

that they had not received adequate medical treatment, and had been refused the remission of sentence normally given to non-political prisoners. The petitions also questioned the use of solitary confinement and complained of torture and ill-treatment resulting in bones in the hands and legs of prisoners being broken. Some of these allegations dated from 1972. A Supreme Court order of August directed that proper medical treatment be given to all four prisoners and that during meetings with relatives "no policemen should be allowed to remain present to overhear the conversation" (*Indian Express*, 29 August 1981).

On 22 December 1981 Amnesty International wrote to the Federal Home Minister, Zail Singh, to express its concern at continuing reports that political activists had been killed in various Indian states. Although the police stated that they had died in "encounters" with the police there was evidence that they had in fact been killed by the police after arrest, in many instances after being tortured. During the last 10 years Amnesty International received reports of such killings from almost every Indian state: Andhra Pradesh, Bihar, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal. Amnesty International was not aware of any cases where criminal proceedings against individual police officers involved had been instituted and completed. In its letter it mentioned several instances reported in the Indian press where police officers identified in "encounter" killings had in fact been financially rewarded.

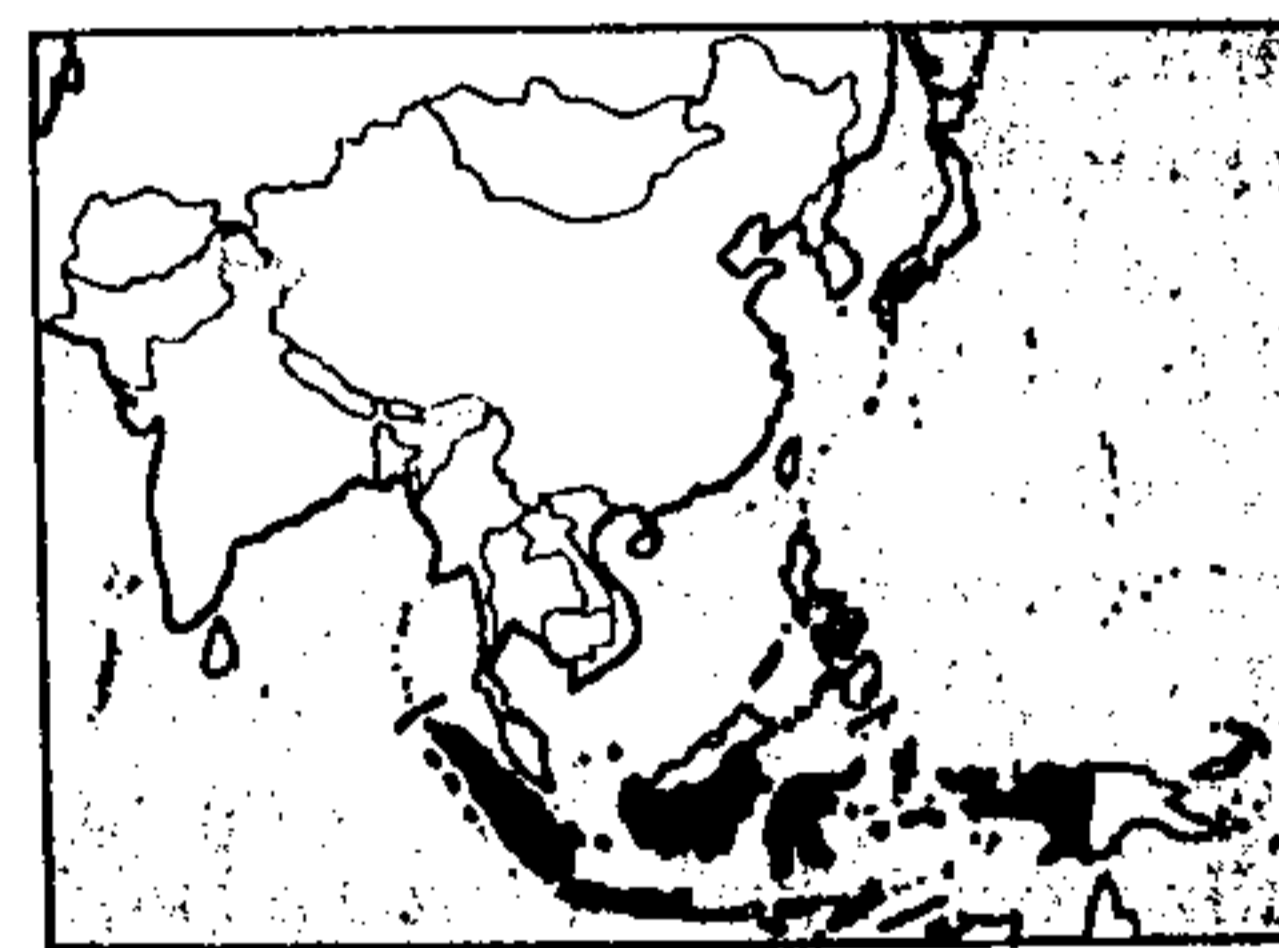
On 9 December 1981 Amnesty International wrote to the Chief Minister of Tamil Nadu urging the establishment of judicial inquiries to investigate reports that 13 alleged Naxalites had died in "encounters" in the state between August and December 1980 (see *Amnesty International Report 1981*). On 16 December Amnesty International wrote to the Chief Minister of Andhra Pradesh to inquire about reports in the Indian press that since late 1980 there had been a recurrence of killings of alleged Naxalites in Andhra Pradesh. It asked specifically about 11 such "encounter" killings which had occurred in the state between September 1980 and July 1981. In several cases there were witnesses to the arrests. To Amnesty International's knowledge, a magisterial inquiry had only been ordered in one instance. The outcome was not known.

Amnesty International asked the central government to review legislation in force in various Indian states which allows police to fire upon suspects in areas declared by the government to be Disturbed Areas. It named the Andhra Pradesh (Suppression of Disturbances) Act specifically. It said that it believed such legislation facilitated the killing of suspected political activists by the police after arrest. Such

legislation therefore allowed the arbitrary deprivation of life in contravention of the principles laid down in Article 6 of the International Covenant on Civil and Political Rights which India ratified in 1979.

Amnesty International continued to appeal on behalf of prisoners facing execution throughout 1981. On 17 June Amnesty International wrote to President Neelam Sanjiva Reddy about Maqbool Ahmed Butt, a journalist and former President of the Jammu and Kashmir National Liberation Front, who was found guilty of the murder of an Indian intelligence officer in 1968 and sentenced to death in 1976 under the 1948 Enemy Agents Ordinance. It expressed concern that there was apparently no appeal against sentence for people convicted under the ordinance and appealed to the President for clemency.

On 7 November 1981 the Supreme Court stayed all executions in India pending judgment on a petition brought by two men condemned to death for murder: Ranga Kuljit Singh and Billa Jasbir Singh. The petition argued that the President, who had earlier rejected their mercy petition, had to exercise his powers of clemency fairly and reasonably and should state the reasons for rejecting clemency petitions. Lawyers argued that the President's powers of clemency under Article 72 of the constitution should be subject to rules and standards equally applicable to all. Following the Supreme Court's decision Amnesty International wrote to the President welcoming the decision of the Supreme Court to stay executions and urging him to grant clemency to all prisoners whose mercy petitions had been rejected. It urged the government to take steps to abolish the death penalty.



Indonesia and East Timor

Amnesty International was concerned about the treatment of people arrested in connection with the 1965 coup attempt. Some were still in detention and several hundred thousand others had been released but still suffered restrictions on their civil and political rights. It was also concerned about the prolonged imprisonment without trial of Muslim political activists, some of whom might have been detained for their religious and political beliefs, and about arbitrary arrests, ill-

treatment and torture of prisoners in areas where secessionist movements were active. Amnesty International continued to receive reports that East Timorese who opposed the Indonesian occupation of that territory had "disappeared", been imprisoned without trial in deplorable conditions and summarily executed. Amnesty International was also concerned that a number of people were under sentence of death.

Most of the untried political prisoners arrested after the alleged 1965 coup attempt had been released by the end of 1979 when the government completed its "phased release program". The government also issued a decree in November 1979 making tried political prisoners eligible for remission of their sentences on the same basis as convicted criminals. Amnesty International welcomed these steps but was concerned about the restrictions imposed on released prisoners and the apparently arbitrary application of the remission decree.

A special action by Amnesty International on behalf of released prisoners whose rights were restricted continued during the first months of 1981. National and local officials, employers and other groups were urged to ease the reintegration of released detainees. There was little evidence of any relaxation in government policy towards released detainees during 1981. Amnesty International continued to receive reports that released prisoners had their movements restricted, had marked identity cards identifying them as ex-detainees, and were excluded from employment in the public sector and in "vital industries" (see *Amnesty International Report 1981*). In December 1981 it was announced that 43,086 people who had been imprisoned for alleged involvement in the 1965 coup were to be denied the vote in the elections.

On 4 October, five people were arrested after a lecture by the prominent Indonesian novelist Pramoedya Ananta Toer. He had been adopted as a prisoner of conscience by Amnesty International until his release in December 1979. In May 1981 the Attorney General had banned the two novels he had published since his release. On 24 September 1981 a seminar at the University of Indonesia in Jakarta to which he had been invited to speak was stopped in mid-course. On 4 October Jusuf Ishak, a director of the company which had published the banned novels, was arrested by the Jakarta branch of the security agency, KOPKAMTIB. Jusuf Ishak had been adopted by Amnesty International as a prisoner of conscience during his imprisonment from 1969 to 1975 for alleged involvement in the 1965 coup. Four students, including Jusuf Ishak's son Verdi Jusuf, who were alleged to have organized the seminar, were arrested at the same time. Pramoedya Ananta Toer, although technically not under arrest, was subjected to several day-long interrogations. The students were

released on 10 October. Jusuf Ishak was moved to the Jakarta KOPKAMTIB detention centre in Jalan Kramat V where he was still held incommunicado and without charge at the end of 1981. He was adopted by Amnesty International as a prisoner of conscience.

Amnesty International received frequent reports of police brutality towards people in custody. In September 1981 the *Dewan Perwakilan Rakyat* (DPR), the Indonesian parliament, passed a new code of criminal procedure. It introduced pre-trial judicial investigation; maximum periods for detention without charge or trial; compensation for wrongful detention or conviction; and access to legal assistance including during interrogation. However these safeguards did not apply to people detained under certain "special laws", including those in cases involving national security. The security agency KOPKAMTIB was still empowered to make arrests without reference to the new judicial procedures.

Amnesty International was concerned about some 350 prisoners who had been tried in connection with the alleged 1965 coup but did not benefit from the remission decree of November 1979. Some were adopted prisoners of conscience. Under the decree political prisoners may have their sentences reduced each year, at the discretion of the authorities they may be released on parole. Amnesty International was disturbed by the many obstacles to the uniform application of the decree. Prisoners applying for remission or parole had to pay "administrative costs" until appeals by prosecutors had been heard. Applications for remission or parole had to be endorsed by the court which originally tried the applicant's case. Another problem was that prison sentences often ran from the date the sentence became effective, which in some cases was several years after arrest. Ratna Juwita, detained in Tangerang prison near Jakarta and adopted by Amnesty International as a prisoner of conscience, was arrested in March 1968 but not sentenced until September 1974. She has been detained for more than 13 years but because her 12-year sentence ran from the date the Supreme Court rejected her appeal in 1979, even after remission she might not be released until 1988. Two other women held in Tangerang — Sri Ambar and Suharti Harsono — were released in May 1981. The two women had been sentenced to 15 years' imprisonment in 1975. Because their sentences were dated from the time of their arrest they had become eligible for release after remission. On 17 August 1981, Indonesian Independence Day, on which remission and parole are traditionally granted to prisoners, Amnesty International urged President Suharto to remove obstacles to the granting of remission and parole.

Amnesty International also asked the President to commute the death sentences on people convicted of involvement in the 1965 coup.

Among the 350 prisoners tried for involvement in the 1965 coup approximately 50 prisoners were under sentence of death and were not eligible for remission. On 29 April 1981 Amnesty International wrote to President Suharto pointing out that although members of the government had unofficially indicated that none of these prisoners would be executed, there was no possibility of their receiving remission and eventually being released. It submitted a list of 58 such people. On 14 December 1981 two people on this list — former Deputy Prime Minister Subandrio, adopted by Amnesty International as a prisoner of conscience, and former Air Force Commander Omar Dhani — were informed that their sentences had been commuted.

Since 1977 large numbers of people identified as Muslim political activists had been arrested in Jakarta, North and South Sumatra, and West, Central and East Java. Several were charged with being members of the *Kommando Jihad* (Holy War Command), allegedly an organization dedicated to the violent overthrow of the government and the institution of an Islamic state. However statements by officials indicated that the name *Kommando Jihad* was applied indiscriminately by the authorities to a variety of militant Islamic groups acting independently of each other. Many of those charged with involvement with the *Kommando Jihad* had been active members of the legal Muslim opposition party, the *Partai Persatuan Pembangunan* (PPP), United Development Party. A number were held without trial. Amnesty International was concerned that they might have been detained for the legitimate exercise of their political and religious beliefs. Most were arrested in 1977 and 1978 in the period of the general elections, in which the PPP was the chief opposition to the government-backed organization *Golkar*.

In November 1981 the *Lembaga Bantuan Hukum*, Legal Aid Institute, a non-governmental organization, estimated that about 400 Muslim activists were detained throughout Indonesia. They included approximately 100 in Jakarta and 50 in Bandung. A number were alleged followers of Imran bin Muhammad Zein, who was arrested on 7 April 1981. He was accused of masterminding the hijacking of an Indonesian airliner to Bangkok on 28 March 1981 and other subversive acts. The arrest of 13 employees of the secretariat of the DPR (parliament) allegedly involved in the *Kommando Jihad* was announced on 10 November 1981. Amnesty International was investigating the charges against Muslim detainees.

Amnesty International was concerned by reports of human rights violations by the Indonesian army in Aceh in North Sumatra. In its campaign to suppress the secessionist movement known as the Aceh National Liberation Front (ANLF) the army reportedly arrested and

ill-treated people allegedly involved and also members of the wider population. Prominent members of the Acehnese community were arrested, tried and sentenced to long periods of imprisonment despite evidence that they were not associated with the ANLF. They included Ahmad Arif, former head of religious education in the Department of Religion in the district of Pidie, and Muhammad Nuh Usman, formerly chairman of the District Assembly of Pidie. Both were sentenced to 13 years' imprisonment in mid-1977 on charges of being sympathetic to the ANLF. Marzuki Saleh, reportedly sentenced to three years' imprisonment in 1976 for distributing leaflets for the ANLF, was believed to be still detained in Banda Aceh although his sentence had expired. Amnesty International was investigating these cases. Several people related to leading ANLF members, including wives and children not themselves associated with the ANLF, were detained without trial, presumably to induce their relatives to surrender to the authorities. Amnesty International was investigating three such cases. Amnesty International was also concerned that people arrested for alleged involvement with the ANLF had been held for up to four years without trial, and about reports that people held by the authorities, whether associated with the ANLF or not, had been ill-treated and tortured.

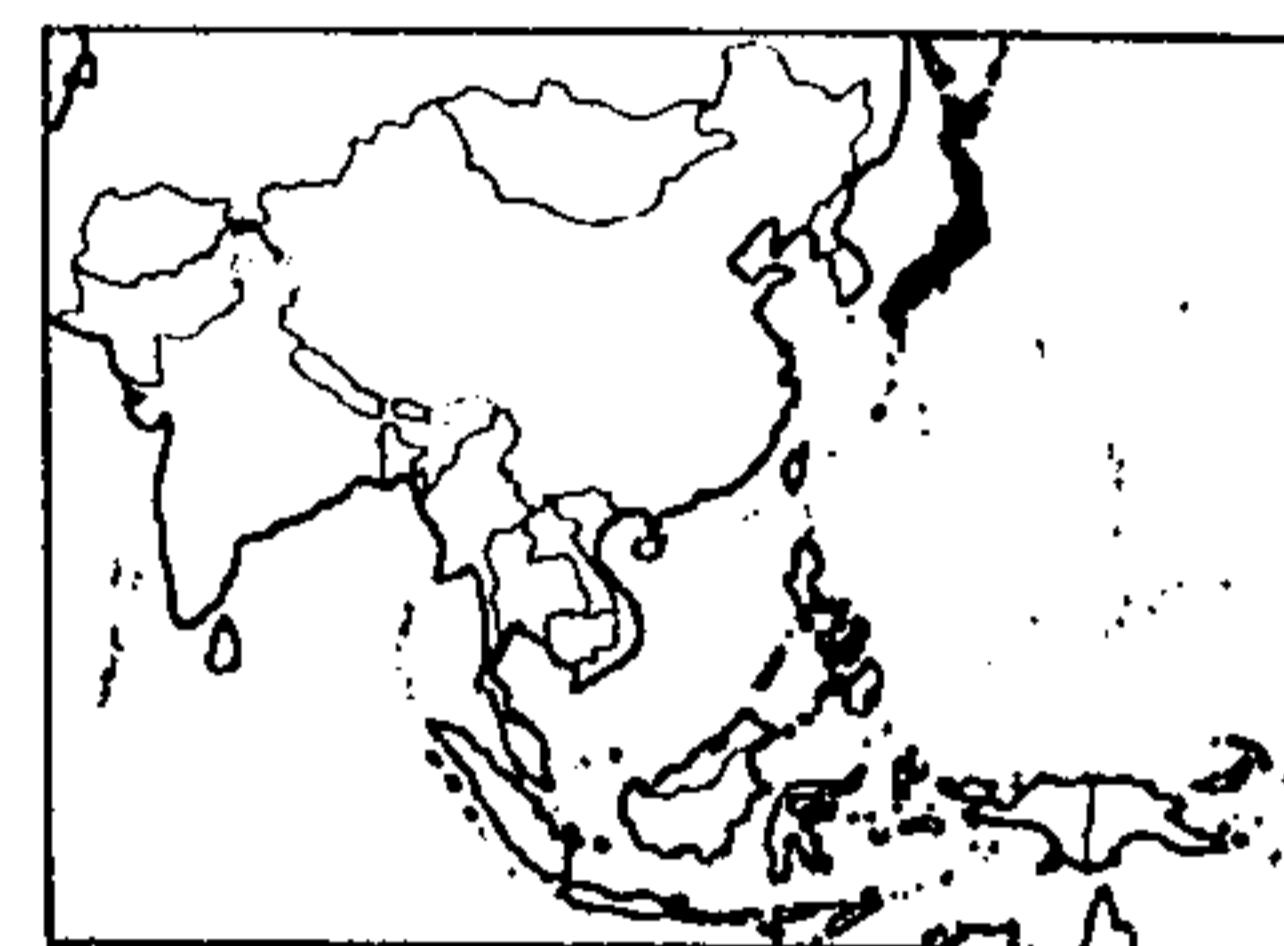
Amnesty International continued to work on behalf of several detainees held for political activities in Irian Jaya, formerly West Irian. They included Willybal Rum and Anton Tewa, the two remaining detainees of five sentenced for having signed the so-called Serui declaration, issued in 1975, which called for the independence of Irian Jaya. In February 1981 Anton Tewa was released from Kalikosok prison, Surabaya. Willybal Rum was believed to be still detained at the end of the year. Amnesty International was investigating the cases of six women arrested for allegedly having hoisted the Papuan flag in front of the office of the Governor of Irian Jaya on 4 August 1980 and one man alleged to have been involved in organizing the incident. Amnesty International adopted as prisoners of conscience Dirk Giryapon and Silas Giay. They were arrested in March 1981 after presenting a petition to the governor calling for independence. They were detained in the military headquarters (KODAM XVII — KASAK) in Jayapura. In April 1981 there were reportedly 64 other political prisoners there. Other prisoners detained for political reasons, most associated with the secessionist movement *Organisasi Papua Merdeka*, Free Papua Organization, were held in prisons in Biak, Manokwari and Serui.

Amnesty International continued to be concerned about violations of human rights in East Timor, occupied by Indonesian forces since December 1975. In 1981 Amnesty International received further

reports of imprisonment and summary executions. It also received new evidence confirming "disappearances" of people taken into custody by Indonesian troops. In June and October 1981 Amnesty International made submissions on its concerns in East Timor to the Sub-committee on Petitions, Information and Assistance of the United Nations Special Committee on Decolonization and to the Fourth Committee of the UN General Assembly. On both occasions Amnesty International noted that it could not regard the information available to it as complete in view of the restrictions on access and information imposed by the Indonesian occupation forces. In its October submission Amnesty International informed the committee that it had received reports that a number of people who had "disappeared" had in fact been killed shortly after being taken into custody. Amnesty International also received reports that large numbers of East Timorese were imprisoned without trial. These reports indicated that at least 2,000 detainees were held in the former Dili District Prison, called Cadeia Comarca under the Portuguese administration and now referred to as the Comarca, and the island of Atauro off the main island of Timor. Those held in the Comarca were reported to be predominantly former combatants, while those held on Atauro were said to be civilians often held simply on suspicion of being sympathetic to independence. Conditions in both places were reported to be harsh. On Atauro detainees were forced to build their own quarters and grow their own food. Amnesty International has also received unconfirmed reports of detainees held in other places, both in East Timor and on other islands. The case of David Ximenes who "disappeared" after being arrested in June 1980 (see *Amnesty International Report 1981*) was referred to the United Nations Working Group on Enforced or Involuntary Disappearances, as was further information on 22 previous cases. Amnesty International received unconfirmed reports that David Ximenes might be held on Atauro.

In November 1981 Indonesian occupation forces arrested five East Timorese including two members of the Indonesian-appointed Regional People's Representative Assembly (*Dewan Perwakilan Rakyat Daerah*, DPRD). They had written to President Suharto alleging serious misconduct by Indonesian officials and military personnel including the killing of East Timorese who had practised "black magic". The five were reportedly released on 30 December 1981. The international press gave considerable publicity in December to a letter from a senior member of the Catholic Church in East Timor. It alleged among other things that 500 Timorese civilians (apparently not engaged in combat) had been executed by Indonesian forces during an operation from July to September 1981.

Under Indonesian law the death penalty may be imposed for a wide range of offences, including premeditated murder, subversion, treason, hijacking and drug trafficking. At the beginning of 1981, according to official figures, five people were under sentence of death besides the approximately 50 sentenced to death in connection with the 1965 coup. On 7 July 1981 Amnesty International sent a telegram to President Suharto urging commutation of the death sentence passed by the Priangan (West Java) military court on Sergeant Eddy Maulana Sampak Bin Santaka in mid-June for murder. Amnesty International received no reports of executions during the year.



Japan

Amnesty International continued to appeal for the commutation of all death sentences and an end to executions, pending the abolition of the death penalty.

At least 40 prisoners were under sentence of death for murder.

Eighteen of them had had their sentences confirmed by the Supreme Court, three during 1981. Amnesty International appealed for the commutation of the death sentences on Teruo Ono and Tatekawa Shujiro, confirmed by the Supreme Court on 16 and 26 June 1981. Three death sentences were imposed for murder by courts of first instance. Amnesty International learned of one execution in late 1981. The death penalty may be imposed for 17 criminal offences, 12 under the penal code and five under other laws.