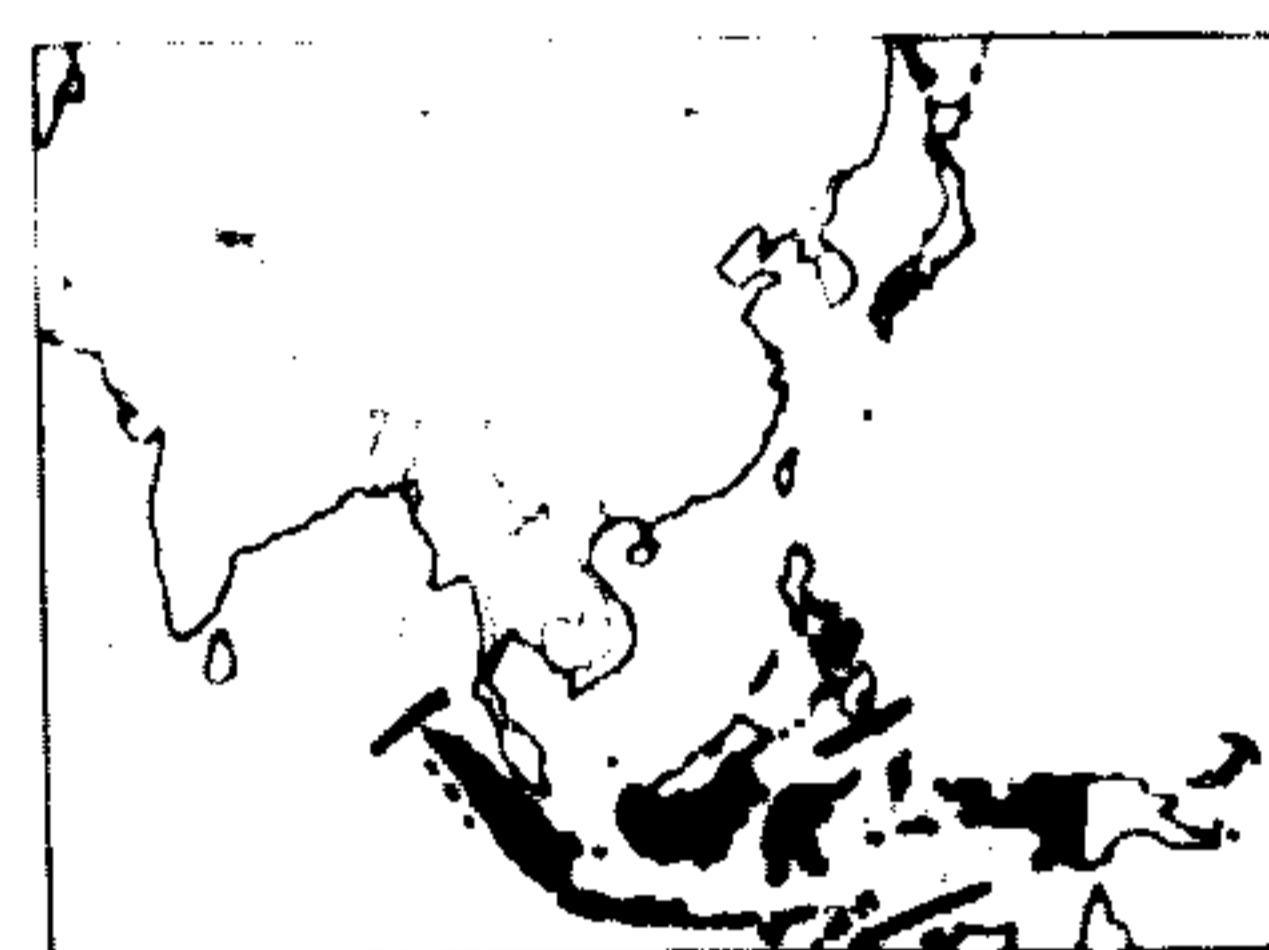


forces could arrest people only if they had committed or were likely to commit an offence, and that custody of a person arrested by the army must be transferred without delay to the police.

Amnesty International was concerned by continued reports from several states of killings of political activists alleged to be Naxalites in alleged "encounters" with the police. In many cases there was evidence that victims had been killed after arrest by the police, often after torture. Detailed investigations into "encounter" killings continued to be carried out by certain Indian newspapers, notably the *Indian Express* and *Sunday*, and by a number of civil liberties organizations within India. In one such investigation the Andhra Pradesh Civil Liberties Committee concluded that two young Naxalites - Ankam Narayana, aged 25, and Vsam Gajender, aged 23 - were not tracked down and killed in an exchange of gunfire as claimed by state police, but were arrested and then killed by police on 27 January 1982. Amnesty International received reports on the death of Kulwant Singh in Punjab state, allegedly killed in an exchange of gunfire by police on the night of 10/11 June 1982. An unofficial inquiry by lawyers in the Punjab stated that Kulwant Singh had been in police custody for some days before 10 June, and that the police version of his death was incompatible with evidence of serious injuries caused by torture and shootings which appeared in the post mortem report.

On 31 January 1982 two men condemned to death for murder - Ranga Kuljit Singh and Billa Jasbir Singh - were hanged in Tihar Jail, Delhi, after the Supreme Court had lifted its order halting executions (see *Amnesty International Report 1982*). Amnesty International had consistently urged that their sentences be commuted. In January 1982 there were reportedly 138 prisoners under sentence of death in India.



Indonesia and East Timor

Amnesty International was concerned about the continued imprisonment of prisoners in connection with the alleged coup of October 1965, some of whom had been in prison for more than 18 years. Amnesty International was

particularly concerned at the length of prison terms imposed after unfair trials. Amnesty International was also concerned about the detention, for the most part without trial, of other alleged political opponents of the government including several hundred Muslim detainees and people alleged to be associated with secessionist movements in Irian Jaya. Amnesty International continued to receive reports from the Indonesian-occupied territory of East Timor indicating the detention without trial of increasing numbers of East Timorese and information corroborating earlier reports of arbitrary killings and "disappearances". Amnesty International was concerned about new death sentences imposed and about the uncertain status of people sentenced to death, some of whom had been under sentence of death for many years, including a number sentenced for alleged crimes of a political nature.

Amnesty International believed that there were still approximately 350 people who had been tried for offences related to the alleged coup of October 1965 held in prisons throughout the country. Although Amnesty International learned of the release of a number of such prisoners during the year, it still appeared that government regulations regarding parole and remission were not implemented uniformly. Two Amnesty International adopted prisoners of conscience - Achmad Imron and Suwardiningsih - both originally sentenced to life imprisonment, were released from Palembang prison after almost 17 years on 17 August 1982 after receiving commutation and remission of their sentences. However, another adopted prisoner - Achmad bin Cholik - a 72-year-old former President of the *Barisan Tani Indonesia* (BTI), Indonesian Peasants Front, also detained in Palembang but sentenced to the lesser term of 20 years' imprisonment, was not expected to be released until 1986.

Amnesty International was also concerned that a group of approximately 50 of these prisoners who had been sentenced to death were not able to benefit from the regulations governing remission and parole as long as their death sentences stood, although the government had indicated that it was not intended that political prisoners under

sentence of death should be executed. Amnesty International wrote to President Suharto on 15 January 1982 welcoming reports that the death sentences on two prisoners detained in connection with the alleged 1965 coup – Subandrio and Airforce Commander Omar Dhani – had been commuted to life imprisonment in December 1981 and requested a review of the cases of all those sentenced to death. In response to reports that two alleged members of the *Partai Komunis Indonesia* (PKI), Indonesian Communist Party – Munir and Ruslan – faced imminent execution, the Jakarta Attorney-General's Office announced in May 1982 that Munir and Ruslan had been told the previous month that their appeals had been rejected by the High Court in November 1981 and had then decided to appeal to the Supreme Court.

A large proportion of prisoners held in connection with the alleged coup of October 1965, many of whom had reached advanced years, were suffering a variety of ailments, in some cases apparently due to poor prison conditions. Conditions in Cipinang prison near Jakarta, where several prisoners under sentence of death were held, were of particular concern. Several prisoners there were reported to have contracted tuberculosis.

Prisoners allegedly involved in the 1965 coup who had been released continued to face both formal and informal restrictions on their civil and political rights. During 1982 government officials stated that such released prisoners who had professional qualifications could resume their professions. However, Amnesty International continued to receive information indicating that qualified people including doctors and lawyers were unable to pursue their professions. Government statements also continued to call for stricter surveillance of released prisoners, more than a hundred of whom were officially stated to be still required to report regularly to the authorities. During the general elections of May 1982 a reported 43,086 released prisoners were not permitted to vote. In the period before the elections, it was officially stated that former PKI members had instigated riots in Yogyakarta, although no evidence for this was ever offered. Jusuf Ishak, earlier held for six years for alleged involvement in the 1965 coup and adopted as a prisoner of conscience by Amnesty International after his rearrest in October 1981, was released on 23 January 1982. He had been rearrested in connection with a seminar addressed by another released prisoner, the novelist Pramoedyana Ananta Toer (see *Amnesty International Report 1982*). After his release he was required to report regularly to the authorities.

Amnesty International received further reports that several hundred people allegedly associated with the *Organisasi Papua Merdeka* (OPM), Free Papua Movement, were detained, almost all without

trial. As of June 1982 there were reported to be more than 400 prisoners in Jayapura, Wamena and Fakfak alone. Amnesty International also understood that there were people detained for political reasons in other places in Irian Jaya, including Serui, Manokwari and Biak. Amnesty International continued to work on the cases of six women and one man arrested in August 1980 for allegedly having hoisted the Papuan flag (see *Amnesty International Report 1982*). These prisoners, who were reportedly ill-treated in detention, had still not been brought to trial by the end of 1982. Amnesty International was also concerned about reports that a number of prisoners previously held in the military police prison in Jayapura (POMDAM 17) were transferred in June 1982 to a detention camp in Wamena in the remote highlands south of Jayapura, to which access was difficult for their families.

According to figures received by Amnesty International, there were more than 450 Muslims detained for alleged involvement in armed movements dedicated either to secession, as in the case of the Aceh National Liberation Front (ANLF), or to the creation of an Islamic state. A number of people allegedly dedicated to the goal of an Islamic state, collectively referred to by government officials as *Kommando Jihad*, were brought to trial during the year after up to five years in detention. In August 1982 Amnesty International took up for investigation the cases of 11 Muslims detained in prisons in central Java. It subsequently learned that four of these prisoners had been put on trial in Yogyakarta, charged with subversion and possession of firearms. However, Amnesty International had considerable difficulty in obtaining details of the trials, which were not publicized in the Indonesian press.

Considerable publicity was given to the trials during 1982 of Imran bin Muhammad Zein and his followers, who were accused of a number of violent acts including the hijacking of an Indonesian airliner in March 1981. Imran and two others – Salman Hafidz and Ashar bin Mohamad Syafar – were sentenced to death. Amnesty International appealed to President Suharto to commute their sentences. In February 1982 it was reported that a judicial appeal to President Suharto for clemency for Timsar Zubil, another Muslim activist who had allegedly committed violent crimes in Medan, had been rejected.

Despite official statements of concern for the rights of detainees and the introduction in 1981 of a code of criminal procedure incorporating new safeguards, Amnesty International continued to receive reports of ill-treatment in detention and deaths in custody. Amnesty International received reports of the ill-treatment of Muslim prisoners in Mlaten prison in Semarang and Wirogunan prison in Yogyakarta. Amnesty International was informed that two people arrested following

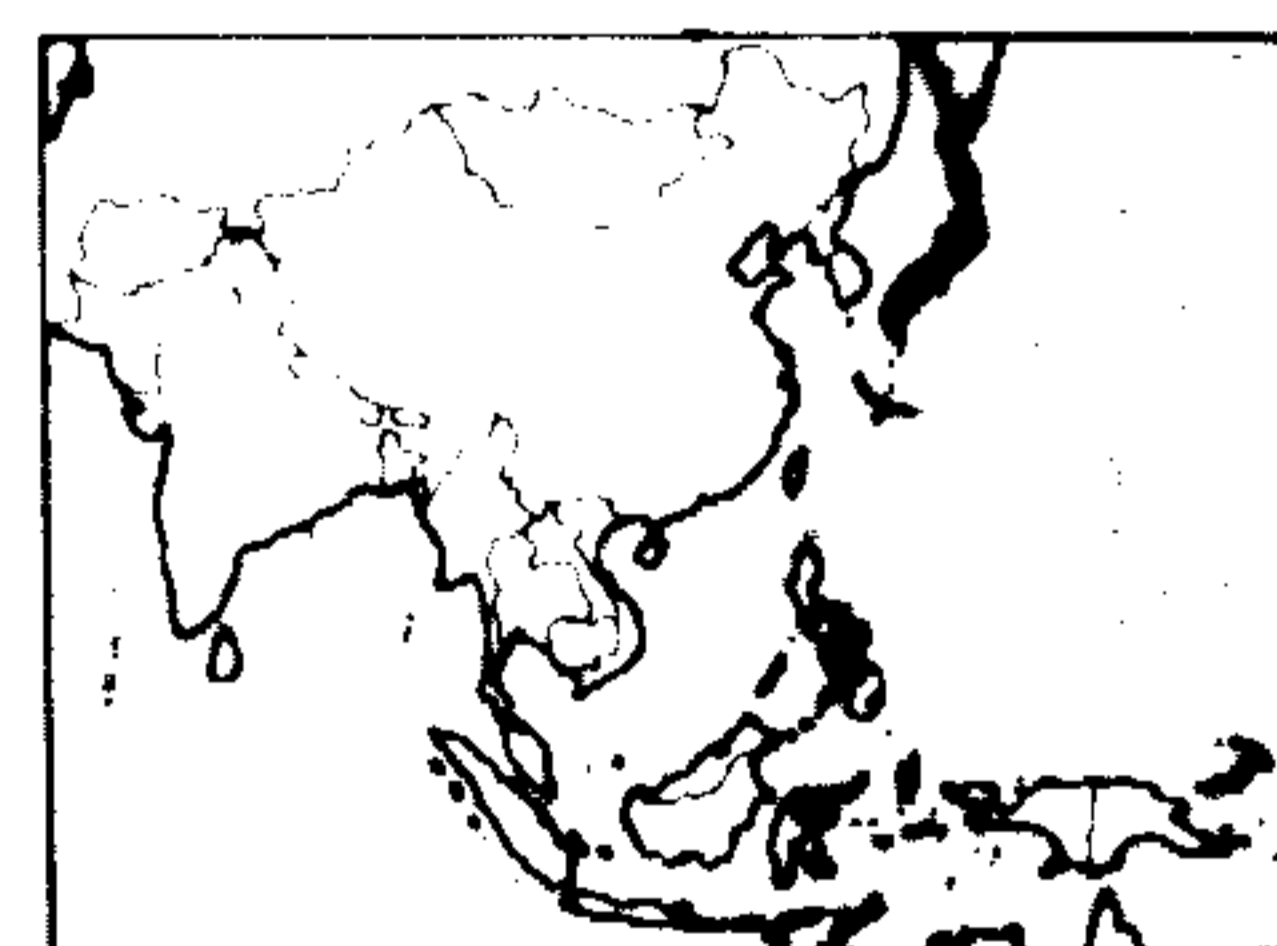
the March 1981 hijacking the father and son Tjut Usman and Zulkarnaen had died in detention either as a result of ill-treatment or of deliberate killing. The case of Haji A. M. Fatwa illustrated the difficulties of gaining redress in cases of alleged ill-treatment. Haji Fatwa wished to bring a civil suit for damages against a number of military personnel including the Minister of Defence and the commander of the security agency KOPKAMTIB after his detention in October 1980 (see *Amnesty International Report 1981*). In the weeks before the opening of the case on 2 November 1982, Haji Fatwa and his five lawyers reported that they had been subjected to various kinds of intimidation. Haji Fatwa complained of an assault by unidentified men on a Jakarta street. The lawyers withdrew from the case stating that the atmosphere surrounding the proceedings was unfavourable to a fair hearing. On 26 November 1982 Amnesty International appealed to the Indonesian Government to protect detainees from torture and ill-treatment and to uphold the right of people so treated to compensation.

The lawyer and former Secretary General of the Indonesian Advocates' Association *Peradin*, (*Persatuan Advokat Indonesia*), Soenardi, was adopted as a prisoner of conscience by Amnesty International after his arrest on 18 April 1982. He had written letters to senior government officials calling for an emergency session of the *Majelis Permusyawaratan Rakyat* (MPR), People's Deliberative Council, to investigate President Suharto's possible involvement in the alleged communist coup of October 1965. Soenardi went on trial in August 1982 charged with insulting the President and circulating information which could create disorder and was sentenced to three years four months' imprisonment in October.

Amnesty International continued to receive disturbing reports about the situation in East Timor, occupied by Indonesian troops since December 1975. These included further reports of imprisonment and confirmation of earlier reports of "disappearances" and arbitrary killings committed by Indonesian forces. On the basis of these and earlier reports, Amnesty International submitted information to the United Nations in November 1982. Amnesty International received further information about those held on the island of Atauro off East Timor. Statements by the Indonesian authorities indicated that the majority of people held on Atauro were held solely because they were related to people known or suspected to be fighting the Indonesian occupation; and that they would be returned to their homes if their relatives surrendered, were captured or killed. In a submission to the Fourth Committee of the United Nations General Assembly Amnesty International stated that it considered the majority of those held on the island to be virtual hostages for their relatives. Amnesty International

was also concerned that the Indonesian authorities should account fully for detainees reported to have been sent to Atauro before June 1981 who were not included in official statistics. A high proportion of those held on Atauro were old people, women and children, including orphans. Conditions on Atauro, which were reported to be harsh in 1981 (see *Amnesty International Report 1982*), were believed to have improved in 1982, due largely to relief programs undertaken by the International Committee of the Red Cross (ICRC). Despite reports said to emanate from official sources that Atauro prison would be closed, possibly by mid-1982, the number of detainees held there, according to official statistics, increased during 1982 from 2,905 at the time of the ICRC visit in February to 3,352 in May to over 3,800 in December.

Amnesty International continued to receive reports of people held in other prisons in East Timor. In February the Indonesian Government officially acknowledged that political prisoners were being held in Dili District Prison (Cadeia Comarca under the Portuguese, renamed Lembaga Pemasyarakatan Dili). However, the number of prisoners held there appeared to have declined substantially from late 1979 when there were understood to be at least 700 political prisoners held there. Amnesty International received reports of the release of some prisoners from the Dili District Prison and the transfer of others to Atauro. Amnesty International also heard of detainees held without trial in other detention centres throughout the territory as well as of people being sent to the Indonesian islands of Flores, Sumbawa and Bali. Amnesty International urged the Indonesian Government to give the ICRC access to prisons other than Dili District Prison and Atauro.



Japan

Amnesty International continued to appeal for the commutation of all death sentences and the abolition of the death penalty.

On 12 March 1982 Amnesty International wrote to the Minister of Justice Michita Sakata about the draft revision of the penal code being prepared by the government for submission to the *Diet* (parliament). Under this draft the number of offences punishable by death would be reduced. In the letter Amnesty International noted that no death sentences had been imposed in recent years for the offences for which the death penalty