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Indonesia (Aceh): Torture of gay men by the Banda Raya police

TAKE ACTION!

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"I felt that my dignity as a human had been trampled".

Tomy (not his real name), one of the men allegedly tortured by police

On 22-23 January 2007 two gay men were reportedly beaten, kicked and verbally abused by neighbours and then were arbitrarily detained by the police, and taken to Banda Raya police post, where they were subjected to further sexual abuse and other forms of torture and ill-treatment. It appears that the men were targeted solely because of their sexual orientation.

In early April according to unofficial information from the police, four members of the police force were reportedly arrested for their part in the alleged torture of the two men.

Amnesty International is calling for a full, independent and impartial investigation into the case and for all the alleged perpetrators – including police officers with command responsibility, and civilians – to be brought to justice. If the allegations are confirmed, police suspects should be charged for acts that amounted to torture, rather than less serious crimes, and tried via civilian criminal procedures, in addition to any internal police disciplinary process.

According to the testimony of Tomy (not his real name, aged 32), he and his partner were disturbed by two intruders who forced their way into their room while the men were in bed together late in the evening of 22 January. Tomy claims to have recognized one of the intruders as an employee of a cafe below. The intruders then started to beat and kick them in the face and body. Tomy and his partner were then forced to go outside where they were confronted with a group of 10-15 people who kicked and beat them, using homophobic language such as: "You outsiders slander us; you soil our place with your filthy tricks!" Tomy became the focus of their assault because he tried to protect his partner.

Their assailants then forced them to vacate the room. Tomy was able to get dressed but his identity card and wallet were taken from him. The sarong that his partner was wearing was used to tie them together and they were then made to squat on the ground, while their attackers deliberated on what to do next. They eventually decided to inform the local police authorities, who arrived on the scene at about 1.30am on 23 January. The police took them to Banda Raya police station where they subjected them to further abuse. Tomy claims that around six or seven police officers beat him in the stomach, legs and feet. The police also allegedly forced him and his partner to strip naked

and perform oral sex and other sex acts in front of them. At one point, a police officer allegedly pushed his rifle against Tomy's anus.

Tomy and his partner were then taken outside into a courtyard and were made to squat on the ground in their underwear. Police officers sprayed them with cold water from a hosepipe for around 15 minutes. When his partner asked for permission to go to the toilet, a police officer allegedly forced him to urinate on Tomy's head.

Tomy and his partner were then allowed to dress and were detained until the morning in a small, cramped police cell with other suspects. While in police detention, Tomy was instructed by the officers to introduce himself to the detainee who already occupied the cell. When Tomy stated that he was gay, the other detainee slapped him and then an officer entered the cell and severely beat and kicked him. Other officers joined in. According to Tomy, he was treated with complete contempt by all the officers he encountered during his detention. One officer allegedly punched Tomy hard in the stomach when Tomy insisted that it was for the courts, not the police, to decide whether he was guilty or not. Tomy requested several times to contact his family to inform them of what had happened; each time, his request was denied.

At around 9am on 23 January, the police began to interrogate Tomy. This ended when he was forced to sign a statement promising not to engage in further 'homosexual acts'. He was then allowed to speak to two colleagues from his workplace and other activists who had come to the police station to inquire after them. Tomy and his partner were released later the same day. They were asked by their friends if they wanted to file a formal complaint, but as they were physically and mentally exhausted at that time, both men decided not to pursue the case.

Tomy later said: "That night I still could not sleep; I cried every time I remembered what the crowd and police did to me. I felt my dignity as a human had been trampled."

According to unofficial information, four members of the police force were arrested in early April for their part in this incident. By the middle of June the case was still under police investigation, but progress has been slow. It is unclear whether the four detained police officers have been charged, and if so, with what crimes. The investigation is reportedly being hampered by a lack of witnesses.

Torture and ill-treatment remain widespread in police stations, prisons and other detention facilities in Indonesia. Torture is frequently reported to be used by the police during interrogation of criminal suspects. Those deemed to be members of 'undesirable' groups, including lesbians and gay men, may be particularly vulnerable to abuse, including sexual assault.

Torture cases are rarely investigated, and even more infrequently followed with judicial procedures against suspects. In a small number of cases of human rights violations committed by the police force, officers have been subject to internal disciplinary proceedings. These proceedings have resulted in warning letters, delayed promotions, or the imposition of short sentences, disproportionate to the crimes committed.

TAKE ACTION

Please write in Bahasa Indonesia, English or your own language:

- expressing concern that Tomy and his partner were apparently detained by Banda Raya police solely on the basis of their sexual orientation, and were then subjected to sexual abuse and other forms of torture or ill-treatment by police officers;
- acknowledging the arrest of four police officers as a positive development, but calling on the authorities to nevertheless carry out a full, independent and immediate investigation into the incidents of 22-23 January;
- urging the authorities to ensure that, if these allegations are confirmed, all the perpetrators are brought to justice, including any officers with command responsibility, and civilians; police suspects should be tried in a civilian court and charged with acts that amounted to torture, rather than a less serious offence;
- urging that Tomy and his partner be compensated for the physical and emotional abuse they suffered at the hands of the police;
- calling on the police to provide victims' protection services to Tomy and his partner, including during any trials which result from the investigations;
- calling on the authorities to ensure that all law enforcement training programs are based on human rights standards and include lesbian, gay, bisexual and transgender (LGBT) sensitivity training. Such training should stress that police misconduct and abuse against LGBT people will not be tolerated;
- reminding the authorities that torture and other ill-treatment is illegal under Indonesian law, and contravenes Indonesia's obligations under the Convention Against Torture, and the International Covenant on Civil and Political Rights.

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