

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 21/037/2013

20 November 2013

Regional conference on policing in Southeast Asia calls for human rights-based policing

Civil society activists and human rights lawyers from Indonesia, Malaysia, the Philippines, Thailand and Timor-Leste are demanding effective accountability mechanisms to deal with police abuse in their countries. The weaknesses of current mechanisms have contributed to a culture of impunity allowing for human rights violations by law enforcement officials to go unchecked.

These calls were made at a regional conference organized by Amnesty International and KontraS (The Commission for the Disappeared and Victims of Violence) on policing and human rights in Southeast Asia held on 19-20 November in Jakarta. During the meeting, participants discussed the range of human rights violations committed by the police in their various countries, analysed existing internal and external accountability mechanisms to hold the police accountable and debated the effectiveness of police engagement, as well as some of the obstacles civil society organizations face when engaging with police reform.

The human rights violations allegedly committed by law enforcement officials in these countries include unlawful killings, enforced disappearances, torture and other ill-treatment, and excessive use of force and firearms. In Indonesia police have also failed in many cases to protect religious minorities while in Thailand serious concerns were raised about the involvement of the police in cases of enforced disappearances, particularly in the South. In Malaysia, the high number of cases of deaths in police custody and the failure to bring the perpetrators to justice was raised. In the Philippines, there are concerns about state responsibility in allowing those in positions of command responsibility to go unpunished for their crimes or crimes committed by their subordinates.

Participants at the conference also raised concerns about ineffective accountability mechanisms, police corruption and the failure of police to protect the broad spectrum of human rights, in particular ignoring and sometimes contributing to violations of economic, social and cultural rights, or not adequately handling complaints about violence against women and other groups at risk such as children, indigenous peoples, persons with disabilities and LGBTI communities.

While in some countries internal disciplinary mechanisms have been used to deal with some abuses, in many countries they lack transparency. Very few cases involving human rights violations by the police reach the courts. Further in most jurisdictions, victims of these abuses and their families are unable to obtain full and effective reparation, often because proper redress mechanisms are not in place or effectively implemented.

Participants reported that oversight mechanisms such as national human rights institutions or ombudsmen in some of these countries are not fully independent, lack the necessary powers to independently investigate cases of human rights violations by the police or are unable to fully enforce the findings of their investigations. In some cases, they do not have the power or fail to submit their findings directly to a public prosecutor.

At the same time, there has been some progress in reforming the police, and civil society organizations have been calling for greater accountability and transparency. In Indonesia, civil society organizations are using a 2008 freedom of information law to monitor the progress of investigations into police abuses, while in the Philippines human rights organizations have pushed successfully for an anti-torture law and anti-disappearance law, which were passed in 2009 and 2012 respectively.

The important role civil society plays in monitoring, documenting and advocating on issues relating to police reform was stressed, along with the need for better co-operation and skills sharing between countries within Southeast Asia.

Human rights should be at the centre of any process of police reform. As a first step towards human rights-based policing, the Indonesian, Malaysian, Philippines, Thailand, and Timor-Leste authorities should, as a matter of priority:

- Ensure independent, impartial and effective investigations into human rights violations by law enforcement officials. Those suspected of being responsible, including persons with command responsibility, should be prosecuted in proceedings which meet international standards of fairness and victims should be granted reparations;
- Establish independent and effective external oversight mechanisms to deal with criminal offences involving human rights violations;
- Make public results of complaints and investigations made through existing internal disciplinary procedures for the police, and ensure that members of the public can access these mechanisms free from reprisals;
- Make documentation relating to operational procedures of the police, including internal regulations, Standard Operating Procedures (SOPs) and other information available to the public to ensure victims, their families and representatives are fully informed of police duties, and to facilitate a full public debate on police reform;
- Ensure that the police are representative of the communities they serve, and that appropriate steps are taken to ensure that the police are able to effectively handle complaints from groups at risk, such as women, children, indigenous peoples, LGBTI groups in a non-discriminatory environment, and that they are able to protect those at risk of violence such as religious minorities; and
- Establish procedures, develop expertise including through training, and procure equipment to facilitate professional investigations, including for securing and examining (potential) crime scenes, ballistics and other forensic tests, and autopsies or medical examinations.

This joint statement is endorsed by:

Amnesty International
Arus Pelangi, Indonesia
Fundasaun Mahein, Timor-Leste
Human Rights Committee, Bar Council Malaysia
Human Rights and Development Foundation (HRDF), Thailand
Jakarta Legal Aid Institute (LBH Jakarta), Indonesia
Kemitraan, Indonesia
KontraS (The Commission for the Disappeared and Victims of Violence), Indonesia
SUARAM (Suara Rakyat Malaysia), Malaysia
PUSAD (Pusat Studi Agama dan Demokrasi), Indonesia
PAHRA (Philippines Alliance of Human Rights Advocates), the Philippines
Yayasan HAK, Timor-Leste