.
- There are a lot of legal apparatus who use drugs.
- Law must be enforced, do not differentiate between the rich and the poor, please help us, the poor.
- Indonesian law is not fair for the poor.
- The police must be supervised by an institution in treating the suspect, especially narcotic case. Do not trap and force the suspect to confess the evidence which is not belong to him/her.
- The judge or public prosecutor please give a chance to the suspect to give explanation.
- I was asked to give massage when I was pondok duyung sector office police.
- In the court process the public prosecutor and the judge have to observe the accused.

- Here, a lot of drugs/narcotics.
- I was under constraint and unconscious when police made investigation report.
- Please, listen our complain as prisoners .
- In the detainees room I was to give money (Rp 1,5 million), if I can not provide, I will be punished, beaten, asked to creep and mop the floor with my body.
- Sometimes the investigators force us to sign the investigation report that we have not read.
- Possession which not obtain form criminal act, was also taken.
- I promise not to repeat my act, I am mentally tormented.
- Expect there will be no violence and extortion in the police institution.
- Expect that all institution observe the fate of detainees/prisoners.
- Expect the police not to do violation at the arrest.
- The police(s) who arrested me taking my possession at home such us money, cell phone, vcd player et cetera.
- The police confiscated cell phone, ring, money et cetera.
- The police investigation report was created by the police.
- There are many detainees who can go outside the prison by giving some money to the police.
- How to ask legal aid from Legal Aid Institution.
- To legal apparatus, please do not always try to find other people's mistakes.
- Public officer/legal apparatus please do not get angry in process of making police investigation report.
- If have a visit , I will be asked to give money.
- If the police using violence in duty so human rights is not effective. Although I am guilty but I have rights as a citizen and I do not want to be treated like animals.
- In Kebon Jeruk Sector Police, the police took away possession such as money, letter of loan and so on.

The Total of Police Institution Which Found The Questionnaire

No	Instansi	Jml	No	Instansi	Jml	No	Instansi	Jml
1	Metro Jaya Regional Police	25	26	Jagakarsa Sector Police	2	51	Palmerah Sector Police	5
2	West Jakarta Resort Police	36	27	Jati Baru Sector Police	1	52	Pamulang Sector Police	6
3	Central Jakarta Resort Police	11	28	Jatinegara Sector Police	2	53	Pancoran Sector Police	3
4	South Jakarta Resort Police	11	29	Jatiuwung Sector Police	1	54	Pasar Kemis Sector Police	1
5	East Jakarta Resort Police	19	30	Johar Baru Sector Police	3	55	Pasar Minggu Sector Police	1
6	North Jakarta Resort Police	11	31	Kalideres Sector Police	4	56	Pasar Rebo Sector Police	1
7	Kepulauan Seribu Resort Police	3	32	Kalimalang Sector Police	1	57	Penjaringan Sector Police	15
8	Pol Air Resort Police	10	33	Kebayoran Baru Sector Police	1	58	Pinang Ranti Sector Police	1
9	Tangerang Resort Police	4	34	Kebayoran Lama Sector Police	1	59	Pondok Aren Sector Police	1
10	Tigaraksa Resort Police	11	35	Kebon Jeruk Sector Police	5	60	Pulogadung Sector Police	4
11	Balaraja Sector Police	1	36	Kelapa Gading Sector Police	4	61	Sawah Besar Sector Police	3
12	Batu Ceper Sector Police	2	37	Kemayoran Sector Police	5	62	Senen Sector Police	3
13	Cengkareng Sector Police	20	38	Kembangan Sector Police	3	63	Serpong Sector Police	1
14	Cikarang Sector Police	1	39	Koja Sector Police	3	64	Setiabudi Sector Police	2
15	Cikupa Sector Police	2	40	Kramat Jati Sector Police	3	65	Sunda Kelapa Sector Police	1
16	Cilandak Sector Police	1	41	Kresek Sector Police	3	66	Sunter Sector Police	1
17	Ciledug Sector Police	3	42	Makassar Sector Police	1	67	Taman Puring Sector Police	1
18	Cilincing Sector Police	5	43	Mampang Sector Police	1	68	Taman Sari Sector Police	1
19	Sector Police Cipayang	3	44	Matraman Sector Police	3	69	Tambora Sector Police	7
20	Cipondoh Sector Police	4	45	Menteng Sector Police	6	70	Tambun Sector Police	1
21	Ciputat Sector Police	5	46	Neglasari Sector Police	1	71	Tanah Abang Sector Police	8
22	Ciracas Sector Police	2	47	Pademangan Sector Police	4	72	TanjungDuren Sector Police	6
23	Sector Police Polsek Cisauk	1	48	Paku Haji Sector Police	1	73	Tanjung Priok Sector Police	5
24	Duren Sawit Sector Police	2	49	Tebet Sector Police	1	74		
25	Gambir Sector Police	3	50	Teluk Naga Sector Police	3	75		



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