

# memorandum

## EXTRACTS FROM MEMORANDUM TO PRESIDENT SUHARTO AND THE GOVERNMENT OF INDONESIA

SUBMITTED BY THE CHAIRMAN OF AMNESTY INTERNATIONAL  
(February 1971)

"While fully appreciating the extremely difficult and dangerous situation which faced the Indonesian Government in 1965 and 1966, it is considered that the continued detention of vast numbers of persons who are uncharged and untried clearly contravenes the provisions of the Universal Declaration of Human Rights and the norms of the Rule of Law. The continuance of this situation is obviously highly damaging to the image of Indonesia in the outside world; it also tends to prolong the memory and bitterness resulting from the tragic events of 1965. From discussions we have had with both the responsible civil and military authorities in Jakarta, we believe that the Indonesian Government appreciates the necessity of dealing with this problem.

"One of the difficulties we have found in the course of our investigations is the absence of reliable public statistics as to the number of prisoners held.....

".....It is strongly recommended that the Government should take steps to obtain and publish precise figures as to the numbers held. Unless this is done the Government itself and the international agencies which are prepared to help the Government will be faced with added difficulties in the formulation of release programmes.

"In regard to the Category "A" prisoners the problem as we see it is that even if charges and evidence are available to put them on trial, the existing judicial machinery is totally inadequate to undertake the trial of 5,000 persons. It is understood that it is the intention of the Government to appoint five hundred new judges by 1974 for the purpose of undertaking these trials. Even if the Government does find it possible to appoint five hundred new judges and the necessary ancillary legal personnel within the course of the next two or three years, the trial of some 5,000 persons is bound to take another 10 years or so. This would mean that many of those awaiting trial will probably die before they are tried and that in a number of cases trials will take place only some 10 to 15 years after the events that form the basis of charges. This is obviously most unsatisfactory. It is therefore suggested that a re-assessment

of the cases of the 5,000 prisoners in Category "A" should be undertaken with a view to the release of those against whom there is no evidence and of those who even if guilty of some offence, could be regarded as having purged their offence by the 5 years they have already spent in prison. It is believed that if such a review of the Category "A" prisoners were undertaken, the number remaining for trial would be considerably reduced. The programme for the strengthening of the judicial machinery and the appointment of additional judges should in any case be proceeded with as the existing judicial machinery is insufficient by any standards. The existing judges, while dedicated, are overwhelmed with work.

In regard to the Category "B" prisoners it is suggested that in these cases too there should be a complete reevaluation. It is completely contrary to the norms of the Rule of Law that persons suspected of being "communist" should be detained indefinitely without charge or trial. If any of them are alleged to have committed crimes, they should be tried.....

"The principal reason advanced by members of the Government for the slowness in the release of the Category "C" prisoners is the fear of physical reprisals by the local populations. There has been no evidence of such an attitude by the population in the very substantial releases which have taken

place in the last year. It is confidently hoped that the President and members of the Government could offset any such danger by appealing to the population to facilitate the reintegration of the released prisoners into the life of the Indonesian nation.

"Without questioning the well-meaning motives which may have inspired the massive transportation of untried prisoners to island detention camps, it is a policy which is fraught with grave danger and which cannot be justified under any legal concept. The transportation for life of 10,000 prisoners, mostly males, without their families to camps on remote islands is clearly contrary to the laws of humanity and to justice. What is to happen to these vast penal settlements in the future? Is this the best way of eradicating the bitterness and disension of the past? Is it wise to create substantial pockets of population, which will not unnaturally nourish resentment against the authorities who have transported them there? If any programme of resettlement for ex-prisoners is envisaged, this should be done on the basis of reintegration of the ex-prisoners into the life of the community and, wherever possible, on the basis of family grouping...

"In relation to the treatment of all prisoners we would respectfully draw the attention of the Indonesian Government to the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners. We appreciate that in the existing circumstances it will take some time before they can be fully put into operation in Indonesia. We would, however, urge that copies of these Rules should be supplied to the commandants of all military camps of detention where prisoners are detained.

"The concern of Amnesty International in making the propositions herein set forth was to put forward proposals which might be of assistance to the Indonesian Government in the solution of a problem which is of paramount importance for the future development and stability of the Republic of Indonesia. Amnesty International and indeed the other international organisations working in the human rights field would, we feel, be more than willing to extend any assistance in their power to the Indonesian Government to secure the constructive solution of these problems."

Sean MacBride, S.C.  
1st February, 1971.