

amnesty international

INDONESIA

FOUR POLITICAL PRISONERS EXECUTED

FEBRUARY 1990

AI INDEX: ASA 21/04/90

DISTR: SC/CO/GR

The Indonesian Government confirmed on 16 February 1990 that four political prisoners, sentenced to death for their alleged involvement in the 1 October 1965 coup attempt, were executed on the previous day, 15 February, after more than 24 years in prison. They were reportedly removed from their cells in Cipinang Prison, Jakarta, between 2 and 3 am on the night of 14-15 February 1990 and shot by firing squad later the same day. None was permitted to see his relatives before being shot.

When asked why the prisoners had been executed after more than 24 years in custody, Armed Forces spokesperson Brigadier General Nurhadi said that the process of law had only just been completed with the rejection by the President of the prisoners' final pleas for clemency. In the past, however, such executions appear to have been carried out in accordance with a political calendar -- e.g. to mark the anniversary of the suppression of the coup attempt or to send a message of government resolve in dealing with a perceived communist threat -- rather than in pursuance of the natural course of justice.

Satar Suryanto, Yohanes Surono, Simon Petrus Soleiman and Noor Rohayan were members of the former elite Cakrabirawa presidential security guard attached to former President Sukarno. All were arrested in October 1965 and sentenced to death between 1969 and 1971. Their executions brought to at least 20 the number of prisoners executed since 1985 for alleged involvement in the coup attempt or for membership in the Communist Party of Indonesia (PKI). Amnesty International believes that the trials and the appeals process which resulted in their execution after more than 24 years in prison, failed to meet internationally-recognized standards of fairness.

The 1 October 1965 coup attempt was blamed on the PKI which was subsequently banned. A massive purge of the party and its affiliated organizations followed in which an estimated 500,000 people were killed and about 1 million arrested. Most of those arrested had been released by the late 1970s, but an estimated 50 now remain in prison more than twenty years after their arrest. At least nine of these are under sentence of death (See Appendix I).

Satar Suryanto (57) a former sergeant in the Cakrabirawa brigade, was arrested on 4 October 1965 and sentenced to death on 29 April 1971.

Yohanes Surono (60), a former sergeant in the Cakrabirawa brigade, was arrested on 8 October 1965 and sentenced to death in 1970 by the Regional Military Court in Jakarta. His first appeal having been rejected, he filed a second appeal in 1973. In 1986, thirteen years later, he was told that it was invalid because it did not include an accompanying memorandum and the signature was not sufficient. He appealed to the President for clemency in 1987.

Simon Petrus Soleiman (60), a former sergeant in the Cakrabirawa brigade, was arrested on 5 October 1965 and sentenced to death in November 1969 by the Regional Military Court in Jakarta. He appealed to the Military High Court immediately and was informed in February 1987, 18 years later, that his appeal had been rejected. He subsequently appealed to the President for clemency.

Noor Rohayan (49), a former private in the Cakrabirawa brigade, was arrested on 5 October 1965 and sentenced to death on 8 November 1969 by the Regional Military Court in Jakarta. He appealed the sentence but was not notified until February 1987 that his appeal had been made too late and was therefore invalid. He subsequently appealed to the President for clemency.

Satar Suryanto, Yohanes Surono, Simon Petrus Soleiman and Noor Rohayan were among 10 prisoners listed in a resolution adopted by the European Parliament on 12 October 1989. The resolution appealed to the Indonesian Government not to execute these individuals and called upon the Council of Europe, the European Commission and the member states to approach the government with a view to preventing the executions.

EXECUTIONS SINCE 1985

The Indonesian Government has used the death penalty with increasing frequency in recent years and it has used the punishment disproportionately against political prisoners. The four most recent executions brought the total number of prisoners executed since 1985 to 26, compared with four over the previous ten years. Of the 26, the majority (20) were sentenced to death for their alleged involvement in the 1 October 1965 coup attempt or for membership in the PKI. Four were Muslim activists convicted of violent crimes and subversion and two were criminal offenders accused of murder (See Appendix II).

On the night of 15-16 October 1988, two former members of the Cakrabirawa unit, Sukardjo and Giyadi Wignosuharjo, accused of involvement in the 1965 coup attempt, were shot by firing squad after more than 20 years in prison. Two Muslim activists accused of subversion and murder and sentenced to death in 1985 are reported to have been executed in 1988 and 1989, although these reports could not be confirmed. Abdullah Umar was reportedly executed in April or May 1988 and Bambang Sisoyo in June or July of 1989. Another Muslim activist, Azhar bin Mohammad Safar, who received a temporary reprieve ten hours before his scheduled execution on 14 December 1988, remains in grave danger of execution.

BACKGROUND

Government spokesmen and judicial authorities have recently called for a review of the use of the death penalty, but none have openly advocated complete abolition. In 1989 the Coordinating Minister of Political and Security Affairs, Sudomo, stated that the death penalty was inconsistent with the national ideology, Pancasila, and called for a public reassessment of the punishment in Indonesia. Speaking on the occasion of the installation of three new Supreme Court Justices on 1 February 1990, Indonesia's Chief Justice, Ali Said, cautioned against the expanded use of the death penalty and reiterated the call for a review. However, he maintained that the death penalty was still an appropriate punishment for those convicted of political subversion: "I believe that capital punishment is still necessary if the pertinent case involves the existence of the nation and the state."

Other government spokesmen have urged a further extension of the range of crimes considered capital offences. Attorney-General Sukarton Marmosudjono has argued, with the evident backing of President Suharto, that people accused of economic crimes such as gambling and smuggling may be tried under the sweeping Anti-Subversion Law of 1963 which bears a maximum penalty of death. In June 1989, at a symposium on the death penalty, Sukarton argued that the death penalty would "reduce the suffering" of the families of victims of violent crimes. The death penalty, he said, would also generate a feeling of security in society.

Amnesty International is unconditionally opposed to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment. It deplores the recent executions of four long-term political prisoners, and is concerned for the safety of all prisoners who remain under sentence of death. It urges President Suharto to halt all further executions and to commute all outstanding death sentences.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

APPENDIX I

PRISONERS UNDER SENTENCE OF DEATH IN INDONESIA**(A) Prisoners Sentenced In Connection With 1965 Coup Attempt Or As Members Of The PKI ***

<u>Name and Age</u>	<u>Date Sentenced</u>	<u>Status/Appeal</u>
1. Ruslan Widjayasastra (70)	15 July 1974	No appeal possible Tried in Special Military Court

Ruslan Widjayasastra was arrested on 14 July 1968 and charged with subversion and criminal plotting against the state, both for alleged complicity in the 1965 coup attempt and for participation in what the government has described as an armed rebellion of a "New Style" PKI in Blitar, East Java, in 1967. Ruslan Widjayasastra is said to have been head of the Central Committee of the "New Style" PKI. He was sentenced to death on 15 July 1974 by the Central Jakarta Subversion Court and later appealed for clemency to President Suharto. The result of this appeal is not known but it is believed to have been rejected. Ruslan Widjayasastra is detained in Cipinang prison, Jakarta. Before the attempted coup, he had been a member of the Central Committee of the PKI, and deputy chairman of the peasants union, Barisan Tani Indonesia (BTI) and SOBSI, the PKI-affiliated trade union federation.

*Several "PKI prisoners" who have appeared on previous lists have reportedly died in custody in recent years. They include:

- 1/ Anastadius Buang -- arrested in October 1965 and sentenced to death in November 1969. He reportedly died in Cipinang prison in August or September 1989.
- 2/ Suwandi -- arrested in June 1968 and sentenced in June 1973. He reportedly died in Pamekasan prison in April 1988.
- 3/ Raswat -- arrested in 1965 and sentenced to death in 1968. He reportedly died in Cipinang prison at the end of 1987.
- 4/ Moederisiman -- sentenced to death in 1973. In December 1985 it was reported that he was no longer alive, but it was unclear whether he had been executed or had died of natural causes.

Amnesty International has insufficient or conflicting information about a number of others who were believed to have been sentenced to death. They include:

- 1/ Sumbodo -- arrested in 1965 and sentenced to death in 1970. Some sources claim that his death sentence was commuted on 15 December 1980, but others say that he remains under sentence of death in Pamekasan prison.
- 2/ Mulyono -- arrested in 1965 and tried in 1966. He is thought to have been sentenced to death. There have been reports that he was executed in 1986 but these could not be confirmed.
- 3/ Boiman -- little is known except that he was reportedly sentenced to death and imprisoned in Medan.
- 4/ Wismar Marpaung -- believed to have been sentenced to death in 1977. Some sources say he was executed in 1986, but these could not be confirmed.

<u>Name and Age</u>	<u>Date Sentenced</u>	<u>Status/Appeal</u>
2. Sukatno (61)	11 March 1971	Appeal Rejected Presidential Clemency Rejected

Sukatno was arrested on 21 July 1968 in Blitar, East Java. Before the 1965 coup attempt, he had been the chairman of Pemuda Rakyat, the PKI youth organisation and a member of parliament. He was also a member of the Central Committee of the PKI. After the coup attempt, he went underground with other senior members of the PKI and, like Ruslan Widjayasastra above, was alleged to have been active in the so-called Blitar Rebellion. He was sentenced to death on 11 March 1971. He appealed against his sentence to the Supreme Court but it was rejected, and President Suharto reportedly rejected his appeal for clemency in 1982. Sukatno is detained in Cipinang prison, Jakarta.

3. Iskandar Subekti (67)	22 December 1972	Unknown
--------------------------	------------------	---------

Iskandar Subekti was arrested on 31 July 1968 for his alleged involvement in the 1965 coup attempt and the Blitar Rebellion. He had been a member of the Central Committee of the PKI (foreign affairs section). He was sentenced to death on 22 December 1972. He appealed to the High Court in Jakarta against his sentence but the result of this appeal is not known. He is held in Cipinang prison, Jakarta.

4. Asep Suryaman (62)	27 August 1975	Unknown
-----------------------	----------------	---------

Asep Suryaman was arrested on 28 September 1971 for his alleged involvement in the 1965 coup attempt. He was alleged to have been a member of the PKI "Special Bureau" responsible for building contacts for the PKI within the military. He was tried in July 1975, in Central Jakarta District Court, on charges of plotting to carry out an attack with the intention of overthrowing the government and with armed rebellion against the state (articles 107 and 108 of the Criminal Code). He was sentenced to death on 27 August 1975. He appealed to the High Court against this sentence but the result is not known. Asep Suryaman is detained in Cipinang prison, Jakarta.

5. I. Bungkus (61)	30 July 1971	Unknown
--------------------	--------------	---------

I. Bungkus was arrested on 8 October 1965 for his alleged involvement in the 1965 coup attempt. He was sentenced to death on 30 July 1971 by the Jakarta Regional Military Court. He appealed to the Military High Court against this sentence but the result is not known. Bungkus is detained in Cipinang prison, Jakarta. Before his arrest he had been a sergeant in the Cakrabirawa.

6. Marsudi (53)	9 October 1968	Unknown
-----------------	----------------	---------

Marsudi had been a sergeant major in the Indonesian Airforce in 1965. The probable year of his arrest is 1965. He was sentenced to death by an Extraordinary Military Court on 9 October 1968. He is reported to have submitted a request to the President for clemency but the result is not known. He is detained in Cipinang prison, Jakarta.

7. Ismanto alias Suprpto	6 December 1974	Unknown
--------------------------	-----------------	---------

Ismanto alias Suprpto, a PKI leader in North Sumatra, was accused of underground activities against the government. He was arrested on 31 July 1968 and sentenced to death by the Binjai District Court on 6 December 1974. He is detained in Tanjung Gusta prison, Medan.

<u>Name and Age</u>	<u>Date Sentenced</u>	<u>Status/Appeal</u>
8. Mochtar Effendi Sirait	24 August 1974	Unknown

Mochtar E. Siriat, a former PKI leader in North Sumatra, was sentenced to death by a District Court in Kanbanjahe, North Sumatra, on 24 August 1974. He is detained in Tanjung Gusta prison, Medan. There have been reports that he was executed in October 1989, but these have not been confirmed.

9. Tohong Harahap	December 1974	Unknown
-------------------	---------------	---------

Tohong Harahap, a PKI activist in North Sumatra was sentenced to death in connection with his alleged involvement in the attempted coup in 1965. He is detained in Tanjung Gusta prison, Medan. There have been reports that he was executed in October 1989, but these have not been confirmed.

(B) Muslim Activists

<u>Name and Age</u>	<u>Date Sentenced</u>	<u>Status/Appeal</u>
1. Azhar bin Mohammad Safar	1982	Clemency rejected but review pending

Azhar bin Mohammad Safar was accused of involvement in the so-called "Imron Group", a group of Muslim activists which in 1981 hijacked an Indonesian airplane and later stormed a police station in Bandung, West Java, allegedly to obtain arms for the struggle to establish an Islamic state. Three other members of the Imron Group have been executed, one in 1983, one in 1985 and one in 1986. He was charged with subversion and murder and sentenced to death in 1982. His appeal was rejected in September 1985. On 8 November 1988, Safar was informed that his appeal for Presidential clemency had been rejected. His execution, scheduled for 14 December 1988, was postponed just ten hours before he was to be put to death, following his last minute appeal for a review of his case. In his appeal he noted that Sudomo, the Coordinating Minister of Political and Security Affairs, had recently called for a thorough review of the death penalty.

(C) Prisoners convicted of Common Crimes

<u>Name</u>	<u>Date of Sentence</u>	<u>Charge</u>	<u>Status/Appeal</u>
1. Capa P.K. Sidaruk	1976	Murder	Unknown
2. Suparlan	1979	Rape	Unknown
3. Kaseng	1982	Murder	Unknown
4. Sutianto	1983	Murder	Unknown
5. Haji M. Nur	1984	Murder	Unknown

Capa P.K. Sidaruk, who was arrested in 1973 for murder was sentenced to death in 1976 by a military court in Banten, West Java, after reportedly being convicted solely on the basis on his confession. Capa Sidaruk appealed to the Supreme Court to review his sentence, but the appeal was only formally registered with the Supreme Court in October 1986 and no decision has yet been made.

<u>Name</u>	<u>Date of Sentence</u>	<u>Charge</u>	<u>Status/Appeal</u>
6. Chan Tin Chong (31)	1986	Drug- trafficking	Appeal rejected New appeal pending

Chan Tin Chong, a Malaysian national, was charged with drug-trafficking and sentenced to death in 1986. His appeal to the High Court in Jakarta was rejected in April 1986. Four months later his companion, who had been sentenced to imprisonment, admitted to having given false testimony to government investigators which had implicated Chan Tin Chong. However the Supreme Court refused to consider the new evidence, saying it could only consider technical and procedural questions, and it rejected his appeal on 3 February 1987. In 1989, new documentary evidence suggesting his innocence came to light and another request for review was made to the Supreme Court. The Supreme Court decided the case should first be heard in the District Court of West Jakarta. Those hearings began at the end of December 1989; the trial was postponed until 10 January 1990. He is held in Cipinang prison in Jakarta. (For additional information see ASA 21/08/87, Indonesia: Update on the Death Penalty).

7. Osman Hutagalung	March 1987	Murder	Unknown
---------------------	------------	--------	---------

Osman Hutagalung was sentenced to death on 4 March 1987 by the District Court in Padang Sidempuan, Tapanuli Selatan, North Sumatra, for the murder and mutilation of a woman in his village who nine years earlier had caused Hutagalung to be imprisoned for 80 days for punching her in the nose. The murder took place in July 1986. The accused confessed to the killing and said it was in revenge.

8. Kamjai Khong Thavorn	December 1987	Drug- smuggling	Appeal rejected December 1988
-------------------------	---------------	--------------------	----------------------------------

Kamjai Khong Thavorn, a Thai seaman aged 31, was sentenced to death for drug-smuggling in December 1987. His appeal was rejected by the High Court of East Kalimantan in March 1988, and subsequently by the Supreme Court in December 1988. On 18 January 1989 he submitted an appeal for Presidential clemency, but by August 1989 had received no response. He is now detained in LP Kalimantan Timur, but may be transferred to LP Lowokwaru in Malang, where seven other foreign drugs offenders are now held.

9. La Aja bin La Feeli	March 1988	Murder	Unknown
------------------------	------------	--------	---------

La Aja bin La Feeli was sentenced to death by the District Court of Ujung Pandang in April 1988, for the November 1987 murder of his wife, Fatimah. The Prosecutor had requested a life sentence.

10. Nyonya Sumiarsih (48)	20 Feb 1989	Murder	Clemency pending
11. Djais Adi Prayitno (54)	20 Feb 1989	Murder	Clemency pending
12. Sugeng (24)	20 Feb 1989	Murder	Clemency pending
13. Serda Pol. Adi Saputro (29)	November 1988	Murder	Appeal denied by military court Appeal rejected by Supreme Court

Nyonya Sumiarsih, her husband Djais Adi Prayitno, their son Sugeng and Police Sergeant Adi Saputro were all sentenced to death for the August 1988 murder of Lt.Col. Purwanto and four members of his family. Sgt. Adi Saputro was sentenced in November 1988 by the Surabaya Military Court III-12. The other three were sentenced on 20 February 1989 by the District Court of Surabaya. In the case of Sugeng, the Prosecutor had asked for a life sentence, but the court decided on the death penalty. Adi Saputro's appeal to the Supreme Court in late 1989 was rejected. He is detained in Surabaya at Military Police headquarters. In January 1990, Nyonya Sumiarsih, Djais Adi Prayitno and Sugeng formally submitted a request for Presidential clemency.

APPENDIX II

LIST OF PRISONERS EXECUTED IN INDONESIA SINCE 1978

(As of 20 February 1990)

(A) Prisoners Sentenced In Connection With 1965 Coup Attempt Or As Members Of The PKI

<u>Name</u>	<u>Date Executed</u>
1. Mohamad Munir	May 1985
2. Gatot Lestario	1985
3. Djoko Untung	1985
4. Rustomo	1985
5. Supono (alias Pono)	Sept/Oct 1986
6. Syam Kamaruzaman	Sept/Oct 1986
7. Bono Walujo	Sept/Oct 1986
8. Col. Sudiono	Sept/Oct 1986
9. Tamuri Hidayat	Sept/Oct 1986
10. Anwar Hanafiah	Sept/Oct 1986
11. Abdullah Ali Hany	Sept/Oct 1986
12. Suyono Wiroatmodjo	Sept/Oct 1986
13. Lt. Kamil	Sept/Oct 1986
14. Sukarman	17 November 1987
15. Giyadi Wignosuharjo	15 October 1988
16. Sukardjo	15 October 1988
17. Satar Suryanto	15 February 1990
18. Yohanes Surono	15 February 1990
19. Simon Petrus Soleiman	15 February 1990
20. Noor Rohayan	15 February 1990

(B) Muslim Activists

1. Imron bin Zein	28 March 1983
2. Salman Hafidz	1985
3. Manan Kusmayadi	12 September 1986
4. Bambang Sispoyo	June/July 1989
5. Abdullah Umar	April/May 1988

(C) Prisoners Convicted of Common Crimes

1. Husin bin Oemar Batfari	14 September 1978
2. Kusni Kasdut	6 February 1980
3. Henky Tupanwael	5 January 1980
4. Liong Wie Tong (alias Lazarus)	31 October 1987
5. Tan Tiang Tjoen	31 October 1987

Total (since 1978) = 30

Total (since 1985) = 26

INTERNAL (for AI members only)

AI Index: ASA 21/04/90
Distr: SC/CO/GR

DETACH THIS SHEET FROM THE MAIN DOCUMENT
BEFORE COPYING OR DISTRIBUTING FOR
EXTERNAL USE

PIRAN 2/90

COUNTRY: INDONESIA
SUBJECT TITLE: FOUR POLITICAL PRISONERS EXECUTED

RECOMMENDED ACTIONS

Please ensure that all relevant people in the section have received copies for their attention, and that the document is centrally filed for future reference. The attached external paper may be used as a statement of Amnesty International's concern about the death penalty in Indonesia.

Indonesia coordinators and PIRAN coordinators have been sent recommended actions separately.

DISTRIBUTION BY THE IS

This circular has been sent direct by the IS to Indonesia and PIRAN coordinators.