

M E M O R A N D U M

FROM AMNESTY INTERNATIONAL TO THE LAW ASSOCIATION
FOR ASIA AND THE WESTERN PACIFIC (LAWASIA)
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Listed high among the aims of Lawasia is that its membership of 45 associations in 21 countries, consisting of 1800 individual members, have banded together "to promote...the protection of human rights and the maintenance of the rule of law within the region." Amnesty International as a non-political, non-governmental organisation in consultative status with the United Nations Economic and Social Council and the corresponding organs of the major regional inter-governmental organisations, shares this aim on a worldwide scale. Accordingly, on the occasion of this Lawasia meeting in Jakarta, we feel obliged to bring to your attention a report dealing with a situation that amounts to a consistent pattern of gross violations of human rights.

The report documents that some 55,000 political prisoners are at present in detention in Indonesia. These consist of people whose support for the Communist Party of Indonesia (PKI) prior to the 1965 coup attempt made them in the eyes of the Indonesian Government ipso facto responsible for that coup and others who are suspected of not conforming to the officially approved state ideology (pantja sila). A few thousand of these are said to be awaiting trial. Yet since 1965, only a few hundred have been tried. Most of the rest, on the Indonesian Government's own admission, will not be tried because there is no evidence against them. The conditions most of them have to endure are deplorable.

This pattern of behavior, it is submitted, constitutes the following infractions of human rights and fundamental freedoms:

- a) discrimination on the grounds of political opinion (Article 2 of the universal Declaration of Human Rights; Articles 2(1) and 26 of the International Covenant on Civil and Political Rights);

- b) Denial of the right to liberty and security of the person (Article 3 of the Declaration; Article 9(1) of the Covenant);
- c) Cruel, inhuman and degrading treatment (Article 5 of the Declaration, Article 7 of the Covenant);
- d) Denial of an effective remedy by the competent national tribunals (Article 8 of the Declaration; Article 2 (3) of the Covenant);
- e) Arbitrary arrest, detention and exile (Article 9 of the Declaration; Article 9(1) of the Covenant);
- f) Denial of fair and public hearing by an independent and impartial tribunal (Article 10 of the Declaration; Article 14(1) of the Covenant);
- g) Denial of the presumption of innocence (Article 11(1) of the Declaration; Article 14(2) of the Covenant);
- h) Retroactive guilt (Article 11(2) of the Declaration; Article 15(1) of the Covenant);
- i) Denial of freedom of movement within and from the borders of the State (Article 13 of the Declaration; Article 12 of the Covenant);
- j) Denial of freedom of opinions and expression (Article 19 of the Declaration; Article 18 of the Covenant);

The above catalogue, which is by no means an exhaustive list of the violations, makes a mockery of the very concept of human rights and of the two landmark charters of human rights cited. We understand that the

Indonesian Government is anxious to prove to your Conference that Indonesia adheres strictly to the rule of law*. Amnesty International believes that the enclosed report demonstrates that nothing could be further from the truth and hopes that the Conference will do all in its power to persuade the Indonesian Government to make the reality conform to the claim.

* See annexed press report - Berita Buana , 2 November 1972

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