

confirms that some prisoners, alleged Naxalites, have been kept in iron fetters in Bihar jails for four years.

INDONESIA

The treatment of political prisoners in Indonesia continues to show a consistent pattern of gross and persistent violation of basic human rights. More than 55,000 prisoners, perhaps as many as 100,000, remain in prison, held without charge or trial since 1965. Despite a small number of releases in the past year, the continuing drift of government policy continues to leave the vast number of prisoners without any prospect of release.

The government denies the problem by insisting that there are no political prisoners in Indonesia. Prosecutor General Ali Said told a news conference in December 1975 that the people detained since 1965 were "criminal detainees". He said they were not detained because they were members of the banned Communist Party of Indonesia (PKI), but because they were suspected of involvement in the "attempted coup" in 1965. The prosecutor general did not explain why the prisoners have not been charged or tried even though they are now in their 11th year of captivity.

One year ago, the government re-designated political prisons "rehabilitation centers", but it has still not made public any program which would constitute a release or rehabilitation process.

The authorities state that they only intend to try about 2,000 detainees whom they classify as "category A" prisoners. Of the remaining tens of thousands, the government has consistently declared that it does not have evidence which could be used in court to establish those offences allegedly committed by the prisoners. The trials of the "category A" prisoners continue at an extremely slow rate. Since 1965, the total number of prisoners who have been brought to trial is probably about 750. Over the years, government ministers and senior officials have repeatedly promised that the machinery of justice would be expanded to speed up the trials, but the annual average of trials has remained at less than 100 cases. The government claims that it will now try to bring 200 cases to trial annually. Even this is a deplorably slow rate, and it should be remembered that repeated government promises of this kind made previously had proved to be of no substance.

Moreover, a number of trials held in the past year have illustrated that even for those relatively few prisoners who are in fact brought to trial after 10 years of detention, the proceedings and the decisions of the court involved clear miscarriage of justice. The trial of four women began in February 1975. The defendants were former leading members of organizations affiliated with the PKI, which were banned in 1966. The chief defendant, Sulami, was a leading member of Gerakan Wanita Indonesia (GERWANI), the women's organization. Sri Ambar Rukmiati was head of the women's bureau of Sentral Organisasi Buruh Seluruh Indonesia (SOBSI), the trade union federation. Suharti Harsono was on the staff of Barisan Tani Indonesia (BTI), the peasants' union. Sudjinah was on the staff of GERWANI, responsible for education and culture. Two of the prisoners, Sri Ambar Rukmiati and Sudjinah, were long-standing Amnesty International cases, and all four were featured in AI's Indonesia Women's Campaign of April 1976.

The indictment against the four prisoners alleged participation in the "coup attempt" of October 1965 and additionally alleged that they tried to restore

the leftwing movement after the banning of those organizations early in 1966. However, the evidence produced against them in court related mainly to their activities after October 1965. They were alleged to have published and distributed an illegal bulletin, obtained false identity cards and been involved in providing assistance to the children of political prisoners. In addition, Sulami was accused of having recruited women to go to Lubang Buaya, to help in cooking and sewing. According to the prosecution, this was sufficient evidence to assume that she had known about the 1965 attempted coup which was said to have had its base at Lubang Buaya.

The prosecution asked for life imprisonment for Sulami and 20 years for the other defendants. All were found guilty of having committed acts of subversion and of trying to restore banned organizations. Sulami was sentenced to 20 years' imprisonment, Sudjinah was sentenced to 18 years and the other two prisoners were sentenced to 15 years each. The 10 years in which they had been in prison before trial were to be deducted from their sentences.

It was clear from the evidence presented at the trial that the prosecution had failed to establish the case that the prisoners were guilty of subversive activity of a kind to justify 10 years in prison.

The trial of Asep Suryaman began in June 1975. Like the four women defendants, he was charged under a 1963 decree of former President Sukarno, which was only passed as law by legislative process in 1969 as the Subversion Act. One of the defence lawyers at the trial, Yap Thiam Hien, who was himself detained for a year under this law in 1974, described the act as a "rubber law". He said it was too easily stretched and was so vague and broad in its application that virtually any political or social activity could be indictable. For example, when 40 traders were arrested in March 1976 for smuggling, this was alleged to be economic subversion and resulted in the 40 people being detained on the penal island of Nusakambangan.

The second objection to the Subversion Act was that people like the four women prisoners and Asep Suryaman, charged with offences connected with the events of 1965, had faced trial and imprisonment according to a law which, having been passed by the legislature only in 1969, was therefore applied to their cases retroactively.

Asep Suryaman was accused of being a leading member of the PKI special bureau and of complicity in conspiracy to overthrow the government. No evidence was brought that he had taken an active part in the "attempted coup" of 1965 beyond the fact that he was a party lecturer in Marxist theory. In 1967, when the PKI membership was being hunted by the authorities, he took refuge in East Java and he admitted that he took part in guerrilla activities, which he maintained were in self-defence. The defending lawyers presented legal arguments stating that:

- the detention of the prisoner since his re-arrest in September 1971 was illegal because no application had been made to a court after the first year of detention without trial, as required by law.
- the panel of judges, being officials appointed by the government which had incorporated many decrees affecting members of leftwing organizations which had been legal up till 1966, could not judge such cases impartially and according to the law. The defence lawyer, Yap Thiam Hien, who presented the argument was cited for contempt of court.
- the legislative act under which the case was tried was only passed

four years after the alleged offences occurred, and retroactive application of the act was unconstitutional.
— there was no proof of direct personal involvement or complicity in the 1965 events.

Asep Suryaman was convicted and sentenced to death. Mr Yap in the final defence speech described the prisoner's experiences in detention as not unique. Like Asep Suryaman, political detainees in Indonesia were:

Treated like the dregs of society, deprived of the most elementary rights enjoyed by all other citizens, like mere objects that can be moved from one place to another, put out "on loan" to another authority for interrogation, to give evidence or to meet the personal needs of some official; and they are not even told why they are put out "on loan" or where they are being taken. They have no power and no voice, no right to complain or protest against their interminable imprisonment, against torture, insult, hunger or disease. They have no power and no voice in the face of this abuse against their dignity and person.

Mr Yap continued:

Many of them have become automatons, going to sleep, getting up and taking their meals like persons without any spirit, for they are not permitted to read newspapers, magazines, or books, except religious literature, nor are they allowed to write to their loved ones . . . Such a life leads them to break down under the strain. Some have become insane, others have committed suicide, some have tried to rebel against their predicament with horrifying consequences.

Continuing his plea, Mr Yap said that a prisoner had told him:

We are like leaves on a tree, just waiting to fall to earth and become one with it. Help us to get our freedom back, to rejoin our unprotected families. Help us at the very least to be brought to trial so that this soul destroying uncertainty can end. Whatever they want, we are ready to sign, so long as we can be released . . .

AI referred to the Asep Suryaman trial in a letter to President Suharto in April 1976, asking for a presidential pardon in view of the unsatisfactory nature of the trial.

The trial of Oei Tju Tat, a long-standing AI adoptee, was held in Jakarta in February and March 1976. He was charged under the Subversion Act and was accused of undermining the authority of the government. Mr Oei was a minister in the cabinet of the late President Sukarno, and it was alleged that he had issued a statement in October 1965 which said that the "attempted coup" was an internal affair of the army.

At that time, Mr Oei was a leading member of the Partindo (Indonesia Party), a group which had broken away from the Indonesian Nationalist Party in the late 1950s. The prosecution claimed that by issuing the Partindo statement in October 1965, Mr Oei had attempted to destroy or undermine the lawful government of Indonesia.

The defence maintained that the government at the time of the alleged offence was that of President Sukarno, and that Mr Oei was not condemned by the then President nor discharged from the cabinet because of the Partindo statement. Moreover, witnesses at the trial stated that Mr Oei was not personally responsible for drafting the statement. The defending lawyers, including Yap Thiam Hien, repeated arguments presented at the Asep Suryaman

trial, that the trial proceedings were not constitutional, that the application of the Subversion Act retroactively was not legal, and that the trial of a prisoner begun after 10 years of illegal detention violated the principles of Indonesian justice. In his 10 years of detention without charge or trial, Mr Oei had not been served with any warrants of arrest and had been denied access to lawyers.

Despite the juridical flaws in the proceedings and the flimsy nature of specific allegations against Mr Oei, the court found him guilty and charged and sentenced him to 13 years' imprisonment, less the time already spent in prison. Mr Oei was featured in AI's Prisoners of the Month Campaign in May 1976.

Despite continual government assurances that foreign jurists would be permitted to observe political trials in the Indonesian courts, two members of the Australian section of the International Commission of Jurists, John Dowd and Paul Stein, a member of parliament, were denied visas to observe the trial of Asep Suryaman in August 1975.

Nonetheless, even allowing for the ritualized illegality of political show trials, many Indonesian prisoners are known to prefer to be brought to trial as an alternative to unending arbitrary detention without trial. It has been the contention of the authorities that those suspected by the government of personal involvement in the 1965 events would be brought to trial, ie those classified as "category A". Others against whom the government does not have evidence of direct personal involvement in the 1965 events, the majority of whom are classified as "category B", are detained indefinitely without prospect of trial. Already a number of "category A" prisoners are known to have been released after serving their sentences. Yet those considered by the authorities to be less directly involved in the 1965 events ("category B") can only look forward to further prolonged detention.

There has been a further deterioration in the treatment of prisoners as a whole. The government has attempted to revive its program to "re-settle" "category B" prisoners in penal colonies on the Moluccan island of Buru, where just under 10,000 prisoners were detained. In early 1976, the government secretly transported another 1,000 prisoners to Buru, where conditions for prisoners are known to be extremely bad.

The past year saw an intensification of AI campaigning on Indonesia. Indonesian Independence Day, 17 August 1975, was marked by campaign activities. AI's Swedish Section collected the signatures of 130 Swedish parliamentarians on appeals for release of political prisoners. In the Federal Republic of Germany some 31,000 signatures were collected. In Austria several thousand signatures were similarly collected and in all three countries the petitions were handed to the Indonesian embassy.

Campaign activities were heightened in October 1975, with a coordinated international campaign on behalf of the tens of thousands of prisoners who had by then spent up to 10 years in detention. Publicity was the main focus at the local, national and international levels. Many adoption groups presented information to their local community, through information stalls, discussion groups and articles for the local news media.

The campaign was also covered in the national media in many countries. In the United States, Netherlands, Austria, Australia, Canada and other countries there was extensive coverage by press, radio and television.

In April 1976 there was an international campaign on behalf of women prisoners. Many national sections, notably the Japanese, Nigerian, Canadian, Swiss and Danish sections, coordination and adoption groups sent appeals and petitions to the government for the release of these women. The plight and the difficulties faced by families of the detainees were publicized in national and local news media during this campaign.

The Indonesian authorities have claimed publicly that 1,309 prisoners were released in the past year. The majority of those released were stated to be in the Central Java region. However, despite requests to the authorities for details of the releases, so far only the names of 40 prisoners released in the past year have been made available to the Research Department. All these prisoners had been adopted by AI. Less than half of this number were 1965 prisoners, and the remainder were prisoners arrested in connection with riots of January 1974 during the visit to Indonesia of former Japanese Prime Minister Kakurei Tanaka. In view of the past distortions in official release statistics, it is difficult to accept the figure of 1,309 releases at face value, given the government's reluctance to make known the names and details of these persons.

According to the latest official detention statistics in February 1976, 29,480 "category B" prisoners were still detained. Additionally it was stated that 1,745 "category A" prisoners remained. This appears to be a serious underestimate of the numbers actually held. It is known for example that large numbers of "category C" prisoners (scheduled for release by President Suharto since 1971) are still imprisoned.

On the basis of information available to the Research Department, AI's earlier figure of 55,000 prisoners in detention without trial, now appears an underestimate in the light of evidence that political detention centers are to be found in all administrative centers throughout the country, often in one part of common prisons for penal law prisoners. According to knowledgeable observers, the total number of those detained throughout Indonesia is much closer to 100,000.

Those who are released are subjected to house arrest which can extend over arbitrary periods of time. Moreover, large payments are on occasion demanded by the military officers who process the cases of those scheduled for release, and the current scale of these bribes lies between one million and 1½ million Indonesian rupiahs (about US \$2,000 and \$3,000) per prisoner. This also has the effect of slowing down the possible rate of releases since most families cannot obtain such a sum. They live in penury as a result of the enforced absence of the breadwinner of the family for so many years. There are severe official restrictions still on employment of released prisoners, and private employers including foreign firms are known to be encouraged to discriminate against employing released prisoners.

A pattern of brutal treatment of prisoners continues, especially during interrogation (which goes on even for those arrested 10 years ago), and also in those detention centers where torture is permitted by the local military commanders. First-hand accounts are rare because of the real danger of reprisals against prisoners, released prisoners and their families. But the *AI Newsletter* in February 1976 featured the case of a young woman called Tjiou who left Indonesia in 1975 after spending several years in political imprisonment. Following her arrest in 1968, she was severely and sexually tortured. Tjiou also described what she saw of other prisoners being tortured. She

witnessed the brutal treatment of a village headman who died under electrical torture, a woman who had boiling water poured over her head and another woman whose nipples were cut off.

AI groups now work for a total of 267 cases. Since the first reported release of AI cases in December 1974, 45 adopted prisoners have been released in the last two years.

DEMOCRATIC KAMPUCHEA (CAMBODIA)

One year after troops from the National United Front of Cambodia (FUNK) entered the capital Phnom Penh on 17 April 1975, it remains hard to assess the human rights situation in Cambodia in the absence of independent inquiries. Information comes from two main sources: refugees now in Thailand and the official Phnom Penh radio. During the 12 months that elapsed since the Royal Government of National Union Khmer (GRUNK, now called Government of Democratic Kampuchea) came to power, an increasing number of reports from refugees have been publicized in the international press. They allege widespread executions.

Earlier reports concerned seven leaders of the former Lon Nol government, termed "super-traitors" and condemned to death by the Second National Congress of the Cambodian People in February 1975. Four of the seven had fled the country before the liberation army entered Phnom Penh. In November 1975, Deputy Premier Yeng Sary confirmed during a visit to Bangkok that three leaders of the former regime had been executed. They were former Premier Long Boret, Prince Sisowath Sirik Matak and Lon Non, brother of former President Lon Nol. Later in November, the Cambodian Head of State, Prince Norodom Sihanouk, stated in an interview that "no one had been executed in Cambodia after the communist take-over except several of the seven 'super-traitors' who fell into their hands".

New allegations of large scale executions were made at the beginning of 1976 by refugees arriving in Thailand. A number of these testimonies seem to be based on the belief, rather than evidence, that people who disappear from a village or other place of work have been taken away by the army to be executed. Few refugees seem to have actually witnessed executions. However, some accounts cite eye-witness reports. According to a report in the British newspaper *The Guardian* on 9 February 1976, a refugee from Battambang province named Soum Heap stated that during the summer of 1975, he and other people from his village witnessed the execution of soldiers from the former Lon Nol army, allegedly beaten to death by Khmer Rouge guards at Arak Bak Kor (Battambang province). Another press report (*Le Monde*, 17-18 February 1976) stated that new executions took place in January 1976. It mentioned in particular a textile factory in Battambang where 27 workers were executed. However, neither the source nor details are given clearly.

On 18 February 1976, Amnesty International wrote to Cambodian Prime Minister Penn Nouth, expressing deep concern at these reports and urging GRUNK to make enquiries into a number of allegations. In the letter, AI reaffirmed its opposition to the death penalty as it had previously stated in a cable to GRUNK on 16 May 1975.

The letter also referred to the Constitution of Democratic Kampuchea which came into effect on 5 January 1976. Noting that article 20 of the new constitution introduced a clause forbidding "reactionary religions", AI