

UA 36/18

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## **INDONESIA: 12 ASSUMED TRANSGENDER PEOPLE PUBLICLY TORTURED**

**Individuals assumed to be transgender women by the North Aceh Police Force were arbitrary arrested, humiliated and tortured on 27 January. Although released without charge the next day, the individuals remain deeply traumatized, with some having lost their jobs and others being forced to flee due to concerns for their safety.**

North Aceh Police Forces raided five beauty salons, a common workplace for transgender women in Indonesia, in Aceh Province and arrested 12 people on 27 January 2018. The Chief of Police brought the 12 people to his office that night and at 11pm ordered them to squat-walk in a humiliating fashion to a nearby park. When one of the transgender women refused the order, the police chief fired a warning shot to scare her.

The police then subjected them to “punishments” by forcing them to roll on the ground in the park and cut their hair - apparently to make them “manlier”. Shouting at them and kicking their backs while giving instructions, the police also forced them to take off their clothes, leaving them half-naked. The Chief of North Aceh Police ordered the victims to shout “like a man” and slapped one of the victims on the face with a sandal. After humiliating them for two hours, in front of people who had gathered at the park, the police took the twelve back to the police station and forced them to sleep on the cold floor in their wet shorts without mattresses.

Before being released without charge on the afternoon of the 28 January, the police invited a Muslim cleric to give a sermon for the victims. The cleric told them that because of “the nature of a transgender person”, it is fine “to kill transgender or other LGBTI people” and that “they are more evil than a kafir (infidel)”. The police also made all 12 people sign a document, which they were not allowed to read, that was later confirmed as an agreement not to act like “women” and not to complain about any police misconduct. Because of the public humiliation by officials that the 12 suffered, coupled with physical abuse and threats, and traumatic effect it has had on the victims, attacking their gender expression and identity, Amnesty International believes their ill-treatment amounted to torture.

An internal investigation by the Regional Aceh Police Force looking into misconduct by the Chief of North Aceh Police Force is currently underway. All victims remain deeply traumatized after the incident and some are no longer able to support their family after losing their jobs. Due to threats by neighbours and family, and one victim being kicked and had a stone thrown at her, some of the victims are now on the run to seek a safer place in Indonesia.

**Please send an urgent letter, email, tweet or fax without delay! Call on authorities to:**

- \* Ensure that an independent, impartial and efficient investigation is carried out in addition to the internal one and that the report is made public.
- \* Ensure that perpetrators are brought to justice.
- \* Provide full reparations to all victims, as well as effective protection to them and their family members from threats to their lives and safety, both from members of the local police and local people.
- \* Respect Indonesia's international human rights obligations and prevent, investigate and eliminate transphobia, gender based violence and criminalization of individuals due to their gender expression, identity or sexual orientation.

**Here are the contact details you will require:**

Head of National Police

General Pol. H.M. Tito Karnavian  
National Police Headquarters  
Jl. Trunojoyo No.3, Kebayoran Baru  
Jakarta Selatan 12110 Indonesia  
Twitter: @DivHumasPolri  
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8741  
Email: [mabes@polri.go.id](mailto:mabes@polri.go.id)  
Salutation: Dear General

The Head of National Police Commission

Mr. Wiranto  
National Police Commission Office  
Jl. Tirtayasa VII No.20 Kebayoran Baru  
Jakarta Selatan 12160 Indonesia  
Twitter: @kompolnas\_ri  
Fax: 011 62 (0)21 7392317  
Email: [sekretariat@kompolnas.go.id](mailto:sekretariat@kompolnas.go.id)  
Salutation: Dear Minister

**Please send a copy to:**

Chairperson of the National Human Rights Commission (Komnas HAM)

Mr. Ahmad Taufan Damanik  
Komnas HAM Office  
Jl. Latuharhary No. 4B Mentengh  
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Twitter: @komnasham  
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His Excellency Dr Teuku Faizasyah  
Ambassador for the Republic of Indonesia  
55 Parkdale Avenue  
Ottawa, Ontario K1Y 1E5  
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1 (613) 724 4959

Send message via website: <http://www.indonesia-ottawa.org/contact-us/>

## **ADDITIONAL INFORMATION**

The raid on 27 January took place against a backdrop of growing anti-LGBTI sentiments in Aceh. Instead of offering support to the victims, Aceh Governor Irwandi Yusuf has publicly stated that he had supported the police's raid on transgender women. At an anti-LGBTI rally on 2 February, the Governor also said: "We don't hate lesbian, gay, bisexual people [personally], but we hate their behaviour." Despite the fact that North Aceh police chief is currently under internal investigation by the Aceh provincial police over the alleged ill-treatment of the transgender women, the spokesman from the same provincial police expressed support for the raid when joining the anti-LGBT rally.

The targeting of LGBTI individuals and groups in Aceh Province is not uncommon. On 17 December 2017, a hotel in Aceh was raided and six transgender women handed over to the police after information was received that a transgender beauty contest was taking place there, an act they claim to violate Shari'a law. In another violation of the absolute prohibition of torture and other cruel, inhuman and degrading treatment, two men were each publicly caned 83 times for consensual same-sex sexual relations (liwath) under the Aceh Islamic Criminal Code in May 2017. Although Shari'a bylaws have been in force in Aceh since the enactment of the province's Special Autonomy Law in 2001, and are enforced by Islamic courts, this was the first time that gay men had been caned under Shari'a law in the province.

Aceh province is the only Indonesian province that enforces Shari'a law. The Aceh Islamic Criminal Code that was passed by the Aceh parliament on 27 September 2014 includes caning of up to 100 lashes as a punishment for same-sex sexual relations as well as for premarital sex and other sexual relations outside marriage. Apart from Aceh, consensual same-sex relations are not crimes under the Indonesian Criminal Code. However, in addition to the already hostile environment for LGBTI people in Indonesia, in January 2018 the lawmakers added provisions in the draft law of the Criminal Code amendment that criminalize consensual same sex-relationship. These are still being debated in parliament.

LGBTI groups also face prosecution in other regions in Indonesia. On 25 May 2017, 141 men were arrested in North Jakarta by local police after attending what police described as a "gay sex party". The next day the police released 126 of the men, but charged 10 of them with providing "pornography services" under Law No 44/2008 on Pornography.