

trial is possible within three months. In accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners, AI also made a number of specific recommendations regarding the improvement of prison conditions. AI asked the Indian government to investigate any allegations of torture which may come to its attention, and that an independent inquiry be made into the many prison incidents which result in the deaths of prisoners.

In its reaction to the report, the Indian government only seriously contested the numbers of political prisoners estimated by AI, maintaining that 1,609 prisoners were held in West Bengal in connection with "extremist activities". However, an investigation made by *The Times of India* on 30 September 1974 explained the difference in numbers by the fact that political prisoners, when arrested for alleged criminal offences, are not entitled to the special classification for political prisoners—provided for in the 1956 jail code rules.

The state of serious overcrowding in West Bengal prisons and the inadequate medical facilities was subsequently confirmed by the West Bengal Jail Code Revision Committee, set up by the present government in 1972, and which presented its report in February 1974. On page 32 of the report, the committee states: "The immediate problem that challenges the administrators is to devise effective means of reducing the jail population in the bigger interest of the community itself." The committee made its recommendations when the total prison population in West Bengal was 20,000. In September 1974, it had risen to 24,000.

The Times of India, the *Hindustan Times* and the *Indian Express*, in reacting to the AI report, were among the leading papers which requested in their editorials that prisoners detained under the Defence of India Rules and the Maintenance of Internal Security Act be brought to trial without further delay, and that an impartial inquiry be instituted to investigate the allegations of torture. Although AI has received reliable reports since then stating that the number of political prisoners in the state has been reduced to to some 8,000, because of the releases of many "under trial" prisoners on bail, the Indian government has not—as far as AI is aware—taken positive steps to investigate any allegations made in the report.

Mr Ennals, while attending the AI Regional Conference in New Delhi (see chapter on Membership) met the Indian Home Secretary N.K. Mukarji, as well as other officials in the Home Ministry. During his discussions, Mr Ennals stressed the need for an independent investigation into prison conditions in West Bengal and also raised the issue of the continuation of preventive detention laws in force since the declaration of a state of emergency in 1971.

The most important of these laws, the Maintenance of Internal Security Act, has over the past year been used to detain political opponents, members of trade union movements, as well as participants in widespread disobedience movements led by Jayaprakash Narayan. Since detention of such prisoners usually is for only a short time, AI has not taken up their cases on an individual basis. The powers of preventive detention under the Maintenance of Internal Security Act were enlarged by a Presidential Order of 16 November 1974 in a move against "economic offenders". The order also removed the right of appeal to the courts against illegal detention, as guaranteed in Part 3 of the Indian Constitution.

As far as AI can assess, these enlarged powers of arrest and detention have not

been used to detain political prisoners. But whereas the continuation of the state of emergency and the preventive detention legislation is being increasingly questioned within India, the government introduced on 8 May 1975 a bill in Parliament increasing the period of detention without trial to two years, not subject to review by an advisory board as provided for in article 22 of the constitution.

AI over the past year has taken further steps to ensure the early release of some Pakistani nationals who fled from East Bengal during the Bangladesh war. One of them, Iftikar Mahmood Randhawa, was released shortly after he was featured in AI's May 1974 Prisoners of the Month Campaign.

AI Secretary General Martin Ennals raised the issue of capital punishment for the first time with the Indian government when he made a special appeal on 22 November 1974 on behalf of Kista Gowd and Bhoomaiah, two peasants from Bihar and members of the Communist Party of India (Marxist-Leninist), who had been sentenced to death in January 1972 and are awaiting execution.

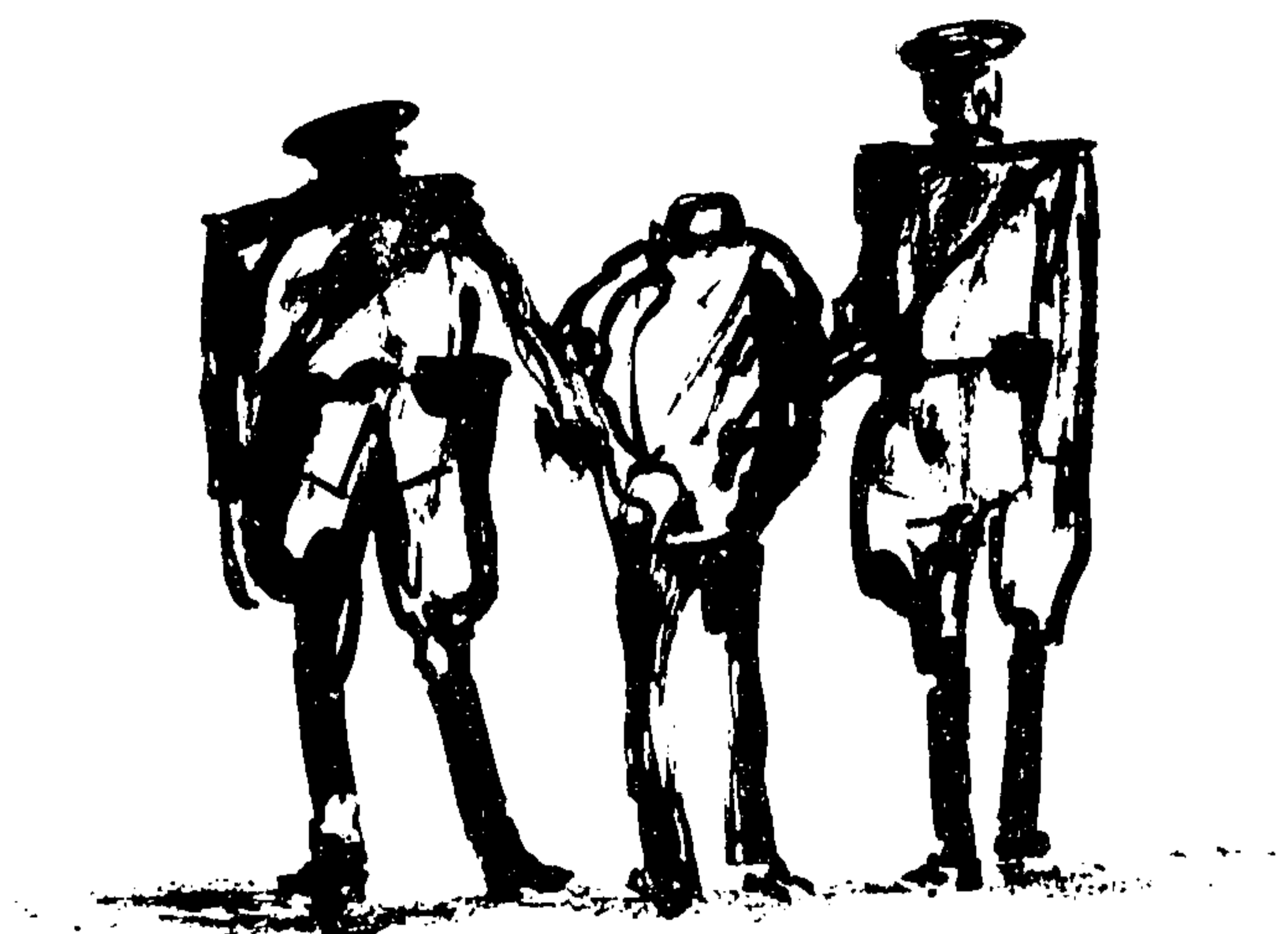
Indonesia

More than 55,000 political prisoners, all detained without charge or trial since 1965, are now in their 10th year in prison. Their position is increasingly desperate because despite the passage of many years, the government's policy towards them has remained essentially unchanged. In the past year the government has attempted to define away the problem by insisting that there are no *political* prisoners in Indonesia and by re-naming political prisons as "rehabilitation centers". Official estimates continued to be given for the number of prisoners detained and these have varied between 20,000 and 35,000.

An Amnesty International delegation from Australia led by Richard McGarvie, Chairman of the Victoria Bar Council, and including Senator Peter Baume, Liberal Member of Parliament, Reverend Neil Gilmore, President of the Australian Council of Churches, and Mrs Leonore Ryan of AI's Victoria Section, arrived in Jakarta in January 1975. They were joined by the Head of Asian Research at the International Secretariat, Wen-hsien Huang. Regrettably Indonesian ministers and officials who were directly concerned with political imprisonment refused or were not able to meet the delegation to discuss the problem of imprisonment. The delegation therefore was unable to obtain from any ministry or department a statement of the government's view of the problem, nor was it possible to reconcile the government's claims regarding the total number of people detained with the figures compiled by independent observers.

Whereas the Indonesian government statistics in the last years have varied around 30,000, several reliable observers put the total number of prisoners held at nearer 100,000. As more is known about the problem it has become evident that there are large numbers of political prisoners held outside recognized prison institutions. Throughout the many islands of the republic, in every town that serves as an administrative center, political prisoners are to be found, often in very small prisons that hold no more than between 10 to 20 detainees, or in military garrisons where the prisoners are used as unpaid labour in conditions that can be described as enforced serfdom.

There are an estimated 1,000 women political prisoners. The husbands of many of the married prisoners are themselves detained, and their children have



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been practically orphaned for 10 years. In April 1975, the International Secretariat and coordination groups publicized the special plight of women prisoners in a campaign centered around Kartini Day, which is officially celebrated in Indonesia as Women's Day to commemorate a famous national heroine. In the context of International Women's Year, Indonesia is prominent as the country with probably the largest number of women political prisoners.

Approaches were made from the International Secretariat and from national sections to the member states of the Inter-Governmental Group on Indonesia, a consortium of 13 governments which has provided extensive development aid to Indonesia since 1967. It was emphasized to the member governments that the Indonesian authorities have not responded to the many discreet appeals in the past to improve the conditions for prisoners, to make better provision for fair trials and to release all those held without trial.

Although the main reason given by the government continues to be that the 1965 prisoners constitute a subversive communist threat if released—despite contrary evidence relating to the majority of those prisoners—it is apparent from official policy regarding detention of others held in connection with the January 1974 events that its overall policy has identical effect for those whom the government cannot, and does not, claim to be communist.

Of the more than 700 people arrested in January 1974, about 40 are still in prison without trial. Although less than 10 were released in early 1975, an official spokesman stated that they could be re-arrested at any time. Moreover, although detention without trial under the Subversion Law of 1963 is limited to one year, the official view is that at the expiry of that year, all that is required by the authorities to continue holding the prisoner is to charge him again under

the Subversion Law. This apparently can be done repeatedly.

Despite promises made by leading Indonesian officials to, among others, the Dutch parliamentary mission to Indonesia in September 1974, so far only two of those prisoners detained in January 1974 have been brought to trial. Hariman Siregar, a student leader, was sentenced to 6 years' imprisonment on evidence which indicates no more than that he had expressed disagreement with the government's economic and social development policy. Similarly, in the trial of Sjahrir, the prosecution had asked for a sentence of 16 years, on the basis of evidence which shows that the defendant had merely criticized the government's development policy.

Trials for the 1965 prisoners continue at a slow rate: the number of prisoners who have been brought to trial since 1965 is probably about 700. Despite repeated government promises that the courts would expand to cope with more trials, the annual average is still about 100 cases. In April, four women political prisoners were brought to trial and charged with alleged involvement in the 1965 events. The prosecution has demanded life imprisonment for one of the defendants and 20 years' imprisonment for the others. The prosecution further asked that there should be no reduction in sentences to allow for the nine years the defendants had already stayed in prison. Two of the prisoners are adopted by AI. This is the first time that leading members of the now-banned women's organization *Gerwani* have been brought to trial.

The permanent "resettlement" of Category B prisoners in labour camps is a stated objective of government policy. In September 1974, Indonesian journalists were again taken to visit the camps on Buru Island, to which some 150 wives and their children have now been transported. Conditions in prison units on the island are known to be very bad, the food allowed to the prisoners is inadequate and medical care is virtually non-existent.

The government in September 1974 stated that, of all the people arrested in connection with the 1965 events, more than 540,000 have been released. By definition, these people belong to the sub-category C1, and this figure of 540,000 is consonant with previous government claims about overall release figures. As early as January 1972 President Suharto had announced that all Category C prisoners had been released. (He said then that there had been 22,000 remaining prisoners belonging to Category C in the preceding year.)

However, Indonesian Prosecutor-General Ali Said told the Dutch parliamentary mission in September 1974 that in fact the government was still, in late 1974, trying to implement the release of Category C prisoners. Apparently the territorial military commanders had been given the power to decide on the implementation of release in phases, and individual commanders varied in doing so. According to the Prosecutor-General, it was possible that one territory had reached its target before another, but he maintained that ultimately in 1975 everyone would certainly have solved this problem.

The claimed overall figures of releases of 540,000 indicates the dimensions of the problem in terms of numbers of people waiting to be released. The government's claims that only 20-35,000 prisoners remain are meant to refer only to prisoners of Categories A and B, since by their own claims, all Category C

prisoners have already been released. As it is now officially admitted by the Prosecutor-General that Category C prisoners awaiting release still remain, it is clear that the official total figures very much underestimate the real numbers in prison.

Despite an official announcement last year that "certificates of non-involvement" in the 1965 attempted coup are no longer required, most released prisoners face difficulties in getting official and private employment because they do not possess the certificates, and consequently find it hard to make a living.

AI groups now work for a total of 218 cases. There have been releases, for the first time this year, of AI adopted prisoners from 1965. In January 1975, a long-standing AI adoptee, Sitor Situmorang, the distinguished writer, was released from prison and placed under house arrest. He was one of about 10 former PNI prisoners, all classified as Category B, released in January.

Democratic People's Republic of Korea

In April 1975, President Kim Il-sung said during a visit to Peking that North Korea would not stand by "with arms folded" if revolution came to the Republic of Korea (i.e., South Korea). The cold-war climate which pervades North-South Korean relations has been a particularly serious obstacle to Amnesty International work.

In North Korea, there has been an almost total suppression of information about the "re-education" of political prisoners. Two exceptions to this were the cases of foreigners imprisoned in North Korea—and adopted by AI groups. The Venezuelan poet Ali Lameda was released in September 1974 after 7 years' imprisonment. He had been sentenced to 20 years' imprisonment in 1967 on political charges. His release is thought to have been the result of high-level, diplomatic initiatives by the Venezuelan government. Another adopted case was that of the French writer and translator Jacques Sedillot, now reported to be released and living in North Korea.

Republic of Korea

The 1972 Constitution gave the President the power to suspend basic rights and freedoms "in case the national security or the public safety and order is seriously threatened or is anticipated to be threatened" (article 53). During the past year, President Park Chung-hee has employed this power in the name of national security against the presumed threat from the North, so that the position of basic human rights has seriously deteriorated.

In his report on his mission for Amnesty International to South Korea in July-August 1974, American lawyer William Butler concluded that "no evidence was found from any source indicating a present external and internal threat of communist takeover sufficient to justify such a total denial of human freedom". Furthermore, "even if such a threat did exist, the use of torture by any government must be condemned as inhuman and barbarous and not acceptable to any civilized nation".

President Park invoked article 53 to introduce two emergency decrees, Num-

ber 1 of January 1974 prohibiting criticism of the constitution, and Number 4 of April 1974 imposing heavy penalties, including death, for anyone found to "praise, encourage or sympathize with" the activities of an outlawed student organization. A total of 203 individuals were imprisoned as a result of these two emergency decrees. Although both decrees were rescinded in August 1974, and the sentences of 168 of the prisoners suspended, conditional on good behaviour, in February 1975, the sentences still apply and may be reinvoked at any time.

Among the 80 prisoners adopted by AI were students belonging to the group of 54 whose trial by court martial in July 1974 Mr Butler tried unsuccessfully to attend. Many well-known Koreans who supported the students were adopted. These included the poet Kim Chi-ha and the Roman Catholic bishop of Wonju City, Monsignor Daniel Tji Hak-son, who is Honorary President of AI's South Korean Section. In addition, a special postcard campaign was initiated on behalf of the eight men sentenced to death for their alleged part in the student "plot".

There was widespread interest in the case of the eight men sentenced to death and of the 14 others also imprisoned for their part in the so-called "People's Revolutionary Party" (PRP) case. In December, an American missionary was expelled from Korea following his investigation into the case. He maintained that the charges made by the Korean authorities against the PRP, that it had engineered student riots and served the interests of North Korea, were a complete fabrication.

In March 1975, a second AI mission was sent to South Korea to inquire into allegations of torture made by released prisoners. The delegates, Dr Eric Karup Pedersen, a Danish surgeon, and Brian Wrobel, an English lawyer, were hindered by official intimidation, including the effects of a new law prohibiting criticism of the government in conversations with foreigners. Despite this, the mission obtained evidence that torture had been used systematically.

During the course of the mission, the PRP case went on appeal to the Supreme Court on 8 April, and Mr Wrobel attended the hearing. The death sentences on the eight men were confirmed by the Supreme Court, in the absence of the defendants and their lawyers. Despite an assurance given to the mission by the Public Prosecutor's office that sufficient time would be granted for an appeal for clemency or for re-trial, as is guaranteed by law, the eight men were hanged without any opportunity to appeal less than 24 hours after the Supreme Court had passed its verdict. In its report, the mission strongly deplored the execution of the eight men. Moreover, the mission found that torture had been used to extract false confessions and as a tactic of intimidation; that lawyers acting for defendants in political trials were continually harassed; and that pre-trial irregularities prevented an innocent defendant from presenting an adequate defence.

Mr Wrobel gave evidence on the findings of the mission at the hearings in May before the Sub-Committee on International Organizations and Movements of the Congressional Committee on Foreign Affairs of the United States House of Representatives. The mission report was also read into the record of the inquiry into international human rights by the US Senate Foreign Relations Sub-Committee on Foreign Aid.