

# INDONESIA

## @The 1965 Prisoners - A Briefing

### Introduction

On 17 August 1995, Indonesia celebrates 50 years of independence. This year also marks the 30th anniversary of the alleged coup by the Indonesian Communist Party, (*Partai Komunis Indonesia* - PKI) in October 1965, which preceded the coming to power of the New Order Government. Now, 30 years after the events of 1965, some 27 men are believed to remain in prison for their alleged role in the coup and the PKI. Five of them are entering their third decade on death row. On 28 July, the Indonesian Government announced that three of the 27, Subandrio, Omar Dhani and Sutarto, have been granted presidential clemency and will be released from prison in August. Amnesty International welcomes this decision and hopes that this indicates that the remaining prisoners will also be released from prison this year.

As Indonesia approaches the date of the anniversary of independence, there is increasing domestic support, including from the National Commission on Human Rights, to release the 1965 prisoners on humanitarian grounds. Many prominent Indonesians have publicly expressed opinions that an amnesty or clemency granted by the Indonesian President would be an appropriate gesture of reconciliation in the year in which the country celebrates its 50th birthday as an independent nation.

### The prisoners

Most of the 27 men still detained for their alleged role in the PKI coup are believed to be prisoners of conscience.<sup>1</sup> Several were members of political organisations only banned after the coup attempt. Some of these men, arrested in the immediate aftermath of the coup, have now served nearly 30 years in jail.

All were imprisoned after unfair trials. Few witnesses were prepared to testify in their defence for fear of reprisals. Lawyers acting for the group were accused of communist sympathies and subjected to threats and harassment. Many witnesses for the prosecution were themselves prisoners and in some cases evidence they gave was extracted under torture.

### Deteriorating Health

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<sup>1</sup> See Appendix for details of those believed to be still held in detention.

Over the years, many of the prisoners have died in jail, through ill-treatment, illness or old age. Two have died in recent months - one of whom was 94 years old. Another prisoner, **Iskandar Subekti**, died in August 1993, 21 years after being sentenced to death. In 1982 he wrote:

*I always bear in mind ..... that if we are approaching death - in the dying trajectory as you call it - let the wholesome thoughts or consciousness, let profound calmness prevail over you. In the hours before death, think about beautiful things, about the sun and flowers, moonlight and roses, about happy experiences in your life .... Throw away your thoughts about sorrow and unhappiness. Let in those hours of dying profound calmness, even joy, reign over you. Then you will die a profound, a real calm death. A calm death is a good death.*

Iskandar died from an enlarged spleen that was probably caused by malaria.

Those who remain in jail are frail and in some cases terminally ill. **Pudjo Prasetio** was jailed in 1967 and is still serving a life sentence. He is suffering from Parkinson's disease. In May 1991, after his request for presidential clemency was rejected, he said

*It means that there's no more way to be released. If there's no political changes I'll be jailed forever.*

### 1965 Prisoners on Death Row

Five of the prisoners remain on death row. They are **Asep Suryaman, Bungkus, Marsudi, Isnanto** and **Sukatno**. Two of them were sentenced to death in 1968, almost 30 years ago. Twenty-two PKI prisoners were executed between 1985 and 1990. The last executions took place in February 1990 when four men, all arrested in 1965, were shot by firing squad.

Another 1965 death row prisoner, **Gatot Lestario**, was executed in July 1985 after 17 years in prison. During his time in jail he wrote:

*Anger, hate, grudges, jealousy are self-destructive and corrosive. They damage the vessel in which they are stored and also use up an immense amount of energy. The haters, like the worriers, invariably end up with stomach trouble or worse!*

Along with those serving life sentences, many on death row have also died in prison. In April this year, **Ruslan Wijayasastra**, sentenced to death in 1974, died at the age of 77. As one Indonesian human rights activist said, "*They gave him a death sentence - but they saved on the bullet*". By the time he died, Ruslan was partially paralysed, nearly blind and required constant care.

Of the five remaining on death row, there are continuing concerns that they may be at imminent risk of execution. Several have had their applications for presidential clemency - the final stage in the appeal process - rejected. **Bungkus** had his application for clemency refused in July 1995. **Marsudi** is awaiting the result of his request. Others have not lodged an application for presidential clemency fearing that this will remove the final legal obstacle before execution.

The Indonesian Government has said it will not bow to international pressure from foreign governments or Amnesty International to commute their death sentences. Now, however the domestic pressure not to execute the prisoners is stronger than ever.

### **Calls for the release of the prisoners**

As part of the 50th Anniversary celebrations, special pardons will be granted to some 24,000 prisoners. There are conflicting views within the government about whether this should include political prisoners. The decision lies with the President. A recent request for presidential clemency made by three of the 1965 prisoners, **Subandrio, Sutarto and Omar Dhani**, has focused attention on whether all the prisoners will be released this year. On 28 July, the government announced that the three had been granted presidential clemency and will be released from prison next month. The issue of whether the other prisoners will be released remains unresolved.

Some prominent figures, including **Armed Forces Chief Feisal Tanjung**, have urged that the 1965 prisoners remain in jail. Tanjung has said that the prisoners remain a security threat and that Indonesia should remain alert against "neo-communism". He stated however that the decision of course lay with the President.

Despite this, calls for the prisoners to be released have increased from both within government and non-government circles. Many of the comments below relate specifically to the now successful request for presidential clemency submitted by **Subandrio, Sutarto and Omar Dhani**:

- **Secretary General of the National Human Rights Commission, Baharuddin Lopa** said that Omar Dhani, Subandrio and Sutarto are old and should be released on humanitarian grounds.
- **Roekmini, member of the National Human Rights Commission** has said that it is "perfectly reasonable" for the three prisoners who have recently submitted an application for presidential clemency to apply for clemency because of their age.
- **Marzuki Darusman, member of the National Human Rights Commission**, agrees that the prisoners have already served long enough in prison.

- **Professor Muladi, member of the National Human Rights Commission**, said that there must be a limit to how long the prisoners spend in jail and that Indonesia would be criticised internationally if they died in jail.
- **Krissantono, a Member of Parliament for Golkar**, the government-backed party, has said that the requests for clemency could be considered and that the men could be released into house arrest.
- **Emil Salim**, head of the official National Committee for the 50th Anniversary has said that "reconciliation" is appropriate.
- **Members of parliament, V B da Costa and K H Syamsuri** have supported the requests for clemency. "As a civilised nation, we must be able to forget their past mistakes", da Costa said.
- **Chief Justice Soerjono** has presented some "humanitarian" issues which would be contemplated by the President in considering the request".
- **Justice Minister Oetoyo Oesman** has said that "in the case of political prisoners, they could apply for special clemency from the President". The Justice Minister has reiterated that the decision has to be taken by the President and should be based primarily on humanitarian grounds and should be on an individual basis, not a group decision.
- **Supreme Court Judge Bismar Siregar** said that he hopes President Suharto will open his heart to the granting of an amnesty for those who have "repented".
- **Erman Umar**, Chair of the Central Leadership Council of the Indonesian Legal Advisors League (*Ikatan Penasihat Hukum Indonesia - IPHI*) has said that pardons should be given to all the PKI prisoners on humanitarian grounds. "Let them end their lives with their families. This will allow them some happiness".
- Human rights activist **Princen, from the Institute for the Defence of Human Rights** (*Lembaga Pembela Hak-hak Asasi Manusia - LPHAM*) has said "They are feeble and very ill and should be given the opportunity to die among their own families".
- **The Indonesian Legal Aid Institute** (*Lembaga Bantuan Hukum - LBH*) has also urged that the group be released on humanitarian grounds so that they can end their lives in their homes.