



Human Rights Council Forum on Minority Issues:
"Minorities in the Criminal Justice System"
Eighth Session 24–25 November 2015, Room XX,
Palais des Nations, Geneva, Switzerland
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Thank you Mr. Chairman,
Ladies and Gentlemen,

First of all I would like to thank the Forum for this opportunity. My name is Asnawi Ali and I am representing Acheh-Sumatra National Liberation Front or ASNLF.

To begin with, I would like to draw the attention of this august Forum on the role of the Indonesian Police and its exercises of powers on minorities, particularly in my homeland, Acheh Sumatra.

It is well-known that Indonesian police is one of the most corrupt and most feared institutions in the country. In Indonesia, the police, like military, is not just a police. It has a dual function (dwi fungsi) and its mandate often exceeds beyond, penetrating deep into economic and social sectors.

This dual-function may officially have been reviewed after the fall of Suharto dictatorship, but the police role as institution and as individuals is still in progress and its involvement in civilian affairs is well preserved.

One will not be able to discuss about police violence against minorities in Indonesia without implicating two words in it, namely impunity and corruption. These two terms have become part and parcel of the Indonesian system.

With regard to impunity for police violence and even the use of excessive force, human rights organisations such as Amnesty International, has often revealed that despite a decade of supposed reform, Indonesia's police continue to be implicated in beatings, shootings and even killings without fear of persecution or sanction, leaving their victims no hope at all for justice.

Massive human rights violations have occurred in Aceh, particularly between 1990-1999, but also several years after that. Those responsible for the thousands of killings, torture and disappearances have never been prosecuted or punished. This impunity is a continuing suffering for the victims and their relatives while perpetrators are being held in high esteem or considered to be heroes.



Corruption in Indonesia is wide spread and also prevalent. Problems related with bribery are everywhere, whether it be with police, judges, prosecutors etc. Indonesians have this culture when it comes to their dealings with the law. When law enforcers can be bribed, justice is for sale. Any trust in the justice, especially in Criminal Justice System, is destroyed. Practically, Indonesia is ruled by power, not by law – "Rechtsstaat". So long as corruption is still rife among the country's judiciary and law enforcers, the rule of law can not be upheld.

Mr. Chairman,

What I have been telling the Forum is by far about Indonesia in general, an archipelago as big as the European continent, with different ethnics, languages and minorities. What has happened to minorities, particularly in the conflict areas such as Acheh, West Papua, South Moluccas etc is actually much worse.

In the case of Acheh, after almost thirty years of conflict, a deal called MoU was struck in 2005 in Helsinki. But despite the deal, the current political and security situation is still fragile. ASNLF warns this very forum last year of the consequences if unresolved issues and impunity of past abuses committed by military and police were not addressed. And, unfortunately, the situation in Acheh this year is far worse than in 2014. Indonesian police continues to commit human rights violations by killing unarmed Achehnese civilians.

Since March this year, Indonesian police and military have been conducting operations in search of the responsible for the murder of two soldiers. Since then, arbitrary arrests, torture and extra-judicial killings have become the order of the day. Six have been killed so far and over thirty arrested. By August, two Achehnese civilians were extra-judicially killed and in both cases they were gunned down after being apprehended. The victims were suspected members of a small group of former combatants who challenge the corrupt local authority. The following is just two examples how the Indonesian police exercises its powers in Acheh.

1. Ridwan, from North Acheh, was arrested at his home and shot dead at close range on August 20. Local police Chief Triarsono Anang, in his own words, said that there were four other members of the group in the house but managed to escape and there were armed clashes taking place. According to eyewitnesses and the testimony of Ridwan's family, the victim was sick and alone at home when the house was raided. And there was no armed clash either that afternoon. Ridwan was actually executed in front of his house.
2. Junaidi, also from the same district, suspected member of the group, was shot dead by the police at a point blank on August 27 at a petrol station. According to many witnesses at the site, Junaidi had already asked for mercy before being gunned down. Police said Junaidi was trying to escape and he had to be "paralysed" (Paralyse is a word often used by the military or police when shooting a suspect who tries to run). The fact is, Junaidi was shot to death at a close range with three shots.



Several NGOs denounced the police version of the story as a mere fabrication. In a desperate move, the police tried to defend itself by accusing the victims for having committing misdeeds such as intimidation, extortion, robbery, etc. To make some fabrications looked real, they even concocted an awfully disgusting story by presenting to the public some collections of guns and bullets supposedly belonging to the victims.

Mr. Chairman,

Indonesia is a state party to the International Covenant on Civil and Political Rights (ICCPR). Article 6(1) of the ICCPR states: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

ASNLF fully supports the above-mentioned international convention and also supports the Forum recommendation of the articles 22, 23 and 26. But our experience shows that the state, the forces that should prevent human rights abuses are at the same time the perpetrators themselves - the police, for example, is at the same time the criminal - while there is the lack of international responsibility for handling crimes that fall under this impunity category.

ASNLF has repeatedly warned the stakeholders of the situation in the post Memorandum of Understanding (MoU) Helsinki, which has not touched the values of justice toward the people of Aceh, especially those values that guarantee political, economic, social rights and the right to self-determination of the people of Aceh.

Therefore, Acheh-Sumatra Liberation Front (ASNLF) respectfully

recommends the United Nations, in compliance with its procedures and mechanisms, to independently examine incidents of police violence and accountability for the crimes in Aceh;

and strongly demands Indonesia to adhere to the ICCPR article 6(1) and even the articles 3, 4 and 7 of the UN Basic Principles on the use of force and firearms by law enforcement officials.

Thank you for your attention.
