

INTERNAL

TO: Select Lawyers' Groups;
Groups with an Indonesian Prisoner;
Coordination Groups on Indonesia/East Timor.

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FROM: Asia Research Department

Amnesty International,
International Secretariat,
1 Easton Street,
LONDON WC1X 8DJ,
United Kingdom.

DATE: November 1984

TWO FORMER COMMUNIST LEADERS UNDER THREAT OF EXECUTION IN INDONESIA.

Summary

Djoko Untung and Gatot Lestario, two political prisoners, were sentenced to death in 1976, since when appeals have been pending. In October 1984, according to a statement by the Chief of the Public Prosecutor's office for East Java, their appeals to the President for clemency were rejected.

AI Concern

The death penalty; reports of unfair trials.

Distribution

This circular is being sent to Lawyers' Groups, all groups working for an Indonesian prisoner and all coordination groups on Indonesia and East Timor.

Recommended Actions

(A) Lawyers' groups are asked to send up to five letters written by individual members, in their professional capacity to President Suharto. Some of these should mention AI. Letters should stress the following points:

1. express concern at the reports that the appeals for clemency to the President by Djoko Untung and Gatot Lestario (Sutarjo) have been rejected;

2. urge the President to commute the death sentences imposed upon Djoko Untung and Gatot Lestario;

3. welcome reports of the informal assurances given by the Indonesian government that they would not execute prisoners sentenced in connection with the attempted coup in 1965;

4. request the President to commute all outstanding death sentences so as to allow these prisoners to benefit from the provisions for remission and release open to other political prisoners;

5. express concern that these prisoners were sentenced in a trial which may not have accorded with international standards of fairness, and state that the cases of these prisoners should be reviewed.*

(B) Appeals should be addressed to:

- President Suharto,
Istana Negara,
Jalan Veteran,
Jakarta.

Copies may be sent to:

1. Lieutenant General Ali Said (Chairman of the Supreme Court)
Ketua Mahkamah Agung,
Mahkamah Agung,
Jalan Lapangan Banteng, 1,
Jakarta.
2. Lieutenant General Ismail Saleh, (Minister of Justice)
Menteri Kehakiman,
Departemen Kehakiman,
Jalan Hayam Wuruk 7,
Jakarta.
3. Major General Soelarso, (Regional Military Commander for
East Java)
Pangdam VIII,
Markas Besar KODAM VIII Brawijaya,
Surabaya,
Jawa Timur.
4. Soesandi, SH, (Chief of Public Prosecutor's Office
for East Java)
Kepala Kejaksaan Tinggi,
Kejaksaan Tinggi,
Surabaya,
Jawa Timur.

(C) The attached information may be used publicly. Groups with an Indonesian Prisoner and Coordination Groups on Indonesia/East Timor are asked to distribute the attached material publicly and are asked not to take any further action for the time being.

* It is not considered effective in this case to enlarge upon these points in letters or to discuss the history of the imprisonment of PKI members and supporters.

EXTERNAL

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International Secretariat,
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TWO FORMER COMMUNIST LEADERS UNDER THREAT OF EXECUTION IN INDONESIA

Djoko Untung and Gatot Lestario, two former leaders of the Indonesian Communist Party (PKI) in East Java, were sentenced to death in 1976. According to recent press reports their appeals for clemency to the President have been rejected.

The Imprisonment of PKI Leaders Since 1965

The coup attempt of 30 September/1 October 1965 is believed to have been planned by several leftwing army officers in an effort to replace the existing army leadership by a more leftwing one. The army reacted quickly and quashed the coup, although not before six leading generals had been killed. The army leadership blamed the Indonesian Communist Party (PKI) for the coup, although there has never been any clear evidence of the role the PKI did play in these events. There followed a massive purge of the PKI and its associated leftwing movements, during the course of which hundreds of thousands of people were arrested and, according to a government spokesman, it is estimated that approximately half a million were summarily killed. People who were members of leftwing organizations were detained on the grounds that they were guilty by association, even though they played no personal part at all in the abortive coup. Others were arrested on the basis of casual relationships with persons known, or thought, to be associated with the PKI. Thousands of military men were also arrested because it was felt that their commanding officers had leftwing sympathies. Tens of thousands of these persons remained in detention for up to eleven years after the 1965 events, without any formal charge or trial.

The trials of prisoners held for their alleged involvement in the 1965 events were initially held before special military tribunals, which often imposed the death sentence, although it is not known in how many cases this was later commuted to life imprisonment. Later, political prisoners were tried before ordinary courts, and although the death sentence continued to be demanded by the prosecutor, it is thought that the sentences handed down were generally those of long periods of imprisonment, ranging from 15 years' to life imprisonment. A report in the Indonesian-language weekly Tempo in mid-1974 stated that perhaps as many as half of the prisoners brought to trial by that date had been given sentences of life imprisonment or the death sentence.

Amnesty International knows of no case in which any political prisoner was acquitted as a result of one of these trials. Many of these trials were held in secrecy without advance warning and with the accused having almost no time to consult with the court-appointed defence attorney. They were

often reported in the press but with little detail, merely stating that the accused had been found guilty and sentenced to a certain term of imprisonment. Some reports of the conduct of these trials give grounds for concern that their proceedings may not have accorded with internationally accepted standards of fair trials. Some defendants and commentators have since alleged that the judges in these trials were not impartial; they were reportedly given little or no opportunity to cross examine the witnesses whose testimonies were brought against them or to bring witnesses in their own defence; and some of the material evidence, such as weapons or ammunition, produced at these trials reportedly bore no relation to the individuals accused.

Following the banning of the Indonesian Communist Party (PKI) after the alleged attempted coup of September/October 1965, the Indonesian military authorities continued to report the discovery of PKI activity in many parts of Indonesia. Army reports claimed that Communists had set up underground organizations with the aim of armed opposition to the Indonesian government. From the last months of 1965 and during subsequent years Indonesian news media carried reports which alleged PKI involvement in attacks on security forces and on individual Moslems and mosques.

In particular, support for an organized underground Communist movement was reported to have been strong in the South Blitar region of East Java, where, reportedly, as many as 90% of the local inhabitants were assisting an underground PKI in 1968. During May 1968 the Indonesian authorities launched military operations against alleged subversion in the South Blitar area.

This military operation was accompanied by a wave of arrests. In the early months of 1968 large numbers of alleged sympathizers of the PKI, particularly members of the armed forces, were arrested, and the number of arrests was to increase during the year. In August 1968 the Military Commander of East Java, Major General Mohammed Jasin, claimed that more than 800 Communists had been arrested in June and July, mainly in South Blitar, and that many members of the PKI had been killed. Further arrests were reported later in 1968 in other parts of Indonesia, notably in West and Central Java, in south Sumatra, and in Sulawesi. According to reports, many of these detainees were killed while in custody, including

3,500 alleged PKI followers at Purwodadi. Many of these arrested in this period were allegedly members of the PKI, who had been released after arrest in 1965 - 1966, but who had not gone underground.

Djoko Untung and Gatot Lestario

(David) Djoko Untung, a member of the PKI provincial committee for East Java, was arrested on 6 July 1968 in South Blitar, East Java. Gatot Lestario (Sutarjo), who had been chairman of the PKI provincial committee for East Java, was arrested six months later on 19 January 1969, apparently in Jakarta. Gatot Lestario, a former history teacher had been working fulltime for the PKI, but had reportedly gone underground after the attempted coup of September 1965 and the subsequent purge of PKI leaders and supporters.

Djoko Untung and Gatot Lestario were tried before the District Court of Blitar, East Java, at the end of 1975. They were charged with treason and subversion and armed insurgency against the government during the years

1965 to 1969. A third accused, Basuki, died during the trial on 15 December 1975. Both remaining defendants were sentenced to death on 2 January 1976. After the announcement of these sentences, Amnesty International sent a cable to President Suharto appealing for the commutation of these death sentences.

Both prisoners have been detained since 1978 at a prison in Pamekasan on Madura, an island off East Java. They have already been detained for over fifteen years, Djoko Untung is aged about 63 and Gatot Lestario about 59. Gatot's wife; Pudji Aswati, a former teacher, is also a prisoner, detained in a women's prison in Malang, East Java, having been sentenced to 15 years for alleged subversion in the South Blitar area.

Djoko Untung and Gatot Lestario appealed against their death sentences to the High Court, and to the Supreme Court, but their appeals were rejected. In early 1982 both appealed for clemency to President Suharto. The appeal of Djoko Untung was rejected by the President on 31 October 1983, and that of Gatot Lestario on 14 August 1984. These prisoners may now have exhausted all possibilities of appeal. According to a statement by the Chief of the Prosecutor's Office for East Java, Mr Soesandi, on 9 October (reported in Suara Karya, 11 October 1984), discussions would take place with the Regional Military Commander for East Java and the Regional Chief of Police concerning the implementation of the sentence. As of 15 October 1984, neither prisoner had been officially informed of the rejection of their final appeal, nor had the prison governor. The prisoners learnt of the outcome only through press reports brought by friends to the prison.

Government Policy on PKI Prisoners Under Sentence of Death

Of the death sentences imposed for alleged involvement in the 1965 coup attempt or in subsequent attempts to revive the PKI, relatively few have been carried out. Amnesty International believes that less than 10 of those sentenced to death by the courts have been executed, although many thousands were killed without process of law in the aftermath of the coup attempt. A letter from the Dutch Foreign Minister, C.A van der Klaauw, to the Communist Party of the Netherlands in November 1980 relayed an assurance from the Indonesian authorities that the death sentences still outstanding would not be carried out. The same letter quoted Indonesian authorities as saying that no more than 31 persons are under sentence of death for having participated in the coup attempt and subsequent events, but, Amnesty International believes that the true figure may be higher.

Although the Indonesian authorities have indicated that the death sentences would not be carried out, there are no avenues open to persons condemned to death to be granted commutation, remission and eventual release, once their petitions for clemency have been rejected. Under the terms of a remission decree issued in November 1979, political prisoners sentenced to imprisonment for life or lesser terms became eligible for remission of their sentences on the same terms as criminal prisoners. Despite the informal assurance that persons under sentence of death will not be executed, these prisoners are not eligible for remission and eventual release until their

sentences are formally commuted, since prisoners under sentence of death do not fall under the terms of the remission decree.

Amnesty International has welcomed the commutations of death sentences imposed on prisoners sentenced in connection with the attempted coup of 1965, as in the cases of Dr Subandrio and Omar Dhani in 1981, and has on a number of occasions appealed to the Indonesian authorities to commute all outstanding death sentences. Appeals procedures in Indonesia are protracted and many other alleged PKI members under sentence of death are believed to be still awaiting the outcome of their appeals.