

RECOMMENDATIONS made to the Indonesian Government on political detention

1. The announcement of a general amnesty for all untried prisoners whom the Government does not intend to prosecute. This should include those in Category 'B' and cover all detainees whether registered or not (paragraph 1 of attached note).

2. That a target date should be set for the trials of all 'A' prisoners and those who can be said to have purged their alleged crimes by the period already spend in detention should be released.

3. Until such time as this is implemented, detainees should be accorded those rights normally given to prisoners in preventive detention.

These include:

the right to be informed of the grounds for detention;

the right to be informed of allegations of fact on which the decision to detain them was made;

the right to be given the opportunity of making representations against their detention to a competent civilian legal authority (paragraph 3)

4. It follows that the Government's plans to establish further 're-settlement' areas for 'B' category prisoners should be abandoned on the ground that it is completely contradictory to the rule of law that persons suspected of being 'communist' should be detained indefinitely without charge or trial (paragraph 5).

5. That those United Nations Standard Minimum Rules listed in paragraph 6 of the attached note should be promptly implemented.

6. The Government should publish a comprehensive list of all persons in detention, whether or not officially registered as detainees - see paragraph 7 of attached note.

## POLITICAL DETENTION IN INDONESIA

### General Background

The majority of prisoners were arrested in 1965 following the failure in October of a coup d'etat for which the Communist Party was held responsible. Arrests still continue either for alleged association with the Communist Party in the pre-coup days or for alleged illegal activities against the government since the Communist Party was outlawed.

### 1. Numbers

The most recent official figure for untried detainees is 39,000, issued in October 1972 by a military spokesman. This refers only to 'A' and 'B' category prisoners or possibly only to 'B', and excludes those in 'C' and 'X' categories (for descriptions of categories, see below). Whether there are included in the above figure or are additional to it is not clear. Amnesty's estimate for 'X' and 'F' prisoners is between 10,000 and 15,000 and these still are a number of 'C' prisoners, though estimates are difficult to make. The total of untried prisoners is probably therefore not less than 55,000 and may well be much higher if those held unofficially by local commanders and unregistered centrally are included. The difficulty of making estimates is compounded by official admissions that no precise figures can be given since the number of prisoners is a 'floating quota, like the yen vis à vis the dollar, every day it changes.' (Attorney General, October 1971), or 'it has its ups and downs, on the day we try or release someone, we may be arresting others' (Kopkamtib spokesman, October 1972). An example: The Indonesian Foreign Minister Adam Malik told the Dutch Foreign Minister that there were 10,000 'A' prisoners, a number five times higher than an earlier (February 1972) official figure of 2,000.\*\*

### 2. Trials and Legal Procedures

Since 1965, about 350 prisoners have been tried. Trials are taking place at the moment at a rate of about four a month. At this rate, and assuming that the lowest official figure of 2,000 is true, it would take forty years to complete the trials. Of those whose sentences are known to Amnesty, one-third have been sentenced to death. There has been serious criticism of the legal procedure used by the courts, especially regarding the appointment of defence counsel, the appearances of witnesses who are themselves sentenced prisoners (some under sentence of death) and the difficulty of ascertaining whether confessions used as evidence have been obtained under duress. Apart from these 350, none of the detainees has been charged; none permitted to see a lawyer and none has had any opportunity to challenge his or her detention.

### 3. Detention procedure

The military decree law governing detention is No. 5 of 1969, which gives the Attorney General power to detain and exile 'persons considered to be disturbing security without any limit of time and place' (his words, 6th October, 1972).

Arrests are made by the army and detention procedure remains an arbitrary process in which military officials act without reference to any legal limitations or judicial framework; prisoners are allocated to detention categories 'A', 'B', and 'C', which determine if they are to be tried, indefinitely detained or released, by military intelligence personnel whose brief is primarily one of 'security' rather than justice. Prior to this,

\*\*Equally, a new official total, presented by President Suharto (12 March 1973), which places the number of 'A' and 'B' group at 15,117, is in conflict with previous official estimates.

they are classified as 'X'. Another category, 'F', exists, but the definition has not been made clear. At no time is the prisoner informed of the reasons for his arrest, allowed to challenge his detention or seek legal assistance. As a result of this very unsatisfactory procedure, a high proportion of those now in prison were initially arrested by mistake or accident; perhaps because they were present when a friend was arrested or they are related to a prominent marxist or simply visited the police to make enquiries about a relative's disappearance and were themselves taken. Some civilian officials recognise this situation but they are apparently powerless to remedy it; in 1969, the Foreign Minister told an Amnesty delegate that he estimated the number of 'real' communists at only 20% of the total in prison. He also said that he felt a general amnesty was a practical possibility for the Government and had personally recommended it, but without success.

#### 4. Releases

In August 1971, the Government promised to reduce the number of prisoners to 22,000 by releasing all 'C' prisoners. In January 1972 and again in August, President Suharto announced that the release of group 'C' had been completed. Although the Indonesian press carries reports of local releases no comprehensive figures have been made public. Releases were certainly made at the end of 1971 and beginning of 1972, but it is clear that they fall far short of the Government's promises. The most striking discrepancy is between the Foreign Minister's assurance (August 1971) that releases would cut the number of prisoners to 22,000 by the end of 1971, and the current official total of 39,000. It seems to us probable that many 'C' prisoners have not in fact been released but rather re-classified as 'B' group, while others are known to remain in custody. Some thousands of prisoners have undoubtedly been freed since mid-1971, but all evidence suggests that their numbers are considerably fewer than official statements claim, and that new arrests, and re-arrests of those released, continue.

#### 5. Resettlement

This is a form of penal exile in which untried prisoners live under formal restriction, according to a strict regime and depend for food on their own agricultural and manual produce. Of 10,000 prisoners deported to Buru island, in East Indonesia, 9,923 survive, and in 1972 two hundred wives were moved to join their husbands on the island, accompanied by their children; the Government has announced its intention of transferring all wives to Buru, but no recent statement has been made, and it is not clear if the Government intends to proceed with the plan. Restrictions (movement, communication, reading material) appear to extend to wives, who thus become de facto prisoners. Precise conditions are not known, but detainees continue to advise their wives to resist joining them on the grounds that living conditions are bad, adequate schools do not exist and the pursuit of normal family life is impossible.

In October 1972, the Indonesian Government announced it was considering establishing other detention areas run on Buru lines. We believe that two islands are being considered off the west coast of Sumatra - Nias and Siberut. Presumably, these too will provide semi-permanent places of restriction for untried detainees of the 'B' category.

6. Conditions within the prisons and camps remain grossly below the norm generally accepted as necessary for physical and mental health, and this is admitted by Government officials. As far as we know, United Nations Standard Minimum Rules relating to eight fundamental requirements do not apply, and have not applied at any time since 1965. These are:

- Rule 20 (1) Administration's obligation to provide food of nutritional value adequate for health and strength
- 22-26 Qualified and regular medical care and treatment
- 31 Prohibition of 'cruel and degrading treatment'
- 37 Regular family communication
- 44 (1) Obligation on prison authorities to inform the family of a prisoner's death or serious illness
- 44 (3) A prisoner's right to inform his family of his imprisonment
- 90 Untried prisoner's right to reading matter
- 93 Legal access

The current food shortage in Indonesia and the enormous increase in the price of rice (from 35 to 100 Rupiah since October 1972) has had grave effects on prisoners held in Jakarta; we have received reports that prison rations have been drastically cut; since the official diet was in any case below that needed for subsistence, this cut places the ration even further below an acceptable minimum.

#### 7. List of Prisoners

Amnesty has in the past proposed that the Indonesian Government makes public a list of all those held in detention; this has never been done. It is especially desirable in view of the large numbers of families who still, seven years after 1965, remain in ignorance as to whether a close relative is alive and in prison, or dead. Apart from the humanitarian aspect, this means that many released prisoners cannot trace their families - who may well have moved during their period of detention - and so find physical and mental rehabilitation even harder than might otherwise be the case.

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