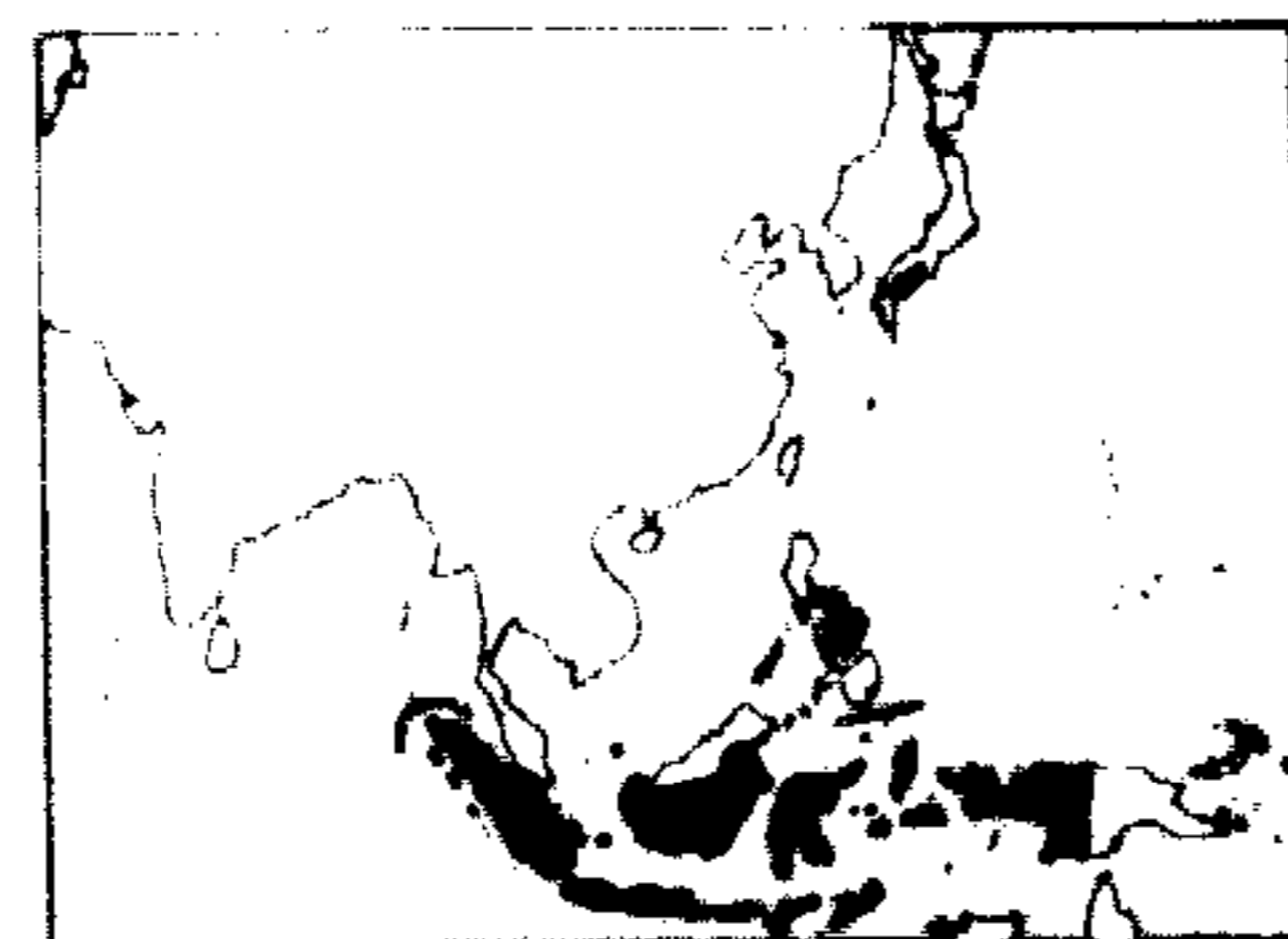


the evidence relied on in support of its conclusions, would allay the suspicion that Peddi Shankar had been shot dead in cold blood by the police. Amnesty International also reiterated its appeal for a full independent inquiry by a judicial authority into all cases of "encounter" killings where there was reason to believe the police had killed people after taking them into custody, and urged the government to consider establishing an independent judicial mechanism before which complaints of such extrajudicial killings could be considered from the entire country. Amnesty International also expressed concern that laws which conferred broadly defined powers to shoot to kill appeared to facilitate the illegal and arbitrary killing of political opponents in a number of Indian states. The organization referred to: the Disturbed Areas Act of Andhra Pradesh; the Armed Forces (Assam and Manipur) Special Powers Act; the Punjab Disturbed Areas Act; the Chandigarh Disturbed Areas Act; and the Armed Forces (Punjab and Chandigarh) Special Powers Act which were enacted following the imposition of presidential rule in Punjab on 6 October 1983 and a declaration on 7 October 1983 that Punjab and Chandigarh were "disturbed areas".

Amnesty International continued to be concerned about the reported execution of people sentenced to death, although some steps towards abolition of the death penalty were taken. On 7 April the Supreme Court declared unconstitutional Section 303 of the Indian penal code which prescribed a mandatory death sentence for people serving sentences of life imprisonment for murder. The Supreme Court commuted several death penalties in 1983, in one case on the grounds that a very lengthy delay in execution was an important reason for commuting the death sentence. Some individuals sentenced to death have been awaiting execution for periods of nine to 11 years. As of 22 April 1983, 21 petitions for mercy were pending with the President, which the Home Ministry stated would be dealt with shortly.

During May and June the Supreme Court stayed the execution of a number of prisoners who had challenged hanging as a cruel and unconstitutional punishment. However, on 23 September the Supreme Court upheld hanging as constitutional and on 9 October executions were resumed, with at least two executions subsequently taking place. Amnesty International asked the government to take steps towards the abolition of the death penalty and to commute the sentences of all prisoners under sentence of death to life imprisonment.



Indonesia and East Timor

Amnesty International was concerned about the persistent use of extralegal methods by the security forces, which resulted in extrajudicial executions; the illegal detention of people without charge or trial on political grounds;

torture; and "disappearances". Several thousand alleged members of criminal gangs were victims of a campaign of extrajudicial killings in which there was considerable evidence of official complicity. As in previous years targets of extralegal practices also included people suspected of supporting secessionist movements in Irian Jaya and Aceh, people suspected of resisting the Indonesian occupation of East Timor, and Muslims suspected of trying to establish an Islamic state. Amnesty International was also concerned that political detainees who had been arrested in connection with the alleged coup of September 1965 continued to serve lengthy prison terms imposed in many cases after trials which failed to meet international standards. The organization was also concerned about the lack of uniformity in the application of policy regarding the sentencing of and the granting of remission and parole to these prisoners; the imposition and carrying out of the death penalty; and the continuing detention for long periods of prisoners held under sentence of death.

There was strong evidence that an officially sanctioned nationwide anti-crime campaign of extrajudicial killings had taken the lives of approximately 4,000 suspected criminals by the end of the year. These killings were carried out without any judicial process to determine the guilt of the victims, who were frequently reported to have been in the custody of the authorities when they were killed. Official comment indicated approval of and acknowledgement of responsibility for the killings. The Minister of Justice, Lieutenant General Ali Said, described the killings as "surgical operations to save the life of the patient". The former Minister of Information, Lieutenant General Ali Murtopo, admitted in July that the killings were being done "in accordance with the regulations of the Ministry of Defence and Security". The many similarities in the circumstances of the killings, the choice of the victims, and the simultaneous outbreak of the killings in provinces throughout Indonesia also pointed to an officially sanctioned campaign. The killings were reportedly being carried out by squads from the army paratroop special unit, *Kopassandha*, working with lists of suspected criminals supplied from police files. From 29 July 1983, Amnesty

International issued repeated appeals to the Indonesian Government to stop the killings. Criticism of the campaign by politicians and human rights organizations within Indonesia and international representations had not persuaded the authorities to halt the campaign, which was still continuing at the end of the year.

Amnesty International was concerned about the continued detention of approximately 300 so-called "A Category" prisoners, who had been arrested and tried in connection with the alleged communist coup of September 1965, many of whom may have been prisoners of conscience. Amnesty International took up for investigation a further 46 of these prisoners during the year, most of them detained in Balikpapan, East Kalimantan and Pamekasan, Madura. The organization was concerned that they may have not received a fair trial and that many were receiving unequal treatment with regard to implementation of rules relating to sentencing, remission and parole.

An instruction issued in November 1978 enabled "A Category" prisoners to have the period of pre-trial detention deducted from their sentences, and in November 1979 they were made eligible for remission and parole on the same terms as ordinary criminal prisoners. During the year Amnesty International learned of the release of some "A Category" prisoners who had benefited from remission, parole or deduction of pre-trial detention from sentence. One prisoner of conscience, Ismail Bakri, was released in August 1983. He had been arrested in June 1967 and had received a life sentence in September 1973. Five years later, his sentence had been commuted to 20 years' dated from the time of his arrest and he subsequently received remission. Three women prisoners, Sudjinah, Ubed Djubaedah and Ratna Djuwita, were released from Tangerang prison near Jakarta, also in August 1983. Ubed Djubaedah had been sentenced to 14 years' imprisonment in September 1974, with no deduction of pre-trial detention, but was eligible for release on parole after receiving remission. However "A Category" prisoners were not treated uniformly. Sundari Abdurachman, whose case was being investigated by Amnesty International, was a former member of parliament who had been arrested in October 1968 and sentenced to life imprisonment in October 1976. Her sentence was commuted to 20 years in August 1982, as permitted by the remission decree, but her eight years of pre-trial detention were not deducted. "A Category" prisoners faced other administrative problems. Where prosecutors or convicted prisoners had appealed against a verdict, sentences sometimes did not begin to run until the prison commander was formally notified of the decision of the appeals court. Release could be further delayed by the failure of the authorities to issue release papers. On 30 December 1983, Amnesty International wrote to President Suharto pointing out some of these

difficulties and urging him to review these cases and to consider taking steps to ensure the consistent application of existing guidelines on sentencing, remission and parole.

The same letter also urged that the procedural safeguards of the *Kitab Undang-Undang Hukum Acara Pidana* (KUHAP), Code of Criminal Procedure, enacted on 31 December 1981, be extended to cover people charged with offences which had been specifically excluded from the protection of the code, including the offences of subversion with which people arrested in connection with 1965 events had been charged. The letter pointed out that such exclusions had been described by the code itself as temporary and that, with the two-year transition period for introduction of the code due to end on 31 December 1983, it might be an appropriate time to consider extending the KUHAP to offences so far excluded.

People detained for political reasons did not generally enjoy the legal protection available to criminal prisoners under the new code. The code provided for 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. In August/November, for example, approximately 25 people, most of them students and civil servants, were arrested without warrant in Jayapura, Irian Jaya, by members of *Kopassandha* for allegedly having links with the *Organisasi Papua Merdeka* (OPM), Free Papua Organization, and at least some of them were held incommunicado in an unauthorized place of detention. Once charged, political detainees often experienced long periods of imprisonment without trial. Six women, who had been arrested in August 1980 for allegedly having hoisted the Papuan flag and whose cases were being investigated by Amnesty International (see *Amnesty International Report 1982*), were finally tried and sentenced in July 1983. Amnesty International continued to investigate the cases of 10 Muslims arrested in Central Java in 1978/79, of whom six were still awaiting trial at the end of 1983. They were reportedly held for allegedly having supported the aims of the so-called *Kommando Jihad* to establish an Islamic state through armed insurrection. Several of them had reportedly been tortured immediately after arrest and one was reported to have been tried without having had access to a defence lawyer. On 4 November 1983 Amnesty International appealed on behalf of 13 individuals who were reported to have been tortured after arrest during the previous four months in Aceh, North Sumatra, on suspicion of having supported the secessionist National Liberation Front of Aceh-Sumatra (NLFAS).

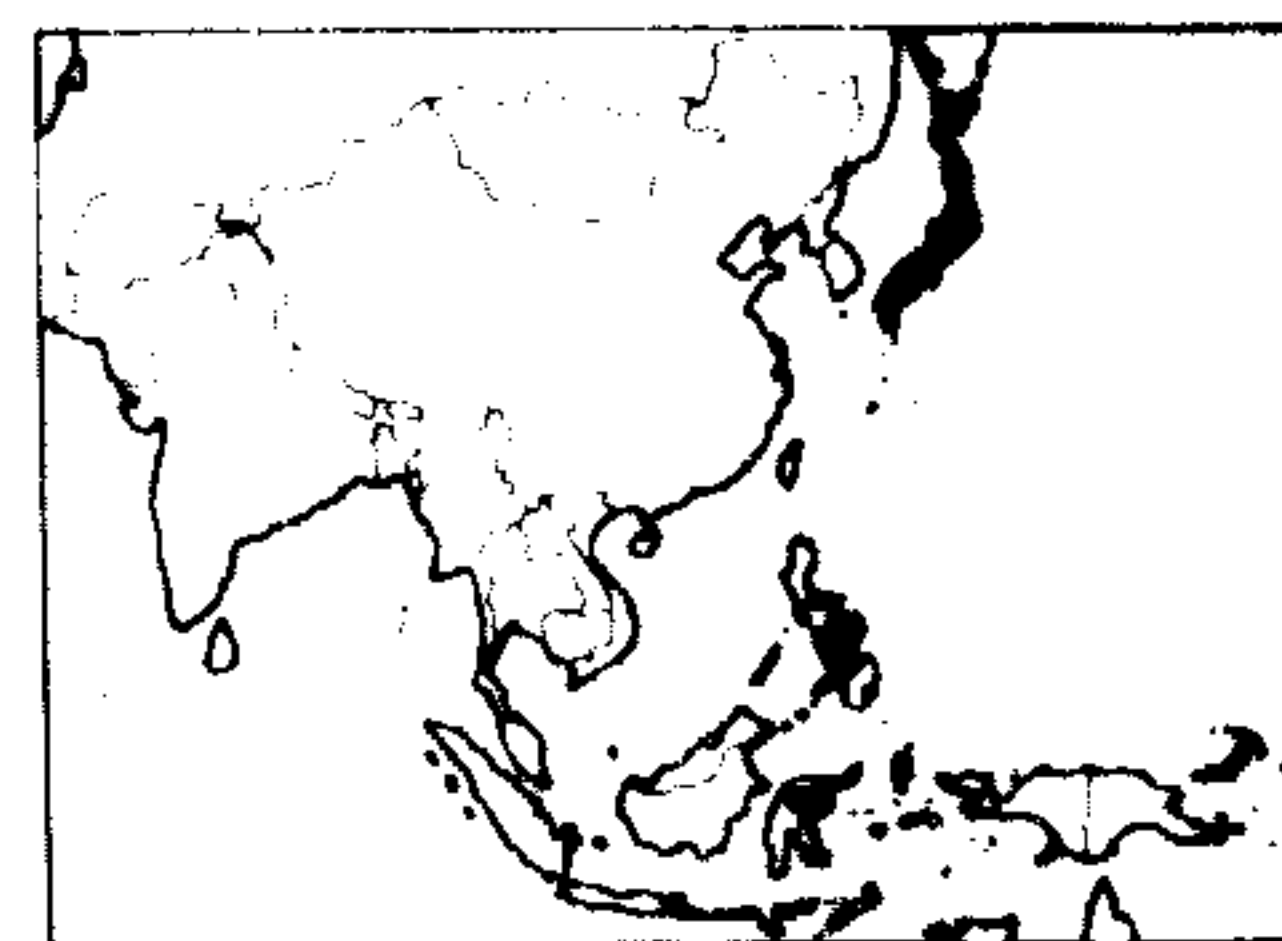
Amnesty International was concerned about new reports of serious human rights violations in East Timor, including the "disappearance" and extrajudicial killing of non-combatants and the torture and ill-

treatment of people taken into the custody of Indonesian forces. Amnesty International was also concerned about the arrest and detention without trial of people held on suspicion of opposition to the Indonesian occupation. Since the Indonesian invasion of East Timor in December 1975 Amnesty International had received reports indicating that Indonesian forces there had persistently resorted to torture and the arbitrary killing of non-combatants. In July, Amnesty International received a copy of manuals issued to Indonesian troops in East Timor which indicated that such practices were officially condoned. The manuals contained guidelines condoning the use of torture in certain circumstances during interrogation and the issuing of threats to the lives of people undergoing interrogation to ensure their cooperation. After taking steps to establish the authenticity of the manuals Amnesty International issued a news release on 20 July 1983 disclosing their existence. Amnesty International wrote to President Suharto the same day, expressing its concern that the instructions contained in the manuals and the practices which were their foreseeable consequence violated international human rights standards prohibiting torture in all circumstances. The letter stated: "Rather than comply with these standards, these military instructions, while describing the use of force and threats during interrogation as something generally to be avoided, explicitly allow for the possibility of torture and provide guidelines to prevent its exposure." On 2 September 1983, Amnesty International delivered a statement in New York to the United Nations Fourth Committee on Decolonization in which it presented a review of its concerns in East Timor since the invasion in December 1975. The statement also expressed Amnesty International's concern about reports that a new military offensive had recently been launched, since in the past the torture, killing and "disappearance" of non-combatants had been associated with increased military activity. Amnesty International subsequently learned of the arrest in connection with the offensive of several hundred people in the areas of Dili, Baucau and Viqueque. Amnesty International was unable to confirm reports that individuals arrested since the August offensive had subsequently been sent to Atauro, an island off mainland East Timor which the Indonesian authorities have used since 1980 to detain people held without charge or trial, and to regional military headquarters in Bali. On 21 September 1983, Amnesty International appealed on behalf of seven named people and others who had reportedly been arrested and might have been sent to Atauro and Bali but whose precise circumstances were not known.

Amnesty International also received reports of several separate incidents involving the killing of non-combatants. One such report alleged that as many as 200 people in the village of Kraras, Viqueque,

had been killed by Indonesian troops reportedly in reprisal for the killing of 16 Indonesian soldiers on 8 August 1983.

Amnesty International was concerned that a number of people were imprisoned under sentence of death in Indonesia. They included as many as 50 prisoners who had been sentenced in connection with the alleged 1965 coup and had been detained for many years. Amnesty International appealed to President Suharto on 25 August 1983 to commute the sentences of two of these prisoners, Mohammed Munir and Ruslam Wijayasastra, after learning that their appeals had been rejected by the Supreme Court. It has not been the government's practice to execute prisoners sentenced to death in connection with the alleged 1965 coup and Amnesty International urged the government to commute their sentences so that they could become eligible for eventual release. On 25 April 1983, the organization sent a telegram to President Suharto expressing its grave concern about the execution earlier in April of Imran bin Muhamad Zein, who had been sentenced to death for his role in the March 1981 hijacking of an Indonesian aircraft flying to Bangkok and an attack on a police station. Three of Imran's followers were also under sentence of death, one of them being sentenced in April 1983. Amnesty International learned of others being sentenced to death for non-political crimes such as premeditated murder. On 8 March 1983, in Langsa, Aceh, two Taiwanese citizens became the first people to be sentenced to death in Indonesian courts for drug trafficking. In July, the Minister for Social Affairs stated that it was the government's intention to impose the death penalty regularly for drug trafficking.



Japan

Amnesty International continued to urge the authorities to commute all death sentences and to abolish the death penalty.

An Amnesty International mission visited Japan from 21 February to 3 March 1983 to convey the organization's concerns about the death penalty, to gather information, and to seek Japanese views on its abolition. The Amnesty International delegates met senior officials of the Ministry of Justice, including officials involved in the preparation of a bill for the revision of the penal code. They also met senior officials of the Supreme Court Secretariat, chairpersons and members of the Committees on Justice of both Houses of the *Diet* (parliament), senior officials of the Japan Federation of Bar