

"AI [*sic*] considers it most important that the facts regarding allegations of such serious human rights violations as the torture and the killing of political prisoners be established openly and publicly. If the facts regarding these serious allegations are to be established beyond any doubt any official inquiry committee should function openly and subject to public scrutiny. It should have full access to all relevant evidence and its findings should be made public in their entirety." Amnesty International sent a copy of the cable to the Home Minister, urging the central Government to take steps to ensure that the inquiry into these serious allegations be effective, open and impartial. Amnesty International released its appeal to the press. In the memorandum to the Indian Government, already mentioned on p.161, Amnesty International makes recommendations on similar lines, adding that such an investigation should be instituted by the Government wherever and whenever substantial allegations of this nature are made. It also recommends that full investigations be instituted into the conduct and record of individual police officers, concerning whom *prima facie* evidence of responsibility for the alleged killings emerges during an official inquiry.

On the basis of observations made by the Amnesty International delegates about their visits during the mission to Tihar Jail, New Delhi, Presidency Jail, Calcutta, and Hyderabad Central Jail, the memorandum to the Indian Government makes a number of recommendations in line with the Standard Minimum Rules for the Treatment of Prisoners, including the establishment of independent visitors' boards to visit prisons at any time and the abolition of the use of iron fetters on political prisoners.

On 20 July 1977, Amnesty International appealed to the Acting President of India, B.D. Jatti, appealing on humanitarian grounds for clemency for six political prisoners under sentence of death in West Bengal. So far, none of them has been executed, and during their visit to the state the Amnesty International delegates were informed that the six would not be executed (one of them has since escaped from prison). The West Bengal state Government opposes the death penalty. The Law Minister in the central Government told Amnesty International during its mission that the abolition of the death penalty was currently under discussion, but that the central Government did not have any concrete plans for its abolition in India.

Indonesia (the Republic of)

In March 1978 President Suharto was re-elected, unopposed, for a third term of office. He used the occasion to carry out a substantial Cabinet reshuffle, dismissing the only representatives of civilian political parties and introducing more military officers.

The human rights situation in Indonesia is still one of the most serious in the world. Tens of thousands of political prisoners have now been in detention without charge or trial since 1965, and 1978 saw the arrest of many hundreds of students and intellectuals, as well as supporters of the main Islamic political party in Indonesia, the *Partai Persatuan Pembangunan* (Development and Unity Party).

In October 1977 Amnesty International published a detailed report in which it estimated that there were, at the time, at least 55,000 political prisoners in Indonesia. The report states that, during the period since 1965, fewer than 900 prisoners have been brought to trial, and in no case has a court been known to acquit a

defendant. It records known cases of the ill-treatment of prisoners, of widespread forced labour, of prisoners arrested while they were minors and of the arbitrary imprisonment of tens of thousands of ordinary Indonesian citizens whose only crime was that they were members of or sympathizers with political parties which were legal before the sudden change of government in September 1965.

In December 1977, in accordance with a previously proclaimed plan, the Government announced the release of 10,000 prisoners from detention centers throughout Indonesia. The Government claims that, after these releases, the total number of people still in detention stands at 19,791 and has stated that all of them will be released by the end of 1979. However, this statement was subsequently modified by Admiral Sudomo, then chief of staff of *Kopkamtib* (the state security agency), who said that certain "diehards" will remain in detention after this date (*Tempo*, Jakarta, 2 December 1977).

It is clear that the chief criteria for releasing prisoners—certainly the 1,501 released from the island prison of Buru—were old age and chronic ill-health. Of those released from Buru, some had to be carried on stretchers to boats taking them to Java and two died on the journey to Surabaya; 12 of the prisoners had to be taken from the quayside straight to hospital; 196 of them were suffering from tuberculosis, while among 300 others there were cases of asthma, high blood pressure, hernia, jaundice and other illnesses.

The Bandung newspaper, *Pikiran Rakyat* (19 January 1978), reported the release from prison of two men of seventy-seven held for over 12 years without trial, and in June 1978 Amnesty International learnt that a man of eighty-one had been released two months earlier from Nusakambangan prison in Central Java. Of the 529 prisoners who returned to their homes in the province of Central Java after release from Buru, all were classified as old or chronically ill (*Kompas* 28 December 1977 and *Tempo* 7 January 1978, Jakarta).

Released prisoners face many problems, not the least being the difficulty of finding any employment. The Government has decreed that they are banned from employment in the public sector and in "vital industries". The latter phrase has been interpreted so broadly that private employers—including foreign concerns—are afraid to hire former political prisoners. Social relief organizations in Indonesia report that hardly more than two per cent of those released have been able to find work. Others survive by borrowing small amounts of capital from relatives or welfare organizations to set themselves up as small traders, but most of them are forced to rely on family and friends for financial support. Many of those released are former civil servants, all of whom have lost their pension rights.

To coincide with the December releases, the Government invited several Indonesian and foreign journalists to Buru for the first time in many years: their reports have appeared in the *Washington Post*, *Newsweek* (USA), *The Economist* (London), *De Telegraaf* (Amsterdam), *Far Eastern Economic Review* (Hong Kong), *The Asian Wall Street Journal* (Hong Kong), *Asahi Shimbun* (Tokyo), *Kompas* and *Tempo* (Jakarta). They have substantiated the description of conditions on the island given in the Amnesty International report published in October 1977. Forced labour is the norm for all but a few privileged prisoners on the island; furthermore, the prisoners are forced to give "gifts" of cash to departing commanders and officers. Medical facilities are still grossly inadequate, with tuberculosis a major problem. At least 16 cases of leprosy were reported, and

cancer, hernias, hepatitis, tuberculosis and other serious illnesses are not properly treated. Pramudya Ananta Tur, Indonesia's most famous novelist and a political prisoner since 1965, estimated that only 20 or 30 prisoners would opt to stay on Buru if they had a free choice. Prisoners freely told the visiting journalists that beatings, torture and suicides had been common in the past. Contact with the outside world is completely forbidden and some prisoners had not received letters since 1969, although Amnesty International has been informed recently that this situation has improved.

The state of health of those still detained now gives cause for serious concern. According to information received by Amnesty International, in many detention camps up to fifty per cent of the detainees are in need of medical attention in any one month. Although Government doctors now visit all detention centers, in most cases the prisoners themselves or their families have to pay for any medicines prescribed. Where prisoners are not in a position to pay for medical attention, they often have to do without.

It is evident from information received by Amnesty International that the Indonesian Government has now shelved its plans for a wholesale "resettlement" of released political prisoners. It would appear that less than 10 per cent of the 10,000 prisoners released in December 1977 have been resettled. Nevertheless, cases of forcible "resettlement" still occur. Two cases known to Amnesty International are those of Ie Keng Heng and Ban Sen Hok, both of whom were forcibly "resettled" following their "release" from prison in Ujung Pandang to Kendari in South East Sulawesi. Ie Keng Heng has now been sent back to Ujung Pandang from Kendari because it was discovered that he was suffering from leprosy and has been transferred to a military hospital there. In April 1978 Amnesty International wrote to the Indonesian Government to ask that forcible resettlement of released prisoners cease forthwith.

In December 1977 the Association of Indonesian Lawyers (*Peradin*) announced a campaign for greater respect for human rights and called for the full application in Indonesia of the United Nations Declaration of Human Rights. In particular they appealed for the dissolution of *Kopkamtib*, the end of arbitrary arrest and the abolition of the death penalty. They also called for the immediate repeal of Presidential Regulation No.11 of 1962 which allows for detention without trial.

In the past twelve months, however, the human rights situation in Indonesia has deteriorated and there has been a considerable number of new arrests. Amnesty International has taken up the cases of many of these prisoners of conscience and is currently investigating others. One is Sawito Kartowibowo, a Javanese mystic, charged with plotting between 1972 and 1976 to make President Suharto resign the presidency. Sawito drafted a number of documents which accused the Suharto administration of corruption, of responsibility for the decline in the standards of public life, and of having "stopped the pulse of legal sovereignty". These documents were intended to bring about a transfer of authority from President Suharto to a committee of four, led by Dr Mohammed Hatta, the former Vice-President of Indonesia. The documents were signed by Dr Hatta, as well as by the heads of Catholic, Protestant, Muslim and mystical religious groups. The public prosecutor has asked for a sentence of 20 years' imprisonment for Sawito.

Between January and March 1978 more than 800 students were arrested throughout Indonesia, following widespread unrest over the unopposed re-election

of President Suharto and allegations of corruption against the Presidential family and other senior Ministers. Large numbers are still in detention. The authorities also arrested several prominent figures belonging to Muslim political groups, including Sjaffrudin Prawiranegara, a former Finance Minister and acting President in 1949 (since released), Mahbub Djunaedi, former Chief Editor of the newspaper *Duta Masyarakat*, and a former chairman of *Persatuan Wartawan Indonesia* (PWI—the Indonesian Journalists' Association), Sutomo (more usually called Bung Tomo), a leading figure in the struggle for independence against the Dutch in 1945, Arief Rachman, Assistant Rector of the Jakarta Teachers' Training College and W.S. Rendra, Indonesia's best known contemporary poet and playwright. Amnesty International has taken up the cases of all these people as prisoners of conscience.

Persistent reports and allegations have also reached the organization of gross violations of human rights in East Timor, which has been occupied by Indonesian troops since December 1975. In a press release on 1 December 1977 Amnesty International criticized the Government of Indonesia for refusing to allow the International Committee of the Red Cross to visit East Timor as requested in a resolution passed by the United Nations General Assembly on 28 November 1977 during its 32nd Session.

Throughout the period covered by this report—July 1977-June 1978—information continued to reach Amnesty International about the ill-treatment of prisoners in detention. Several of the foreign journalists who visited Buru in December 1977 were told by prisoners of past beatings and torture. In March 1978 a number of police officers were convicted of torturing someone in police detention to death. This is the first known case in Indonesia in which officers have been convicted on such a charge. Amnesty International has also received repeated allegations that a number of students and Muslim activists, including W.S. Rendra, were ill-treated in their first weeks in prison by criminal prisoners with the encouragement of military guards. A number of those recently arrested have also been held incommunicado.

Amnesty International has continued during the past year to make its work on Indonesia a high priority. When the organization received the Nobel Peace Prize in 1977, it made a special appeal to President Suharto for the release from detention of Sukijah, a young woman at present detained in Plantungan prison in Central Java. When she was arrested in 1965 she was thirteen years old and she has spent the last thirteen years in prison without charge or trial because of her membership of a leftist youth group. In October 1977 a correspondent of the *Far Eastern Economic Review* met her in Plantungan prison and spoke of her in these words: "Politically illiterate and utterly ingenuous, Sukijah has spent almost half her life in prison because no one, it seems, has ever bothered to review her case." Sukijah is one of many prisoners of conscience arrested when they were in their early teens.

Amnesty International's attention has also been drawn to violations of human rights which have occurred on several of the more remote islands of the Indonesian archipelago. The organization has taken up as adoption cases five men accused of having signed and distributed a twenty-paragraph declaration calling for the independence of Irian Jaya (formerly West New Guinea) from Indonesia. They were arrested in February 1975 and were sentenced in March 1977 by the

state court in Jayapura to terms of imprisonment of between five and eight years for subversion and showing contempt for the Head of State.

In a letter to Admiral Sudomo in April 1978, Amnesty International urged the Indonesian Government to reconsider its release program and to release immediately and unconditionally the tens of thousands of political prisoners it continues to hold. In a continuing campaign which followed the publication of its report on Indonesia, Amnesty International national sections and coordination groups have called for the release of all political prisoners in Indonesia. In June 1976, Amnesty International submitted a memorandum on political imprisonment in Indonesia to the United Nations Commission on Human Rights, and at its meeting in Geneva in March 1977, the Commission named Indonesia as one of nine countries where it was investigating violations of human rights. In October 1977, two Amnesty International representatives, the coordinator on Indonesia for Amnesty International's United States section, and the head of the Asia Region of the Research Department in the International Secretariat, appeared before the US Congressional Sub-committee on International Organizations to testify on Indonesian political imprisonment.

Despite the adoption by Amnesty International of many new prisoners of conscience in Indonesia in the past twelve months, the gravest human rights problem in the country is still the continued detention of tens of thousands of political prisoners without trial since 1965; several hundred of their cases have been taken up individually by Amnesty International. Although the organization has welcomed the Indonesian Government's release of some political prisoners, it has also consistently criticized the Government for failing to release immediately and unconditionally the many other tens of thousands of political prisoners who remain in detention without trial. Amnesty International national sections and coordination groups have continued to work for the immediate and unconditional release of all political prisoners, so that the Indonesian Government can finally make redress for the gross violations of the human rights of vast numbers of prisoners who have been detained now for more than thirteen years without trial.

Japan

During 1977-78, Amnesty International has been concerned about the use of the death penalty as punishment for a variety of criminal offences in Japan.

Largely in connection with acts of violence committed in Japan, the Government of the Prime Minister, Takeo Fukuda, has widened the application of the death penalty. On 12 May 1978 the Japanese Diet (Parliament) passed legislation introducing the death penalty for killings which occur during the hijacking of aircraft or the seizure of diplomatic establishments. The new legislation came into force on 5 June 1978.

In a letter to the Prime Minister on 21 June, Amnesty International expressed its concern and regret at the introduction of legislation broadening the availability of the death penalty in Japan. The letter explained that Amnesty International opposes the imposition of death sentences in all cases and urges the abolition of the death penalty in all countries. Noting that in Japan a high proportion of those convicted of capital offences are executed, Amnesty International urged the Government to recommend that all death sentences be commuted. Between 1969 and 1973 seventy-one people were executed in Japan for crimes which included

homicide and homicide related to robbery or rape. In March 1977 Amnesty International appealed on behalf of Masao Akahori, who has been imprisoned under sentence of death since his conviction for murder in 1958. In its letter of 21 June Amnesty International again urged that his sentence be commuted on humanitarian grounds.

In the same letter, Amnesty International warmly welcomed the Japanese Government's decision, taken on 30 May, to sign the United Nations International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights. Amnesty International welcomed the fact that this decision would lead to the establishment of internationally recognized standards for the protection of human rights in Japan. Amnesty International urged the Government to take early steps to ensure the full ratification of the Covenants and that Japan would accede to the Optional Protocol to the Covenant on Civil and Political Rights. Amnesty International urged the Japanese Government to take these steps in order to make certain that the two Covenants have the greatest possible effectiveness in the protection of human rights in Japan.

Kampuchea (Democratic Kampuchea) [Cambodia]

The human rights situation in Democratic Kampuchea, as described by newly-arrived Cambodian refugees in 1977-78, has continued to be characterized by gross violations of human rights.

Three years after the change of government in Cambodia in April 1975, citizens in Democratic Kampuchea are still liable, without any legal process, to be summarily executed or sent to carry out hard labour in work camps for any act considered "hostile" to the authorities. Apart from the Constitution adopted in January 1976, the country does not appear to have adopted any laws or set up any judicial institutions. The 1976 Constitution states that the judiciary is formed of the people's courts of justice which "... defend the people's democratic liberties" and "punish any act directed against the people's State." There is no evidence, however, from either official or unofficial sources, that "people's courts" have been established. The Constitution also defines as follows the acts "... transgressing the people's State:

- any systematic hostile or destructive activity that endangers the people's State receives the most severe punishment;
- any case besides the above mentioned activities is treated by means of re-education within the State's organs or people's organizations."

Apart from the implications of such loosely-worded provisions, since 1975 Cambodian refugees have consistently reported that justice is summarily and arbitrarily executed entirely at the discretion of political authorities.

In a speech at the end of September 1977, the Prime Minister of Democratic Kampuchea, Pol Pot, defined the potential objects of repression in the country as "reactionary elements" who continued to carry out activities "against the Cambodian revolution". He said that they constituted "one or two per cent of the population" and that those among them who can be "won over and corrected to the people's side" must be "educated", that "reluctant elements" must be "neutralized" and that those "who are cruel and determinedly oppose the revolution" must be "eradicated".