

## Human Rights Defender Novel Baswedan: Acid Attack on Major Anti-Corruption Champion Monday June 17th, 2019

### Background

On April 11 2017 Novel Baswedan, an investigator working for Corruption Eradication Commission Republic of Indonesia (KPK), had a vial of hydrochloric acid thrown into his face by two men on a motorcycle. At the time of the attack he was leading the ongoing investigation into a misappropriation of funds for an electronic ID cards project, in which members of parliament and high-ranking government officials are implicated. To date, this case remains unsolved. The investigation process was increasingly marred by irregularities and eventually stalled, propelling Mr. Baswedan to report it to the National Commission of Human Rights (Komisi Nasional Hak Asasi Manusia-Komnas HAM). Late last year, Komnas HAM concluded its inquiry into the investigation process, which brought them to a number of conclusions. They include, among others, that there is some preliminary evidence indicating that the attack was part of the effort of unnamed parties who were under KPK's investigations to hamper prosecution and that in investigating the crime the police had been involved in a number of misconducts.

Due to the findings, Komnas HAM recommended the establishment of a fact-finding team under the Chief of Indonesian National Police. The Police's Fact-Finding Team (PFFT) for Mr. Baswedan's case comprises of 65 personnel from police officials, members of Corruption Eradication Commission, and other experts, some of whom are civil society actors and academics. The team's work period is from January 8 to July 7, 2019 and the mandate was to investigate the violent act against Novel Baswedan without mentioning the alleged misconducts in the police investigation. The FFT is met with skepticism by both Mr. Baswedan and the civil society, who have been calling for an independent investigation on this case. The FFT is established by the Police and its membership are primarily those who are closely affiliated to the institution if not the very police officers who were part

of the original criminal investigation of this case, which had been deemed by Komnas HAM as flawed. Moreover, the victim himself believed that some elements of the Police Force were involved in the attack against him, as with other instances whereby KPK personnel are subjected to attacks and intimidations by the Police.

The acid attack against Novel Baswedan and the failure to effectively resolve it cannot be viewed in isolation. Anti-corruption investigators from KPK and activists as well as human rights defenders in



*Novel Baswedan with Amnesty International USA Asia Pacific Advocacy Manager Francisco Bencosme*

Indonesia have been subjected to threats and actual violence due to their activities, for which accountability is rare. The continued failure to address the intimidation against anti-corruption activists and human rights defenders undermines the fight against corruption, a crime that will deprive the State from the necessary resources to respect, protect, promote and fulfil human rights--civil, political, economic, social, and cultural rights-- of the people. It also further reinforces the culture of impunity in relation to human rights violations, which is prevalent in Indonesia.

### Ad Hoc Independent Investigative Team

In Indonesia there is no independent, effective and impartial mechanism to deal with public complaints about police and military misconducts, including

criminal offences involving human rights violations. However, Indonesia has had a number of experiences in utilizing ad hoc mechanisms in particular when faced with egregious or massive human rights violations, wherein law enforcement officials are suspected to be the perpetrators and the public trust is low on the police's ability to conduct impartial investigation. Past Ad Hoc commissions did not have coercive powers, but the membership included, aside from civil society actors, representatives from law enforcement institutions and relevant ministries to ensure cooperation from various parties that can shed light to the incidents investigated. Nor do they have the power to arrest, detain, and prosecute those responsible for the crimes. These ad hoc commissions were strictly geared for gathering preliminary evidence and provide recommendations to the President on further legal actions and, for some the institutional reforms required to prevent recurrence. In their work these ad hoc institutions usually engaged the public at the start and during their work period. Most are mandated and managed to publish their findings. In terms of legal power, FFT for Mr. Baswedan's case is the strongest: it has the mandate, and being under the police, the authority to conduct investigation with coercive police powers and, should sufficient evidence be gathered, it can directly submit the case to the prosecutors for prosecution. Yet as outlined above, the fact that one of the questions to be addressed is whether there were police officials complicit in the crime and/or its coverup, makes it hard for the public to trust the team to conduct effective and thorough investigation. The team's lack of meaningful public engagement does little to improve the distrust. Another problem lies in the lack of mandate for the team to address the institutional reforms required to prevent recurrence: may it be of instances of police intimidations against KPK investigators or more broadly, to ensure that there

is increased accountability for violations committed by law enforcement.

### **Amnesty International's Call**

In view of this situation, Amnesty International calls for the US Government, in its engagement with the Government of Indonesia to call for the following:

- There should be timely, effective, thorough, independent, impartial and transparent investigation for Novel Baswedan's case, which also addresses the allegations of police misconducts in the investigation.
- The investigation should be undertaken by an impartial ad hoc commission working under the President with a strong mandate and adequate resources to implement its mandate well. This will ensure that the Commission will have the political power and legitimacy to oversee the Police, which is a powerful state institution in Indonesia.
- The mandate should allow the commission to keep the public informed throughout its work period and its findings and recommendations should be made public to the extent that it does not violate fair trial principles or obstruct further investigation process.
- Recommendations of the ad hoc investigation commission should include the accountability of the attack, the subsequent steps that should be done to pursue accountability for other cases of misconducts and obstruction to KPK's work and personnel as well as the institutional reform required to prevent recurrence
- There needs to be strong legal guarantee for the commission's findings to be followed up by the appropriate institutions as part of the legal instrument establishing the independent ad hoc commission.

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