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Former MP charged with subversion for election boycott call

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In another stark illustration of the Indonesian Government's intention to silence its opponents in the run up to the May 1997 parliamentary elections, the controversial former parliamentarian, Sri Bintang Pamungkas, was detained on 5 March under the Anti-subversion Law. His arrest and detention are related to greeting cards that he sent last month to mark the Moslem festival of *Idul Fitri* (see Appendix I). The cards, signed by Sri Bintang Pamungkas, contained the three point agenda of the recently formed United Democratic Party of Indonesia (*Partai Uni Demokrasi Indonesia - PUDI*):

- * Boycott the 1997 Parliamentary Election
- * Reject the re-election of President Suharto in the 1998 Presidential elections
- * Prepare a new government for the post-Suharto period.

Amnesty International is seriously concerned about Sri Bintang Pamungkas' arrest and detention under the Anti-subversion Law. The organization considers him to be a prisoner of conscience and is calling for his immediate and unconditional release.

On 5 March, Sri Bintang Pamungkas and four other PUDI members, the Secretary General, Julius Usman, Saleh Abdurrahman, Yus Soemadinata and Butje Rumaneri were invited to have lunch with the head of intelligence operations at the Attorney General's office in a restaurant in south Jakarta. After the meal the five were asked to go to the Attorney General's office where Sri Bintang Pamungkas expected to be questioned about the status of PUDI. The five were interviewed separately by members of the public prosecution and all but Sri Bintang Pamungkas were released at 4 pm the same day. At 7 pm, Sri Bintang was told that he was being investigated as a suspect and at 10 pm an arrest warrant was issued followed by a detention order, under which Sri Bintang Pamungkas is detained under Article

1(1) of the Anti-subversion Law.¹ His family were informed of his arrest at 1.30 am on 6 March. According to one report an order had been issued by President Suharto to detain him because of PUDI's call for an election boycott. There is some indication that Julius Usman and possibly Salah Abdurrahman may also have been formally arrested and may now also be back in detention under subversion charges.

Sri Bintang Pamungkas - well known government critic

Sri Bintang Pamungkas, a former member of Indonesia's Parliament for the United Development Party (PPP), has become known as a leading opponent of the government since he was accused of participating in anti-government demonstrations which took place in Germany between 1 and 6 April 1995. The authorities failed to find any evidence of his involvement in the demonstrations and Sri Bintang Pamungkas was eventually charged under Article 134 of the Criminal Code with "insulting" President Suharto during a seminar that he gave in Berlin. After a trial which fell short of internationally accepted standards for fair trials Sri Bintang was sentenced to two years and 10 months' imprisonment.² The sentence was upheld by the High Court in January 1997. An appeal has now been submitted to the Supreme Court. Sri Bintang is not detained pending the outcome of this appeal but is subject to travel restrictions which prevent him from leaving the country. In the meantime, in a decision adopted on his case in January 1997, the Inter-Parliamentary Union (IPU) stated that it "remained deeply concerned that Sri Bintang Pamungkas may be prosecuted on the basis of political considerations rather than on account of any criminal offence" and that it is still concerned "at the allegations of serious flaws in the judgement...".³

Undeterred by his conviction, Sri Bintang Pamungkas has continued to challenge President Suharto and the New Order Government. In May 1996 he formed a new political party, PUDI, in a direct challenge to the existing official three party system in which the government backed Golkar party is guaranteed electoral success⁴. PUDI was immediately

¹ Article 1(1) of the Anti-subversion Law defines subversive activity as anyone who "a) distorts, stirs up trouble or digresses from the state ideology Pancasila or the course of the state, or b) overthrows, damages, or undermines state power or the authority of the legal Government or State Apparatus, or c) spreads feelings of hostility or creates hostility, dissention, conflict, chaos, instability or restlessness among the population or society in general or between the Republic of Indonesia and a friendly State, or d) disturbs, hampers and stirs up trouble for industry, production, distribution, trade, cooperation and transportation run by the Government or based on the Government's decision, or which has a wide influence on the life of the people".

² For further details see: Indonesia: *Parliamentarian questioned after demonstrations - a pretext for silencing opposition?* AI Index ASA 21/25/95, April 1995. Indonesia: *Journalists' sentences increased as media restriction continue*, AI Index: ASA 21/63/95, December 1995. Indonesia: *Opposition Politician Latest Victim of Repressive Laws*, News Service 84/96, ASA Index ASA 21/27/96.

³ IPU Committee of the Human Rights of Parliamentarians. Decision adopted by the Committee at its 76th session (Geneva 27-30 January).

⁴ Under the 1985 law on sociopolitical organizations only three political organizations are recognized in Indonesia - Golkar, the United Development Party (PPP) and the Indonesian Democratic Party (PDI).

denounced by government officials including the Home Affairs Minister Yogie Suhardi Memet who said that the government did not recognise PUDI and insisted that the law on recognising only the three parties should be respected. Major-General Suwarno, assistant to the head of the military's socio-political department was reported as saying that "opposition parties do not exist in Indonesian democracy".⁵ In October 1996, Sri Bintang and Julius Usman made a self-declared bid for the presidency and vice-presidency even though the constitution does not recognise outside challenges for the post, which is decided every five years by an electoral college of parliament.

Julius Usman was among over 100 people who were questioned by the authorities following the raid on the PDI headquarters and subsequent riots. At the time Amnesty International stated that it considered the questioning and the threat of summoning individuals was being used by the authorities as a mode of intimidation.⁶

Amnesty International is particularly concerned that Sri Bintang Pamungkas, and possibly Julius Usman and Salah Abdurrahman, are being held under the Anti-subversion Law. Over the past 30 years the law has been used extensively by the Indonesian authorities to silence peaceful critics of the state. Amnesty International has consistently campaigned for the repeal of the law because its provisions have been used to sentence to death or imprison people for the peaceful exercise of their rights to freedom of expression, opinion and association. In addition the absence of any explicit safeguards relating to detainees' rights following arrest and during detention have resulted in serious human rights violations including the imprisonment of prisoners of conscience, torture, unfair trials "disappearances" and possible extra-judicial executions. Indonesia's own National Commission for Human Rights (*Komisi Nasional Hak Azasi Manusia* - Komnas HAM) has also called for the Anti-subversion Law to be repealed.⁷

Background

Tension in Indonesia has been running high since the July 1996 raid by security forces and alleged supporters of a rival faction of the Indonesian Democratic Party (*Partai Demokratik Indonesia* - PDI) headquarters and in the run up to the elections to the House of Representatives on 29 May 1997. The government response to mounting calls for political change has resulted in the arrest of peaceful political opponents including 12 people who are currently on trial in Jakarta on subversion charges in relation to the raid on the PDI office and subsequent riots. Political and labour activists, human rights defenders, members of non-governmental organizations (NGOs) and others have also been subjected to harassment and intimidation in recent months.

⁵ *Agence France Presse* (AFP), 29 May 1996.

⁶ For further details see: *Indonesia: Arrests, torture and intimidation: The Government's response to its critics*, AI Index: ASA 21/70/96, November 1996.

⁷ For further details see: *Indonesia: The Anti-subversion Law: A Briefing*, AI Index ASA 21/03/97, February 1997.

Among those who have been targeted by the authorities are those calling for a boycott of the forthcoming elections even though civilians are not legally required to vote in Indonesia. Four students, Ecep Sumardi Yasa, Abu Hasssan, Chalid Mawardi and Oru Wulandari were arrested in the Central Java town of Purwokerto in January 1997 for their alleged involvement in distributing leaflets encouraging people to boycott the elections. At least two of the group were believed to be facing charges under Article 161 of the Criminal Code (KUHP) in connection with the public incitement of a criminal act which is punishable by a maximum of four years' imprisonment. Controversy over the issue mounted after the Catholic Church - usually silent on political issues - said that not voting did not constitute a sin. The statement, contained in a pre-Easter apostolic letter by the Indonesian Bishops' Conference which was read out in many churches, said that "Catholics should really feel free in expressing their attitude in general elections". It went on to say that "if you do not feel represented and are sure with all your heart that your aspirations are not channelled, we can understand that you voice your responsibility and freedom by not voting...". In early March, around 6,000 pamphlets calling for a boycott were seized in Bandung, West Java. To Amnesty International's knowledge no one has been arrested, although Major-General Tayo Tarmadi, head of the Sliwingi military command, is quoted in a newspaper as saying that the military was searching for a number of people suspected of producing the pamphlets.

Recent statements by both President Suharto and government and military officials indicate that the authorities plan to maintain its tough approach. In a speech on 1 March President Suharto stated that if anyone attempted to oust him unconstitutionally he would "clobber them real hard and not hesitate to take actions against them".⁸ The following day the head of the Armed Forces, General Feisal Tanjung, was quoted as saying that the military had resorted to "limited repression" to maintain national stability, adding that democracy was "not everything."

Amnesty International believes that the arrest of Sri Bintang Pamungkas is yet a further example of the Indonesian Government's intention to remove its opponents to ensure the smooth return to power of Golkar in an election free of dissident opinion. Amnesty International is calling on the Indonesian authorities to immediately and unconditionally release Sri Bintang Pamungkas as a prisoner of conscience detained solely on the basis of the peaceful expression of his views. The organization is also calling for the immediate and unconditional release of his colleagues Julius Usman and Salah Abdurrahman if they too are detained.

⁸ AFP, 1 March 1997.

KEYWORDS: PRISONERS OF CONSCIENCE1 / OPPOSITION POLITICIANS1 / BANNING / CENSORSHIP / LEGISLATION / ELECTIONS / IPU /

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Please send appeals:

- ◆urging the authorities to immediately and unconditionally release Sri Bintang Pamungkas and his colleagues, Julius Usman and Salah Abdurrahman, if they are also being detained;
- ◆raising the concern that Sri Bintang Pamungkas is being detained under the Anti-subversion Law - legislation which Indonesia's National Commission for Human Rights (Komnas HAM) has recommended should be repealed;
- ◆asking the authorities to ensure that the right to the non-violent expression of opinion is protected at all times and that individuals may peacefully express their views in the run up to the parliamentary and presidential elections without fear of arrest or intimidation by the authorities;

Appeals should be sent to:

The Attorney General Agung Singgih S.H. Jaksa Agung Jl. Sultan Hasanuddin No 1 Kebayoran Baru Jakarta Selatan Indonesia Fax: + 6221 720 8557	Minister of Justice Haji Utoyo Usman S.H. Menteri Kehakiman Jl. HR Rasuna Said Kav 6-7 Kuningan Jakarta Selatan Indonesia Fax + 6221 525 3095
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Copies of appeals can be faxed to Indonesian newspapers:

The Jakarta Post
Fax: + 6221 549 2685

Kompas
Fax: 6221 548 6085

Merdeka
Fax: 6221 555 6063

and Indonesia's National Commission on Human Rights:

Komisi Nasional Hak Asazi Manusia (Komnas HAM)
Jl. Pemuda No. 104
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