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HRW.org

May 27, 2017

General Pol. Drs. H.M. Tito Karnavian
National Police Headquarters
Jl. Trunojoyo No. 3
KebayoranBaru
Jakarta Selatan 12110
Indonesia

Re: Raids against LGBT people

Your Excellency:

We write to express concern about a pattern of police action against lesbian, gay, bisexual, and transgender (LGBT) people in Indonesia that is both discriminatory and undermines the fundamental right to privacy. This is evident in recent police raids in Surabaya and Jakarta and in a recent statement by the West Java police chief.

Human Rights Watch is an international nongovernmental organization that investigates and reports on human rights abuses in over 90 countries. We have worked on a range of human rights issues in Indonesia for nearly three decades.

On April 30, 2017, police raided a private gathering of gay and bisexual men in Surabaya, arrested 14 men, and then detained and subjected them to HIV tests without their consent.¹ On May 21, police raided the Atlantis Spa in Jakarta, arrested 141 people, and charged 10 for holding an alleged sex party. Officers allegedly paraded the suspects naked in front of media, and interrogated them while they remained unclothed, though the police deny this. Both police raids were carried out under the pretext of the 2008 Anti-Pornography law. This law is discriminatory in content as it specifically includes “lesbian sex” and “male homosexual sex” as “deviant sexual acts” alongside sex with corpses and sex with animals. This contravenes international human rights law applicable to Indonesia, as it expressly discriminates against gay men and lesbians. It is also contrary to the World

¹ Human Rights Watch, “Indonesia: ‘Gay Porn’ Arrests Threaten Privacy,” May 4, 2017, <https://www.hrw.org/news/2017/05/04/indonesia-gay-porn-arrests-threaten-privacy>

Health Organization, which regards same-sex orientation as a normal variant of human sexuality.

The police's use of this law as a pretext to raid private gatherings allows for the discriminatory targeting of Indonesia's already-beleaguered LGBT population. Privacy rights are a fundamental protection that underlie everyone's physical autonomy and identity. The United Nations Human Rights Committee, the independent body of experts that interprets the International Covenant on Civil and Political Rights, to which Indonesia is party, has stated: "it is undisputed that adult consensual sexual activity in private is covered by the concept of 'privacy.'"

We are also deeply concerned that Inspector General Anton Charliyan, the West Java police chief, announced plans on May 24 to create a special unit within the police force to detect and punish LGBT people. Charliyan's statement disturbingly echoes Banda Aceh mayor Illiza Sa'aduddin, who announced in February 2016 that she would create a "special team" to make the public more aware of the "threat of LGBT" and to "train" LGBT people to "return to a normal life."²

Your office is obligated to uphold the basic rights of all people in your jurisdiction without discrimination. We urge you to act swiftly to ensure that LGBT people are not targeted by the police and that their fundamental human rights, including the right to privacy, are upheld. This is in line with President Jokowi's October 2016 statement that "the police must act" against any moves by bigoted groups or individuals to harm LGBT people or deny them their rights, and that "there should be no discrimination against anyone."³

We request that you initiate an investigation into the procedures that led to the raids, and the behavior of the officers during the raids—including their alleged exposure of the detainees' identities in the media. We urge you to reaffirm publicly that the National Police of Indonesia will protect everyone's basic rights regardless of their sexual orientation or gender identity.

We would be happy to meet with you to discuss these issues further.

² Serambi Indonesia, "Pemko Bentuk Tim Pencegahan LGBT," February 27, 2016, <http://aceh.tribunnews.com/2016/02/27/pemko-bentuk-tim-pencegahan-lgbt> (accessed June 1, 2016).

³ Human Rights Watch, "Indonesia President Jokowi Defends LGBT Rights," October 20, 2016, <https://www.hrw.org/news/2016/10/20/indonesia-president-jokowi-defends-lgbt-rights>

Sincerely,

A handwritten signature in black ink that reads "Brad Adams". The letters are cursive and fluid, with the first name "Brad" and the last name "Adams" written in a single continuous stroke.

Brad Adams
Asia Director

CC: President Joko 'Jokowi' Widodo