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POLITICAL IMPRISONMENT IN INDONESIA;
a note on recent developments.

The treatment of political prisoners in Indonesia continues to show a consistent pattern of gross and persistent violation of human rights. Altogether there are probably as many as 100,000 political detainees, held without charge or trial since 1965. Despite a small number of releases in the past year, the continuing drift of government policy continues to leave the vast number of prisoners without any prospect of release.

The government denies the problem by insisting that there are no political prisoners in Indonesia. The Prosecutor-General, Mr Ali Said, told a news conference in December 1975 that the people detained since 1965 were "criminal detainees". He said that they were not detained because they were members of the banned Communist Party of Indonesia (PKI), but because they were suspected of involvement in the "attempted coup" in 1965. The Prosecutor-General did not explain why the prisoners have not been charged or tried even though they are now in their eleventh year of captivity.

One year ago, the government re-designed political prisons "rehabilitation centers", but it has still not made public any program which would constitute a release or rehabilitation process.

The latest official detention statistics are that in February 1976, there remained 29,480 "category B" prisoners detained; additionally it was stated that there remained 1,745 "category A" prisoners. This appears to be a serious underestimate of the numbers actually held. It is known for example that large numbers of "category C" prisoners (scheduled for release by President Suharto since 1971) are still imprisoned. On the basis of information available to the Research Department, Amnesty International's earlier figure of 55,000 prisoners in detention without trial now appears an underestimate in the light of evidence that in all administrative centers throughout the Republic, political detention centers are to be found, often in one part of common prisons for penal law prisoners. According to knowledgeable observers, the total number of those detained throughout Indonesia is much closer 100,000.

The authorities state that they only intend to try about 2,000 detainees whom they classify as "category A" prisoners. Of the remaining tens of thousands, the government has consistently declared that it does not have evidence which could be used in court to establish those offences allegedly committed by the prisoners.

The trials of the "category A" prisoners continue at an extremely slow rate. Since 1965, the total number of prisoners who have been brought to trial is probably about 150. Over the years, the government ministers and senior officials have repeatedly promised that the machinery of justice would be expanded to speed up the trials, but the annual average of trials has remained at less than 100 cases. The government claims that it will now try to bring 200 cases to trial anually. Even this is a deplorably slow rate, and it should be remembered that repeated government promises of this kind made previously had proved to be of no substance.

Moreover, a number of trials held in the past year have illustrated that even those prisoners fortunate enough to be brought to court after 10 years of detention, have suffered clear miscarriages of justice through the proceedings and the decisions of the court. The trial of four women began in February 1975. The defendants were former leading members of organizations affiliated with the PKI, which were banned in 1966. The chief defendant, Sulami, was a leading member of the Gerakan Wanita Indonesia (GERWANI), the women's organization. Sri Ambar Rukmiati was head of the women's buroau of Sentral Organisasi Buruh Seluruh Indonesia (SCBSI), the trade union federation. Suharti Harsono was on the staff of Barisan Tani Indonesia (BTI), the peasant's union. Sudjinah was on the staff of GERWANI, responsible for education and culture.

The indictment against the four prisoners alleged participation in the "coup attempt" of October 1965 and additionally alleged that they had tried to restore the leftwing movement after the banning of those organizations early in 1966. However, the evidence produced against them in court related mainly to their activities after October 1965. They were alleged to have published and distributed an illegal bulletin, obtained false identity cards and been involved in providing assistance to the children of political prisoners. In addition, Sulami was accused of having recruited women to go to Lubang Buaya, to help in cooking and sewing and, according to the prosecution, this was sufficient evidence to assume that she had known about the 1965 attempted coup which was said to have used its base at Lubang Buaya.

The prosecution asked for life imprisonment for Sulami and 20 years for the other defendants. All were found guilty of having committed acts of subversion and of trying to restore banned organizations. Sulami was sentenced to 20 years' imprisonment. Sudjinah was sentenced to 18 years and the other two prisoners had sentences of 15 years each. The 10 years in which they had been in prison before trial were deducted from their sentences. It was clear from the evidence presented at the trial that the prosecution had failed to establish the case that the prisoners were guilty of subversive activity of a kind to justify 10 years in prison, for involvement in such matters as providing assistance to the children of political prisoners, many of whom were practically orphans because of the arrest of both parents and other relatives.

The trial of Asep Suryaman began in June 1975. Like the four women defendants, he was charged under a 1963 decree of former

President Sukarno, which was only passed as law by legislative process in 1969 as he Subversion Act. One of the defence lawyers at the trial, Mr Yap Thiam Hien, who was himself detained for one year under this law in 1974, described the act as a "rubber law"; he said it was exceedingly stretchable and was so vague and broad in its application that virtually any political or social activity could be indictable. For example, when 40 traders were arrested in March 1976 for smuggling this was alleged to be economic subversion and resulted in the 40 people being detained on the penal island of Nusakembangan. The second objection to the Subversion Act was that people like the four women prisoners and Asep Surayaman, charged with offences connected with the events of 1965, had faced trial and imprisonment according to a law which had been passed by the legislature only in 1969 and was therefore applied retroactively to their cases.

Asep Surayaman was accused of being a leading member of the PKI special bureau and of complicity in conspiracy to overthrow the government. No evidence was brought that he had taken an active part in the "attempted coup" of 1965 beyond the fact that he was a party lecturer in Marxist theory. In 1967, when the PKI membership was being hunted by the authorities, he took refuge in East Java and he admitted that he took part in guerilla activities, which he maintained were in self-defence. The defending lawyers presented legal arguments stating that:

- the detention of the prisoner since his arrest in September 1971 was illegal because no application had been made to a court after the first year of detention without trial, as required by law.

- the panel of judges, being officials appointed by the government which had incorporated many decrees affecting members of leftwing organizations which had been legal up till 1966, could not judge such cases impartially and according to law. The defence lawyer, Mr Yap Thiam Hien who presented the argument was cited for contempt of court.

- the legislative act under which the case was tried was only passed four years after the alleged offences occurred, and retroactive application of the act was unconstitutional.

- there was no proof of direct personal involvement or complicity in the 1965 events.

Asep Suryaman was convicted and sentenced to death. Mr Yap in the final defence speech described the prisoner's experiences in detention as not unique. Like Asep Suryaman, political detainees in Indonesia were:

> "Treated like the dregs of society, deprived of the most elementary rights enjoyed by all other citizens, like mere objects that can be moved from one place to another,

put 'on loan' to another authoritity for interrogation to give evidence or to meet the personal needs of some official; and they are not even told why they are put 'on loan' or where they are being taken. They have no power and no voice, no right to complain or protest against their interminable imprisonment, against torture, insult, hunger or disease. They have no power and no voice in the face of this abuse against their dignity and person".

Mr Yap continued:

"Many of them have become automatons, going to sleep, getting up and taking their meals like persons without any spirit, for they are not permitted to read magazines, newspapers, or books, except religous literature, not are they allowed to write to their loved ones...Such a life leads them to break down under the strain. Some have become insane, others have committed suicide, some have tried to rebel against their predicament with horrifying consequences".

Continuing his plea, Mr Yap said that a prisoner had told him:

"We are like leaves on a tree, just waiting to fall to earth and become one with it. Help us to get our freedom back, to rejoin our unprotected families. Help us at the very least to be brought to trial so that this soul destroying uncertainty can end. Whatever they want, we are ready to sign, so long as we can be released..."

The trial of Mr Oei Tju Tat was held in Jakarta in February and March 1976. He was charged under the subversion Act and was accused of undermining the authority of the government. Mr Oei was a minister in the cabinet of the late President Sukarno. It was alleged that he had issued a statement in October 1965 which said that the "attempted coup" was an internal affair of the army.

At that time, Mr Oei was a leading member of Partindo (Indonesia Party), a group which had broken away from the Indonesian Nationalist Party in the late 1950s. The prosecution claimed that by issuing the Partindo statement in October 1965, Mr Oei had attempted to destroy or undermine the lawful government of Indonesia.

The defence maintained that the government at the time of the alleged offence was that of President Sukarno, and that Mr Oei was not condemned by the then President nor discharged from the cabinet because of the Partindo statement. Moreover, witnesses at the trial stated that Mr Oei was not personally responsible in drafting the statement. The defending lawyers, including Mr Yap Thiam Hien, repeated arguments presented at the Asep Suryaman trial, that the trial proceedings were not constitutional, that the application of the Subversion Law retroactively was not legal, and that the trial of the prisoner begun after 10 years of illegal detention violated the principles of Indonesian justice. In his 10 years of

detention without charge or trial, Mr Oei had not been served with any warrants of arrest and had been denied access to lawyers.

Despite the juridical flaws in the proceedings and the flimsy nature of specific allegations against Mr Oei, the court found him guilty and charged and sentenced him to 13 years' imprisonment, less the time already spent in prison.

Despite continual government assurances that foreign jurists would be permitted to observe political trials in the Indonesian courts, two members of the Australian Section of the International Commission of Jurists, Mr John Dowd and Mr Paul Stein, MP, were denied visas to observe the trial of Asep Suryaman in August 1975.

Nonetheless, even allowing for the ritualized illegality of political show trials, many Indonesian prisoners are known to prefer to be brought to trial as an alternative to unending arbitrary detention without trial. It has been the contention of the authorities that those suspected by the government of personal involvement in the 1965 events would be brought to trial, ie. those classified as "category A". Others against whom the government does not have evidence of direct personal involvement in the 1965 events, the majority of whom are classified as "category B", are detained indefinitely without prospect of trial. Already a number of "category A" prisoners are known to have been released after serving their sentences. This has a paradoxical effect when compared with those considered by the authorities to be less directly involved in the 1965 events ("category B") who can only look forward to further prolonged detention.

There has been a further deterioration in the treatment of prisoners as a whole. The government has attempted to revive its program to "re-settle" "category B" prisoners in penal colonies on the Moluccan island of Buru, where just under 10,000 prisoners were detained. At the end of 1975, the government secretly transported another 1,000 prisoners to Buru. It is known that conditions for the prisoners in their camps on the island are extremely bad.

The Indonesian authorities have claimed publicly that 1,309 prisoners were released in the past year. The majority of those released were stated to be in the Central Java region. However, despite requests to the Indonesian authorities for names and details of those said to be released, so far only the names of some 40 prisoners released in the past year have been made available to the Research Department of Amnesty International. Over half this number were prisoners arrested in connection with the "Malari incident" of January 1974. The rest were 1965 prisoners. In view of part distortions of official statistics, it is difficult to accept the figure of 1,309 releases at face value, given the government's reluctance to make known the names and details of those said to be released.

Those who are released are subjected to house arrest which can extend over arbitrary periods of time. Moreover, large payments

are on occasion demanded by the military officers who process the cases of those scheduled for release. The current scale of these bribes lies between £1,000 - £1,500 per prisoner. This also has the effect of slowing down the possible rate of release, since most families cannot obtain such a sum and live in penury as a result of the enforced absence of the breadwinner of the family for so many years. There are severe official restrictions still on employment of released prisoners and private employers, including foreign firms, are known to be encouraged to descriminate against employing released prisoners.

There continues to be a pattern of brutal treatment of prisoners, especially during interrogation (which continues even for those arrested 10 years ago), and also in those detention centers where torture is permitted by the local military commanders. First-hand accounts are rare because of the real danger of reprisals against prisoners, released prisoners and their families. The London Sunday Times of 11 January 1976 featured the case of a young woman who left Indonesia in 1975 after spending several years in political detention. Following her arrest in 1968, Tjiou was severely and sexually tortured. She also described what she saw of other prisoners being tortured. She witnessed the brutal treatment of a village headman who died under electrical torture, a woman who had boiling water poured over her head, and another woman whose nipples were cut off.

Torture is only one feature of the conditions faced by political prisoners in Indonesia. Prisoners are also subjected, for example, to draft labour, often to the profit of military commanders. The tens of thousands of prisoners are deprived of virtually all their constitutional rights and it is unavoidable as a general conclusion that the treatment of them is inhumane and contrary to internationally accepted standards.