

INTERNAL (for AI members only)

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TO: All sections
Coordination groups on Indonesia/
East Timor
PIRAN Coordinators
Groups working for a prisoner
in Indonesia/East Timor

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FROM: Asia Research Department

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SUMMARY OF AMNESTY INTERNATIONAL'S CONCERNS IN INDONESIA
AND EAST TIMOR

Introduction

Attached is a summary of AI's concerns in Indonesia and East Timor which may be useful for briefing purposes or general publicity work.

This summary is being sent out now for use by sections and coordinators in briefing their government representatives to the Intergovernmental Group on Indonesia (IGGI). The IGGI is an international aid consortium made up of donor countries and international financial agencies which meets every year to agree on the total aid to be given to Indonesia. The IGGI is chaired by the Netherlands Government's Minister for Development Cooperation and meets in the Hague, the Netherlands. The next meeting will take place on 17-18 June 1987.

At its 29th meeting in the Netherlands in June 1986 the IGGI agreed to commit US \$2.5 billion in aid to Indonesia for the financial year 1986-7. There were fourteen donor countries (Austria, Australia, Belgium, Canada, France, FRG, Italy, Japan, Netherlands, New Zealand, Spain, Switzerland, United Kingdom, and USA), while other countries, for example Denmark, Finland, Norway and Sweden have in the past sent observers. The IGGI also includes representatives from the World Bank, the International Monetary Fund, the Asian Development Bank, and the United Nations Development Program.

The IGGI meeting is usually well publicized and is often a focus for appeals on human rights issues in Indonesia. In 1985 human rights groups protested at the execution that May of Mohammad Munir, a political prisoner and former trade unionist detained since the 1960s. In 1986 environmental groups publicly appealed to the IGGI to withhold payments designed for Indonesia's transmigration program - the voluntary resettlement of people from the more populous islands, chiefly Java, to the less populous. This resettlement program, and particularly its effects in Irian Jaya, have been of concern to groups working on social and economic rights. AI has no direct concerns regarding transmigration.

Recommended Actions

All sections in countries represented as donors or observers in the IGGI meeting are asked to send a letter to their government's representative at the meeting asking them to attempt to raise human rights concerns at the IGGI meeting. In all of these sections the officer

responsible for liaison with their own government should consult with the Indonesia/East Timor coordination group or the PIRAN coordinator for additional material and for information on their government's policy towards Indonesia. Sections should find out what approach was made by their section to their government before the last IGGI meeting and what response was received.

Sections should attempt to find out from officials responsible for economic cooperation and overseas aid in their ministry of foreign affairs who will represent their government at the IGGI meeting. They should then send these delegates a letter outlining AI's concerns in Indonesia/East Timor and asking that they raise human rights issues at formal or informal discussions at the IGGI meeting.

These letters should also emphasize the following points:

- AI takes no stand on economic aid to countries where human rights are violated: it does not ask for the cessation of economic aid nor for specific conditions to be placed upon such aid.

- AI works only for the protection of specific human rights such as the right to freedom of expression and religion, the right not to be subjected to torture and ill-treatment, the right to a fair trial, and the right to life.

- nevertheless, AI considers that the governments of the countries represented in IGGI are in a strong position to urge that socioeconomic development in Indonesia be accompanied by a respect for human rights, and to indicate to the Indonesian Government that they are aware of and do not condone human rights violations committed in Indonesia and East Timor.

In addition to enclosing the attached summary of AI's concerns, sections or coordinators may wish to highlight cases of Indonesian prisoners of conscience on whose behalf groups in their section are working.

All other sections are encouraged to send a copy of the attached paper to their ministry of foreign affairs or any other government officials interested in the human rights situation in Indonesia.

EXTERNAL (for general distribution)

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SUMMARY OF AMNESTY INTERNATIONAL'S CONCERNS IN INDONESIA
AND EAST TIMOR

Summary

Amnesty International is concerned about the imprisonment of hundreds of political detainees, including prisoners of conscience and possible prisoners of conscience, who it believes may have been unfairly tried. The prisoners include Muslim activists and government critics in Java, suspected supporters of independence movements in Irian Jaya and East Timor and people arrested in connection with a coup attempt in 1965, many of whom had been associated with the banned Partai Komunis Indonesia (PKI), Indonesian Communist Party. Amnesty International has received reports of torture and ill-treatment of prisoners, often during interrogation immediately following arrest, and of extrajudicial executions, particularly in Irian Jaya. Amnesty International is also concerned about the use of the death penalty. Ten executions, of a Muslim activist and nine former PKI members, were carried out in 1986, and Amnesty International is aware of 23 prisoners under sentence of death.

Muslim Activists and Government Critics

On 25 June 1986 Amnesty International published a report Indonesia: Muslim Prisoners of Conscience (AI Index: ASA 21/10/86) which documented the cases of over 100 prisoners detained after a violent demonstration in Tanjung Priok, Jakarta, on 12 September 1984. The report described in detail the cases of 15 prisoners of conscience detained for protesting about the government's handling of the Tanjung Priok incident or for criticizing government policies which they believed violated Islamic teachings. Many prisoners were reportedly ill-treated while held incommunicado after their arrest.

In a letter of 19 June 1986 to President Suharto enclosing a copy of the report prior to its publication, Amnesty International expressed concern that the trial of these prisoners might not have been fair. In many cases, the organization noted, access to counsel was limited, the time to prepare a defence was short and considered inadequate by defence lawyers, the right of the defence to call witnesses was restricted, and evidence alleged to have been obtained illegally was accepted in court.

In April 1987 Amnesty International was working on behalf of 16 Muslim prisoners of conscience, all of whom had been convicted of subversion under Presidential Decree No.11/1963, the so-called "Anti-Subversion Law". The rights guaranteed to criminal suspects under the country's Criminal Procedure Code such as limits on pretrial detention do not apply to people charged with subversion. Amnesty International has urged the government to review the Anti-Subversion law with a view towards similarly protecting the rights of persons arrested and detained under it.

Sentences imposed on prisoners of conscience have often been heavy. In

January 1986 Lieutenant General H.R. Dharsono, who had signed an open letter calling for a fact-finding commission into the Tanjung Priok incident, was sentenced to ten years' imprisonment, reduced on appeal in May to seven years. Other prisoners, however, have had their sentences increased on appeal by the prosecution. Andi Sukisno, a Muslim student tried in Malang on subversion charges in 1985 and adopted as a prisoner of conscience in 1986, had his sentence raised from eight to fifteen years on appeal to the East Java High Court.

Another adopted prisoner of conscience is Dr Oesmany Al Hamidy, a 72-year-old disabled professor at an Islamic college in Tanjung Priok. Arrested in September 1984, he was sentenced in March 1986 to eight years' imprisonment on subversion charges for having given sermons criticizing alleged official corruption and government policies, particularly a draft law which would require Muslim organizations to accept Pancasila, the state ideology, as their sole ideological foundation.

Muslim activists have continued to be brought to trial on subversion charges. Amnesty International is investigating the cases of a group of 29 Muslim religious teachers and activists arrested in late 1985 and 1986 in in Central Java, who were accused of attempting to set up an Islamic state in Indonesia. Sixteen members of this group were brought to court in parallel trials in Solo, Karanganyar, Boyolali, Sukoharjo and Klaten from July to October 1986. The defendants were members of a network of village-based groups, known as usroh, which, they claimed, was designed to develop closer ties among Muslims through religious study. All 16 denied the charges against them, but all were convicted and sentenced to between 5 and 11 years' imprisonment. In October 1986, Amnesty International requested detailed information on the charges against these prisoners from the Attorney General and local government officials. By April 1987 Amnesty International had received no response, and available press reports gave no indication that any evidence was produced during their trials to show that they had used or advocated violence. Other prisoners accused of involvement in usroh groups have been sentenced to up to 15 years' imprisonment in a series of trials in Yogyakarta, Karanganyar, Bantul, Banyumas, and Brebes between October 1986 and March 1987.

Political Prisoners in Irian Jaya

Amnesty International continues to be concerned about reports that suspected supporters of the Organisasi Papua Merdeka (OPM), the Free Papua Movement, which since the mid-sixties has been waging an armed struggle to establish an independent state of West Papua in the territory of Irian Jaya, were being held without charge or trial in military detention centers in Sorong, Merauke and Jayapura. One such prisoner, Nabot Wanma, was reported to have been held since June 1985 and to have been tortured. He is reported to be still detained at the military police headquarters in Kloofkamp Bawah, Jayapura. In December 1986 Amnesty International wrote to the Minister of Justice expressing concern that such prisoners were not brought before judicial authorities after arrest and given a fair trial within a reasonable time, in accordance with internationally recognized standards. Several trials of political prisoners in Irian Jaya were reported to have taken place during 1986, including those of seven of 12 men deported from Papua New Guinea in October 1985.

In response to inquiries from Amnesty International about the possibility of sending observers to attend trials of political prisoners in Java, Irian Jaya and East Timor, the government stated in December 1986

that their attendance at court proceedings would constitute interference in its internal affairs and as such would not be tolerated.

Prisoners Convicted of Involvement in the 1965 Coup Attempt

Amnesty International continues to be concerned about approximately 100 prisoners remaining in detention after having been convicted of involvement in the 1965 coup attempt. Amnesty International is appealing for the release of three prisoners who it believed had been accused of involvement in the coup attempt solely because of their non-violent activities in the PKI and associated organizations. One such prisoner is Pudjo Prasetyo, who had been a full-time worker for the PKI in Bali. He had been arrested in 1967 but was only brought to trial in 1979 when he was sentenced to life imprisonment. He is detained in Grobogan prison, Bali.

In other cases there have been prolonged delays in appeal hearings. In October 1986 Amnesty International highlighted the case of a "forgotten" prisoner of conscience, Manan Effendi bin Tjokrohardjo, vice-chairman of the PKI for East Kalimantan, who had been arrested on 9 October 1965, a few days after the coup attempt, and sentenced to death in 1967. Manan Effendi lodged an immediate appeal against his sentence, but it was not heard by the High Court until April 1982, over 14 years later. The High Court stated that it had only received the relevant papers from the district court in January 1982 and then commuted the sentence to life imprisonment.

Torture and Ill-treatment

Torture and ill-treatment by both military and police personnel continues to be reported, in some cases leading to the death of detainees. In July 1986 Amnesty International appealed for an independent and impartial investigation into the death in custody in Jakarta of Muhammad Djabir on 25 January 1986. The day before his death he had told his nephew that he was being beaten to force him to make a statement accusing a former cabinet minister, Haji Mohammad Sanusi, of plotting to assassinate the President. His family claimed to have seen marks of torture on him both when they visited him in prison and when his body was returned to them after death. Amnesty International has also been concerned at reports of the deaths of a number of detainees held for alleged criminal offences in police stations where their relatives believed they may have died as a result of ill-treatment. In September 1986 it appealed for independent investigations into five such deaths in police custody between June and August.

In September 1986 Amnesty International made public reports of the ill-treatment of a number of people who had been briefly detained on suspicion of supporting independence for the South Moluccas. About 30 people were reported to have been arrested following the raising of a South Moluccan flag between Partu and Haria on Saparua island on 25 April. All these detainees were released by the end of May, but many claimed to have been beaten and ill-treated.

Extrajudicial Executions

Amnesty International is concerned about reports that Indonesian security forces might have carried out extrajudicial executions during 1986 in the areas of Kiwirok, Merauke, Sarmi and Paniai in Irian Jaya. Amnesty International urged the Minister of Justice in December 1986 to investigate reports that Yunus Firtar, Roby Tanjung and Wilhemus Inday among others had

been killed in custody by members of the Indonesian military.

East Timor

From East Timor Amnesty International has received reports of torture, arbitrary arrest and unfair trials of political prisoners suspected of supporting the Frente Revolucionaria de Timor Leste Independente (Fretilin). People arrested and interrogated by the Indonesian security forces in district and sub-district military commands outside Dili, the capital city, such as Baucau and Lospalos, appeared to be especially at risk. Amnesty International is also concerned about the fairness of trials of political prisoners in East Timor. Amnesty International was aware of the trials of 10 prisoners during 1986, bringing the total number tried to well over 200 since the trials began in December 1983. All of the defendants pleaded guilty and none lodged an appeal. Amnesty International is concerned that the trials may not have been fair. The defendants reportedly had no other choice of counsel than a government-appointed defence team.

At the end of 1986 more than 600 people continued to be held without charge or trial on Atauro island off the coast of Dili. Although the Indonesian Government referred to these people as "temporarily displaced persons", Amnesty International is concerned that they were being forced to stay on the island as part of a policy to break up suspected Fretilin support networks.

In a statement of its concerns in East Timor before the UN Special Committee on Decolonization on 15 August 1986 Amnesty International noted the failure of the Indonesian government to conduct investigations into reports of extrajudicial executions or "disappearances" reportedly carried out in previous years by members of the military. Amnesty International stated that it believed the absence of such investigations by the Indonesian authorities increased the likelihood that such grave violations could occur again.

The Death Penalty

Amnesty International is concerned about the increased use of the death penalty in recent years. Ten executions, all involving political prisoners, were confirmed by the government during 1986. On 12 September 1986 Maman Kusmayadi, a Muslim activist who had been convicted of involvement in the storming of a police station in Bandung in 1981, allegedly to obtain weapons for the establishment of an Islamic state, was executed. On 2 October Amnesty International wrote to President Suharto expressing concern about the execution and outlining reasons for its unconditional opposition to the death penalty.

In October 1986 the government announced that nine former members of the PKI, all of whom had been held under sentence of death for over 15 years, had been executed in the last week of September and first week of October, on the anniversary of the coup attempt in 1965. All had been tried by special military courts which allowed them no right of appeal to a higher court, in contravention of international standards relating to the rights of people sentenced to death.

Amnesty International has repeatedly appealed for the commutation of all outstanding death sentences. The organization learned of two death sentences imposed during 1986, both for murder. Those under sentence of

death in March 1987 include 16 prisoners convicted of involvement in the 1965 coup attempt, three Muslim activists, and seven prisoners convicted of common crimes. In November 1986 Amnesty International renewed its appeals for the abolition of the death penalty in law.