

INDONESIA

The PRD Prisoners

“It was a case of expressing an opinion in public which was charged with the Subversion Law.”¹

Introduction

At a time of mounting political and social tension in Indonesia, 14 student activists, ranging in ages from 20 to 27, have been imprisoned for their calls for reform of Indonesia's political system. Sentenced to jail terms ranging from one-and-a-half to 13 years, the 14 students were tried under Indonesia's Anti-subversion Law and Article 154 of the Criminal Code which punishes “spreading hatred” against the government. The 14 were convicted for their involvement in organizations which do not formally recognise Indonesia's state philosophy as their basis, and for participating in or organizing peaceful demonstrations.

The 13 men and one woman are from the People's Democratic Party (*Partai Rakyat Demokratik* - PRD) or its affiliated organizations, including the Indonesian Centre for Labour Struggle (*Pusat Perjuangan Buruh Indonesia* - PPBI), the Student Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia untuk Demokrasi* - SMID) and the National Peasants' Union (*Serikat Tani Nasional* - STN). The Indonesian Government, which maintains a tight grip on political and labour organizations and permits the official functioning of only three political parties and one trade union, banned the PRD and its affiliated organizations in September 1997.

Amnesty International believes that the 14 student activists have been sentenced for their peaceful political activities and that the motivation for their imprisonment is an attempt by the authorities to remove outspoken opponents from the political scene and to intimidate and deter other potential critics. Amnesty International considers the sentences to be a violation of the right to freedom of expression and association, a view which has also been echoed by groups and individuals in Indonesia.

Freedom of expression and association

“[T]he Anti-subversion Law can be used to punish people whose ideas are different from those of the government. It allows prosecutors and judges to act as if they can read the accused's mind.”²

¹Marzuki Darusman, Vice Chairman of the Indonesian National Commission on Human Rights commenting on the trials of the 14 PRD activists. *Jakarta Post*, 6 May 1997.

². Indonesia's National Commission on Human Rights (Komnas HAM) on the law used to imprison the PRD activists. *Jakarta Post*, 9 April 1996.

The need to protect fundamental principles including freedom of expression and association has been recognised in international declarations and conventions and has been reinforced in national constitutions by many countries including Indonesia. The Universal Declaration of Human Rights (UDHR) guarantees the protection of freedom of opinion, assembly, association, thought and expression.³ Indonesia's 1945 Constitution carries a qualified right to freedom of speech.⁴

In many countries around the world - including Israel, Egypt, Indonesia and Cuba - governments use imprisonment or the threat of imprisonment as a means of controlling opposition to the government. Governments frequently try to justify such imprisonment by arguing that the accused was attempting to undermine the state, or was a threat to national security. Closer scrutiny of the alleged activities of individuals or groups frequently reveals that they were engaged in calls for political, social, economic or labour reform. In many cases there is no evidence whatsoever that the prisoners were involved in or promoted violence in support of their aims. Legislation used in such cases is often so loosely defined as to allow for the trial and imprisonment of individuals who may have done nothing more than for example call for higher wages for labourers, or urge land reform for peasants.

The Indonesian Government claims that there is freedom of expression in the country, but that individuals seeking to exercise this right also have a responsibility not to undermine the stability of the nation. However, precisely what is considered to undermine the state is not defined and an array of legislation exists which enables the government to imprison anyone who articulates a view with which it does not agree. Using this legislation, the Indonesian authorities have detained or imprisoned many thousands of people over the years for their peaceful activities which are considered to have undermined the state, the nation's philosophy⁵, or because they are accused of expressing "hatred" towards the government or the President.

³Articles 18 and 19 of the UDHR.

⁴Article 28 of Indonesia's 1945 Constitution states that "Freedom of association and assembly, of expressing thoughts and of issuing writing and the like, shall be prescribed in statute".

⁵Indonesia's national philosophy, *Pancasila*, embodies five principles, the belief in one God, humanitarianism, national unity, democracy and social justice.

After 30 years of government headed by President Suharto, Indonesia is currently in a state of uncertainty surrounding the country's political future. In May 1997 the ruling party, Golkar, secured a sixth five-year term in office and in March 1998 the country's supreme parliamentary body will elect a President and Vice-President.⁶ President Suharto is widely expected to stand as the sole presidential candidate and to secure a seventh five-year term in office. However, the president's age and state of health are contributing to concern and uncertainty about who will eventually replace the 72 year-old leader and what political change this would set in motion. Amidst this uncertainty, there are mounting calls for political, economic and social reforms, including a review of the parliamentary process and of the dominant political and social role accorded to the military.

Amnesty International, as an organization which is independent of all governments and political ideologies, does not support or oppose any political system but believes that all governments have an obligation to protect the civil and political rights of those seeking a role in the political process. A government's public credibility can only be enhanced if it allows individuals and groups to speak out, without fear of imprisonment or other sanctions.

The PRD Prisoners

The cases of the 14 PRD activists illustrate how far the Indonesian Government is prepared to go to deny civil and political rights to Indonesian citizens. The 14 are Budiman Sudjatmiko, Petrus Hariyanto, Garda Sembiring, Ignatius Putut Arintoko, Ignatius Pranowo, Ken Budha Kusumandaru, Suroso, Victor da Costa, Yakobus Eko Kurniawan, I Gusti Anom Astika, Wilson B Nurtiyas, Dita Indah Sari, Coen Husein Pontoh and Mochamad Sholeh. All 14 activists were taken into custody between July and September 1996. The arrests were part of the government's efforts to control dissenting political groups which had been inspired by the increasing popularity of Megawati Sukarnoputri, the elected leader of the official Indonesian Democratic Party (*Partai Demokrasi Indonesia*, PDI). Megawati Sukarnoputri had been the leader of one of the three officially recognised political parties before she was removed in a government-backed PDI congress in Medan in June 1996. Her supporters protested by refusing to vacate the party's headquarters in Jakarta. On 27 July, a raid was conducted on the headquarters by alleged members of the PDI's rival faction and the security forces. The raid sparked the worst riots in Jakarta for 20 years and the government responded with a broad sweep of arrests of government critics.⁷

⁶Golkar, or *Golongan Karya*, is the government-backed party.

⁷See Amnesty International documents [Indonesia: Raid on the PDI Office](#), AI Index ASA 21/46/96, 28

July 1996; Indonesia: PDI Raid: Update, AI Index ASA 21/48/96, 30 July 1996; Indonesia: PDI Raid: Reprisals Continue, AI Index ASA 21/56/96; Indonesia: Arrests, torture and intimidation: The Government's response to its critics, AI Index ASA 21/70/96, November 1996; and Indonesia: The Trial of Thought, AI Index ASA 21/19/97, April 1997.

There followed what was effectively a witchhunt of Indonesia's opposition movement. The PRD was particularly singled out and accused of being a communist organization with "subversive" motives. A total of 108 individuals were taken into custody, over 30 of whom were members of the PRD or its affiliated organizations. On 28 July 1996, the military stated that the actions of the rioters were similar to those of the banned Indonesian Communist Party (PKI).⁸ This statement was followed by accusations from the military of the PRD's involvement in the Jakarta riots and allegations of similarities between the PRD's working methods and those of the PKI. Indonesian newspapers and journals also ran articles about alleged similarities between the PRD and the PKI.

The authorities claimed that the party's manifesto demonstrated the threat of "latent communism" in Indonesia and accused the PRD of attempting to overthrow the Indonesian Government. They also argued that the PRD's manifesto contained the language and thoughts of the Indonesian Communist Party. The PRD manifesto questions many aspects of Indonesia's current political and social structures, touching on many areas considered sensitive such as the dominant role of the military in politics, and on human rights violations committed during the past 30 years. It calls for the involvement of workers, urban poor, students, intellectuals and peasants in a mass struggle for political, social and economic change in Indonesia. In particular it calls for the military to withdraw from its prominent role in civilian areas of life in Indonesia.⁹ The PRD manifesto also calls for an end to the Indonesian occupation of East Timor and for the creation of a united democratic coalition in Indonesia.

The right to peacefully hold and express opinions whether or not they conflict with those of the government is recognised internationally as legitimate and is guaranteed under the Universal Declaration of Human Rights. Nowhere in the PRD's manifesto or in party writings and speeches, is the PRD or its members known to have suggested that violence be used in support of these aims. Indeed, during the activists' trials the peaceful nature of the PRD's agenda was acknowledged by the prosecution in that the accusations did not relate to violent acts, but rather to peacefully held opinions or actions.

All 14 students were ultimately charged under three sections of the Anti-subversion Law and Article 154 of Indonesia's Criminal Code. There were tried in

⁸Reuters, 29 July 1996. The PKI was banned following an alleged coup attempt in 1965 which has historically been blamed on the party. Thousands of people with alleged links to the PKI were imprisoned and 13 people remain in prison.

⁹ For a more detailed discussion of the PRD see [Indonesia: Tough International Response Needed to Widening Crackdown](#), Human Rights Watch/Asia and Robert F Kennedy Memorial Centre for Human Rights, August 1996.

eight trials at the Central Jakarta District Court, the South Jakarta District Court and the Surabaya District Court. All were found guilty. The main accusations against the 14 included¹⁰:

- involvement in the establishment of a political organization which is based on social democracy and not *Pancasila*, as required by Indonesian law;

¹⁰Although substantially the same, there are some differences in the accusations. See individual profiles on each of the students enclosed.

- calling for the repeal of the five political laws in Indonesia;¹¹
- calling for the repeal of the Anti-subversion Law;¹²
- calling for self-determination for East Timor;
- calling for an end to ABRI's so-called "dual-function" - or *dwifungsi*;¹³
- calling on the international community to review trade links and loans to Indonesia and for both to be linked to the country's human rights performance;
- calling for an end to foreign aid to and training of Indonesia's military.

Also included among the accusations are claims that the 14 activists planned or attended labour and political demonstrations. The prosecution did not claim that the demonstrations were violent, but focused their charges on the demands made by the peaceful demonstrators. For example, Dita Sari, Coen Husein Pontoh and Mochamad Sholeh were accused of taking part in a labour demonstration in Surabaya, East Java on 8 July 1996, during which they made speeches, displayed banners and distributed leaflets which called for a referendum for East Timor, an increase in wages and freedom of association. Similar demands were said to be made by Yakobus Eko Kurniawan, Suroso and Ignatius Damianus Pranowo when they attended a demonstration outside Indonesia's National Parliament in Jakarta in September 1995.

The prosecution made only passing reference to the alleged involvement of the PRD activists in the Jakarta riots. This suggests that investigations failed to find any evidence of their involvement, even though allegations of participation formed the basis of their arrests, allegations which the PRD denies. With at least four of the activists, including the three arrested in Surabaya, the indictments make no reference to involvement in the Jakarta riots. In the case of the others, the indictments refer only to the activists as having been present in the area around the PDI office or of having joined with

¹¹These five laws concern political parties, referendums, mass organizations and the composition of Indonesia's national and regional parliaments.

¹²Indonesia's Human Rights Commission has also called for the law to be repealed. It is believed that the government is currently reviewing the law, but there have also been calls by the authorities to ensure that powers to control activities which threaten "national stability" are retained.

¹³The concept of *dwifungsi* refers to the military's role in both military and socio-political affairs.

the “mass” which rioted in Central Jakarta. Their trials focused on their involvement in the PRD, on the party’s activities and not on the riots in Jakarta.

Acquittals in Indonesian political trials are extremely rare. It therefore came as no surprise that the trials of the 14 PRD activists resulted in convictions. The sentences were handed down in April and June 1997. All except Wilson and I Gusti Anom Astika have already had their sentences upheld on appeal to higher courts. Many of the PRD activists have publicly rejected the sentences against them on the grounds that they do not accept that they have committed criminal acts and that they were subjected to unfair trials. On being told his sentence in April, Mochamad Sholeh said “*The council of judges should not be taken seriously. I am not guilty and reject this verdict*”.¹⁴

Amnesty International believes that all 14 prisoners have been convicted and imprisoned for their non-violent political activities. For this reason, the organization believes they should be released immediately and unconditionally.

What was wrong with their trials?

Amnesty International is concerned that the authorities failed to ensure that the PRD trials complied with international or domestic standards of fairness. The right to a fair trial is guaranteed internationally under the UDHR.¹⁵ The basic criteria for fair trial includes the right to be presumed innocent until proven guilty, to be able to present a legal defence, to be present during your own trial and to be tried before an independent and impartial court or tribunal. Many of these rights are also enshrined in Indonesia’s Code of Criminal Procedure (KUHAP), including the right to legal counsel of choice and access to lawyers. In addition, the use of duress in extracting information is prohibited. Many of these basic rights were ignored during the PRD trials.

Indonesia’s own National Commission on Human Rights (Komnas HAM) has questioned the fairness of the trials, in particular the use of the Anti-subversion Law. Vice Chair, Marzuki Darusman, was quoted as saying that the use of the law in these trials was “improper”:

¹⁴The Jakarta Post, 24 April 1997.

¹⁵Article 10 of the UDHR states that “Everyone is entitled in full quality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.” Article 11 states that “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.”

*“The law, as you see, is very flexible. It has a very wide range of interpretation that can be easily interpreted into anything to support either the government’s or the court’s interest. Using this as a legal basis, anything can be categorized as subversive. It, therefore, is unable to protect human rights. In other words, the law contains injustice. As a result,...verdicts based on such a law imply unfairness”.*¹⁶

Komnas HAM has called for the Anti-subversion Law to be repealed. Amnesty International also believes that this law facilitates unfair trials and results in the imprisonment of individuals for peaceful political activities. The organization has campaigned for many years to have the law removed from Indonesia’s statute books.

Many of the irregularities that took place during the PRD trials are common to other cases brought under the Anti-subversion Law and other legislation which allows for the imprisonment of peaceful political opponents. Serious irregularities which occurred during arrest and pre-trial detention periods were ignored by the judicial authorities, despite them being brought to their attention by defence teams during the court sessions. Irregularities were also a constant feature of the trials themselves. Efforts by the defence to clarify procedures or to complain about irregularities were frequently regarded by the authorities as attempts to delay or disrupt the trials.

Examples of such unfairness include:

- *the activists were not informed at the time of their arrest of the reasons for their arrest or of the charges against them.* Arrest warrants were only provided one, or in some cases, two days after the arrests. Failure to provide the suspect on arrest with an arrest warrant and reasons for the arrest contravene Article 18 (3) and (1) of the Indonesian Code of Criminal Procedure (KUHAP) and Article 9 of the UDHR, Article 9 (2) of the International Covenant on Civil and Political Rights (ICCPR) and Principle 10 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, (Body of Principles);
- *the nine PRD members arrested in Jakarta in August 1996 were arrested by military personnel* believed to be from ABRI’s Military Intelligence Body (*Badan Intelijen ABRI - BIA*). The conduct of arrests by officials other than state police officers is in contravention of Article 18 (1) of KUHAP;

¹⁶The Jakarta Post, 6 May 1997.

- *the PRD members arrested in Jakarta were held incommunicado in military detention* for between six and seven days during which they were denied access to lawyers and to their families. Denial of detainees' access to lawyers and their families is in contravention of Articles 54 and 60 of KUHAP, Principle 17, 18 and 19 of the UN Body of Principles, Principle 1 of the UN Basic Principles on the Role of Lawyers, and Rule 92 of the Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules);
- *the detention orders of the nine activists arrested in Jakarta did not include reference to their detention by the military.* Their unlawful detention by the military therefore has not been officially recorded;
- *several of the PRD members were subjected to torture or ill-treatment* either during arrest or while in custody; Garda Sembiring, Ken Budha Kusumandaru, Suroso, Ignatius Pranowo, Dita Sari, Coen Husein Pontoh and Mochamad Sholeh were all subjected to beatings in custody or at the time of their arrest. Yakobus Eko Kurniawan is believed to have been subjected to torture through the use of electric shocks. Torture and ill-treatment and the use of force to extract confessions or information are in contravention of Article 117 (1) of KUHAP, Article 5 of the UDHR, Principle 6 and 21 of the Body of Principles, Article 2 (2) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);¹⁷
- *the presumption of innocence in all the trials was severely compromised* by public statements from the authorities about the activists' guilt; for example on 29 July 1996 the Coordinating Minister for Political and Security Affairs, Susilo Sudarman, announced that the PRD was behind the Jakarta riots; on 8 August President Suharto was quoted as saying that the PRD had "*clearly conducted activities which had the characteristics of insurgency*".¹⁸ Failure to uphold the presumption of innocence is in contravention of Article 66 of KUHAP, Article 11 of the UDHR, Article 14 (2) of the ICCPR and Principle 36 (1) of the Body of Principles;
- *at least seven of the PRD members were at times denied the right to cross examine witnesses.* On several occasions during the trials, the prosecution was allowed by the court to read out witnesses' statements without the witnesses being present,

¹⁷Indonesia has signed, but not ratified, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

¹⁸Jakarta Post, 8 August 1996.

thereby denying the defence lawyers the opportunity to cross-examine the witnesses. The denial of the defendant's right to question witnesses is in contravention of Article 165 (2) of KUHAP, Article 11 of the UDHR and Article 14 (3) (e) of the ICCPR;

- *evidence of torture or ill-treatment was ignored by the courts* in contravention of Article 117 (1) of KUHAP and Article 15 of CAT;
- the number of prosecution witnesses allowed by the courts greatly outnumbered defence witnesses;
- in all of the cases, the defendants received notification that their appeals to a higher court had been unsuccessful some weeks after the decisions had been made. On 28 June, the Jakarta High Court announced its decisions on the appeals of five of the activists. The activists themselves only received formal notification of the High Court's decision almost one month later. This is in contravention of Article 243 (1) and (2) of KUHAP which requires that the content of the appeal decision should be given to the court of first instance within seven days of the appeal decision, and that the decision should be "immediately" conveyed to the defendant.

The PRD activists in detention

Eleven of the prisoners are currently detained in Jakarta. Ken Budha Kusumandaru, Victor da Costa, Ignatius Putut Arintoko, I Gusti Anom Astika, Petrus Hariyanto and Wilson are being held in Cipinang Prison. Budiman Sudjatmiko, Yakobus Eko Kurniawan, Ignatius Pranowo, Suroso and Garda Sembiring are detained in Salemba Detention Centre. Dita Sari is currently being held in Lowokwaru Prison in Malang while Coen Husein Pontoh and Mochamad Sholeh are detained in Kalisosok Prison.

Amnesty International is concerned that the authorities have at times placed restrictions on the PRD activists in custody. Dita Sari is currently prevented from reading newspapers or watching the news on television. Since Dita Sari was arrested in July 1996, her mother has died, however she was prevented by the authorities from going to her mother's funeral. There have also been serious health concerns about some of the detainees while others have allegedly been subjected to ill-treatment. Petrus Hariyanto suffers from kidney and liver problems. I Gusti Anom Astika suffers lung problems believed to be a result of the humidity and dust in the prison cell and surrounding area. Coen Husein Pontoh and Mochamad Sholeh both claim to have been subjected to severe beatings during a riot in their prison in June 1997.

Budiman Sudjatmiko

"They were looking for a scapegoat, and my son was there."

Wartono Karyo Utomo, Budiman's father.

"Our sentence is meaningless compared to the suffering of the people."

Budiman Sudjatmiko after hearing that he had been sentenced to 13 years' imprisonment.

Date of Birth: 10 March 1970

Occupation: Student

Arrested: 11 August 1996

Charge: Articles 1a,b & c Anti-subversion
Law + Article 154 Criminal

Code

Sentenced: 28 April 1997

Sentence: 13 years' imprisonment

Budiman Sudjatmiko is the president of the unrecognized, left-wing political party, the People's Democratic Party (*Partai Rakyat Demokratik*, PRD), which was blamed by the Indonesian authorities for the riots in the country's capital city, Jakarta, on 27 July 1996.

Following the riots and the government's accusations against the PRD, Budiman Sudjatmiko and other members of the organization went into hiding. He was eventually arrested on 11 August 1996 by officers of the Indonesian military intelligence agency (BIA). He was arrested without a warrant and was not initially informed of the reasons for his detention or the charges against him. He was held in incommunicado military detention for approximately one week, before being transferred to the custody of the Attorney General's office where he was later charged.

Budiman Sudjatmiko was not given access to lawyers until 10 days after his arrest, and then for a restricted time only. Furthermore, his family was not notified of his arrest, and remained unaware of his whereabouts for more than a week after his arrest, in contravention of Indonesia's own Code of Criminal Procedure.

Budiman Sudjatmiko's trial began on 12 December 1996 at the Central Jakarta District Court. Despite having been arrested in connection with the PRD's alleged role in

inciting the 27 July riots, the indictment only made passing reference to Budiman Sudjatmiko having been “among the crowd which rioted”. Instead, it focussed on various non-violent actions allegedly undertaken by Budiman Sudjatmiko and the PRD prior to the riots, which were considered to have undermined the Indonesian state philosophy of *Pancasila*.

Among the accusations against Budiman Sudjatmiko were that he:

- set up the PRD and associated organizations, which did not have the Indonesian Constitution and *Pancasila* as their founding principles;¹⁹
- issued the PRD manifesto at a public gathering at the Legal Aid Institute (a prominent human rights group) in Jakarta on 22 July 1996. At the gathering he delivered a speech in which he called for the repeal of the five political laws of 1985²⁰, rejected the role of the army in politics and accused the governing New Order regime of subjecting the Indonesian people to violence;
- distributed a book entitled "Towards a Multi-party People's Democracy" which states, among other things, that there is no democracy in Indonesia and that the authorities have prevented the political participation of the people;
- gave PRD awards to "government opponents" including Pramodya Ananta Toer (a leading Indonesian novelist whose books are banned in Indonesia), Xanana Gusmão (the jailed leader of the East Timorese resistance forces), Thomas Wainggai (jailed for 20 years for leading a flag raising ceremony in support of independence of Irian Jaya in 1988 and who died in prison in on 12 March 1996);
- led or participated in a range of actions including a demonstration outside the parliament building in Jakarta on 23 August 1995 where slogans such as "long live the workers!" and "long live the students!" were shouted; a ceremony to commemorate the 12 November 1991 massacre in Dili, East Timor during which up to 270 civilians were killed by the security forces; and various demonstrations outside factories in support of raising the minimum wage of workers.

According to some witnesses at his trial, far from undermining the state, Budiman Sudjatmiko's presence at such demonstrations had, on at least one occasion, a calming effect. No evidence was presented to suggest that any of the demonstrations in which Budiman Sudjatmiko or the PRD were involved were violent.

¹⁹ The 1985 Law on Mass Organizations decrees that all organizations must subscribe to the ideology of *Pancasila*.

²⁰ These five laws concern political parties, referendums, mass organizations and the composition of Indonesia's national and regional parliaments.

Early in the proceedings, Budiman Sudjatmiko said that he was expecting the trial to be unfairly conducted. This proved to be the case, with many procedural irregularities recorded throughout including the use as evidence of witness statements which were obtained under duress. On several occasions Budiman Sudjatmiko was denied the right to effectively cross-examine prosecution witnesses and the court permitted only four witnesses for the defence to be called. He protested against these irregularities by refusing to attend court sessions. Eventually, he and the other PRD defendants dismissed their lawyers to demonstrate their refusal to participate in the process any further.

The trial was illustrative of the pervasiveness of monitoring by the authorities of political opinion and activity in Indonesia. In one session, a government official described an interview in 1988 with the then 18 year old Budiman Sudjatmiko after his activities had been brought to the attention of the authorities by his school. The official alleged that the PRD leader had admitted to establishing a discussion group called the "Marx House" and, when asked who his idols were, Budiman Sudjatmiko mentioned Lenin and Tito among others. The official also claimed that in a letter written to a friend Budiman Sudjatmiko had allegedly written terms such as "eureka", "comrade in arms" and "red greeting".

The prosecution demanded a 15-year sentence for Budiman Sudjatmiko. He was sentenced on 28 April 1997 to 13 years' imprisonment. In addition, the chairman of the judges instructed that Budiman Sudjatmiko be charged for contempt of court and for attempting to discredit the New Order regime and President Suharto on the basis of his defence speech made at the end of his trial. It is not known if these charges are being pursued.

Budiman Sudjatmiko's sentence was upheld by the High Court on appeal on 28 June 1997. The prisoner was informed of the decision almost one month later.

Amnesty International considers Budiman Sudjatmiko to be a prisoner of conscience, imprisoned solely for the non-violent expression of his political beliefs. The organization is calling for his immediate and unconditional release.

Garda Sembiring

“What is the meaning of our physical

*presence [in court] when we will never
be heard?”*

Statement to the court by Garda Sembiring.

Date of Birth: 29 April 1969
Occupation: Student
Arrested: 12 August 1996
Charges: Article 1a, b & c Anti-subversion
Law, Article 154 Criminal Code
Sentenced: 28 April 1997
Sentence: 12 years’ imprisonment

Garda Sembiring is the Jakarta leader of an organization called the Students’ Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia untuk Demokrasi - SMID*). SMID’s aims include a multi-party political system, academic freedom and an end to militarism on university campuses, a democratic trade union movement and basic human rights. It is affiliated to the People’s Democratic Party (*Partai Rakyat Demokratik, PRD*), a unofficial left-wing political party.

Following the riots in Jakarta on 27 July 1996, government and military officials publicly accused the PRD of having masterminded the disturbances. A wave of arrests followed forcing members of the PRD and its associated groups into hiding. Garda Sembiring was among nine people arrested from a house in Jakarta on the night of 11 and 12 August 1996 by members of the Indonesian military intelligence agency (BIA). The arrests took place without warrants and the detainees were not informed of the reason for their arrests or the charges against them.

All of those arrested that night, including Garda Sembiring, were held in incommunicado military detention for approximately one week before being transferred to the Attorney General’s office where they were later charged. Despite requesting legal representation from the outset, Garda Sembiring was denied access to a lawyer for 10 days, and was then permitted to meet with his lawyers for a limited time only. Furthermore, his family were not notified of his arrest. During the period of

incommunicado detention Garda Sembiring is reported to have been among those subjected to ill-treatment having been beaten and interrogated continuously for periods of up to 48 hours.

Garda Sembiring's trial began on 12 December 1996, in Central Jakarta District Court. Although originally arrested in connection with the PRD's alleged role in inciting the 27 July riots, only passing reference to Garda Sembiring's presence among the crowd which rioted was made in his indictment. Accusations concentrated instead on various actions allegedly undertaken by Garda Sembiring and the PRD prior to the riots, which were considered to have undermined the Indonesian state philosophy of *Pancasila*.

Among the accusations made against Garda Sembiring were that he:

- was involved in the creation of, or joined in the organization of SMID and was the head, or a leading member of, SMID's Jabotabek Branch;
- held a meeting in March 1995 to prepare for the PRD's Special Congress. At the meeting it was decided to draft materials for the Congress, make preparations for Budiman Sudjatmiko to become head of the PRD (Budiman Sudjatmiko is the head of the PRD and was sentenced to 13 years' imprisonment) and to make social democracy the basis of the party's organization;
- was present at a public gathering at the Legal Aid Institute (a prominent human rights group) in Jakarta on 22 July 1996 at which the PRD's manifesto was issued;
- participated in a number of demonstrations including a demonstration of factory workers on 18 July 1995 outside the provincial parliament in Bogor, West Java at which demands were made for an increase in the daily minimum wage to 7,000 rupiah (approximately \$3) and for the five political laws to be repealed.²¹ At another demonstration in December 1995 in Solo, Central Java Budiman Sudjatmiko was accused of giving a speech encouraging the workers to call for an increase in the daily wage, freedom of association for workers and an end to military intervention in labour issues. He was also accused of participating in demonstrations where calls were made for a referendum for East Timor, the release of the East Timorese rebel leader Xanana Gusmão and for the repeal of the "Hate-sowing articles";²²
- joined and was leader in Jakarta of the Independent Election Monitoring Committee (*Komite Independen Pegaman Pemilu - KIPP*)²³.

²¹ These laws concern political parties, referendums, mass organizations and the composition of Indonesia's national and regional parliaments.

²² The Hate-sowing articles are a series of articles which forbid "spreading hatred" against government officials and are punishable by up to seven years' imprisonment. They are frequently used to arrest and imprison prisoners of conscience.

²³ KIPP was established in March 1996 by members of non-governmental organizations, activists, lawyers and others

Amnesty International is concerned about procedural irregularities which were recorded during Garda Sembiring's trial, including the failure to produce a number of prosecution witnesses. Instead the witnesses statements were read out in court thereby denying Garda Sembiring's lawyers the right to cross examine witnesses. In addition, on 19 March a statement made by another PRD prisoner, Dita Sari, was read out in court despite the fact that she had previously retracted the statement because it had been made without lawyers being present. There are also concerns, as in the cases of the other PRD prisoners, that evidence contained in witness statements may have been obtained under duress. A total of 40 prosecution witnesses were called or had their statements read out compared to the five witnesses that the defence were permitted to call.

On 13 March, five PRD defendants refused to appear as witnesses in Garda Sembiring's trial citing Article 168 of Indonesia's Criminal Procedures Code under which a defendant cannot be compelled to give evidence in his or her own case. The PRD activists argued that, although some of them were being tried separately and in some cases in different courts, the accusations and charges were essentially the same and that, in effect, they were all being tried in the same case. The judge is reported to have warned the five that they would be punished if they refused to appear.

Garda Sembiring was himself called as a witness by the prosecution in the trial of the PRD's leader Budiman Sudjatmiko. Garda refused on the same grounds and because he had not been accompanied by a lawyer when he had given his testimony. He too was threatened by the judge with punishment for refusing to comply.

The prosecution demanded a 13 year prison sentence for Garda Sembiring. He was sentenced on 29 April 1997 to 12 years' imprisonment. The sentence was upheld on appeal by the High Court. But while the decision on the appeal was made on 28 June, it was almost one month later before Garda Sembiring was informed of the decision.

Amnesty International considers Garda Sembiring to be a prisoner of conscience, imprisoned solely for the non-violent expression of his political beliefs. The organization is calling for his immediate and unconditional release.

Suroso, Yacobus Eko Kurniawan and Ignatius Damianus Pranowo

Names:	Suroso	Yacobus Eko Kurniawan	Ignatius Damianus
Pranowo			
Date of Birth:	15 March 1973	22 November 1971	14 April

Occupation:	Student	Student	Student
Arrested:	11 August 1996	11 August 1996	12 August 1996
Charges:	All three charged with Articles 1a,b & c Anti-Subversion Law, Article 154 of the Criminal Code		
Sentenced:	28 April 1997	28 April 1997	28 April 1997
Sentences:	7 years' imprisonment	8 years' imprisonment	9 years' imprisonment

Yakobus Kurniawan, Suroso and Ignatius Pranowo were among nine activists arrested in Jakarta on the night of 11/12 August 1996. All three activists are linked to an unrecognized political party - the People's Democratic Party (*Partai Rakyat Demokratik* - PRD) which was accused by the authorities of having masterminded the riots in Jakarta on 27 July 1996..

Yakobus Kurniawan is the Head of Development of the PRD, Suroso is a member of the Students' Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia Demokrasi*, SMID) and Ignatius Pranowo is Secretary General of the Indonesian Centre for Labour Struggle (*Pusat Perjuangan Buruh Indonesia*, PPBI). The PPBI and SMID are affiliated to the PRD.

The nine activists were arrested, without warrants, by officers of the Indonesian military intelligence agency (BIA) who did not inform them of the reason for their arrest or the charges against them. They were held in incommunicado military detention for approximately one week before being transferred to the custody of the Attorney General's office on 18 August where they were later charged. During the week spent in military detention Yakobus Kurniawan, Suroso and

Ignatius Pranowo were subjected to ill-treatment and/or torture. Both Suroso and Ignatius Pranowo were beaten while Yakobus Kurniawan was tortured using electric shocks. In addition, all three were reported to have been subjected to interrogations of up to 26 hours without a break.

Yakobus Kurniawan, Suroso and Ignatius Pranowo were tried in the same case. The trial began on 12 December 1996 in the Central Jakarta District Court. Despite having been arrested in connection with the PRD's alleged role in the 27 July riots, the indictment only made passing reference to the three activists having "deliberately come and mixed in the middle of the crowd which was rioting". Instead, the accusations against the three focussed on a variety of peaceful activities undertaken by the defendants which were considered to have been subversive:

Among the accusations against Yakobus Kurniawan, Suroso and Ignatius Pranowo were that they:

- were present at the meeting to establish the PRD, a political party which does not have the Indonesian Constitution and *Pancasila* as its founding principles²⁴;
- helped to distribute a book entitled "Towards a Multi-party People's Democracy" which states, among other things, that there is no democracy in Indonesia and that the authorities have prevented the participation of the people in politics;
- participated in a range of actions including a demonstration outside the National Parliament on 23 August 1995 where slogans were shouted such as, "Long live the people!", "One Opposition: One Change!", "Long live the workers!", "Long live the students!", and "Repeal the five political laws!".

Amnesty International is concerned about procedural irregularities which were recorded during the trial. During trial proceedings on 13 March 1997, Ignatius Pranowo asked the judge for clarification on a particular issue. After the judge refused to answer his request, Ignatius Pranowo left the court room in protest and the judge expelled Yakobus Kurniawan and Suroso. On another occasion, on 19 March, the judges arrived at the court some one-and-a-half-hours late. In the meantime the defence lawyers had left assuming that the trial had been postponed. Despite the absence of the lawyers the judges ruled that the trial should proceed that day causing the three defendants to leave the court in protest. The trial continued despite the absence of both the defendants and their lawyers. In addition, there are concerns relating to witnesses and their evidence. A statement made by another PRD prisoner, Dita Indah Sari, which she had retracted because it been made without a lawyer being present, was used evidence for the prosecution in the trial. There are also concerns that, during the trial, witness statements obtained under duress were used as evidence.

Yakobus Kurniawan, Suroso and Ignatius Pranowo were sentenced on 28 April 1997 to eight, seven and nine years' imprisonment respectively. The sentences were upheld on appeal.

²⁴ The 1985 Law on Mass Organizations decrees that all organizations must subscribe to the ideology of Pancasila.

Amnesty International considers all three to be prisoners of conscience, imprisoned solely for the non-violent expression of their political beliefs. The organization is calling for their immediate and unconditional release.

Petrus Hariyanto

Date of Birth: 2 July 1969	Charge: Articles 1a,b,c Anti-subversion
Occupation: Student	Law + Article 154 of the Criminal Code
Arrested: 11 August 1996	Sentenced: 28 April 1997
	Sentence: 6 years' imprisonment increased to 8 years on appeal

Petrus Hariyanto is the secretary-general of the unrecognized, left-wing political party, the People's Democratic Party (*Partai Rakyat Demokratik*, PRD), which was blamed by the Indonesian authorities for the riots in the country's capital city, Jakarta on 27 July 1996.

Petrus Hariyanto was among the members of the PRD and its affiliated organizations who went into hiding after it became clear that the organization's members were being targeted for arrest in relation to the riots. Nine people, including Petrus Hariyanto were tracked down to two locations in Jakarta and were arrested, without warrants, on the night of 11/12 August 1996 by officers from the military intelligence agency (BIA). None of the nine were initially informed of the reason for their detention or the charges against them.

All nine were held for around one week in incommunicado military detention where, without access to family members or lawyers, serious irregularities occurred. Petrus Hariyanto described these irregularities in a letter written on 10 October to the Attorney General. In the letter he protested about the "unprofessional handling of the case" pointing to the time spent in military detention when the suspects were subjected to interrogations without lawyers being present and without transcripts of the interviews being made. In addition, Petrus Hariyanto was subjected to interrogation without a break for 24 hours and, he claimed that on one occasion a gun was placed on the table in front of him apparently to intimidate him while he was being questioned.

The trial of Petrus Hariyanto began on 12 December 1996 at the South Jakarta District Court. Although apparently arrested for his alleged involvement in the 27 July riots, his indictment only stated that he had been present in the area at the time of the disturbances. Instead the accusations focussed on a range of non-violent activities allegedly undertaken by Petrus Hariyanto which were considered by the state to be subversive.

Among the accusations against Petrus Hariyanto was that he:

- was involved in setting up the PRD. While preparing the party's statue and its organizational rules. Together with Budiman Sudjatmiko (the PRD's president who was sentenced to 13 years' imprisonment) he replaced any reference to *Pancasila* as the

founding principle of the organization, replacing it instead with "people's social democracy";

- was among PRD officials who issued a statement on 7 June 1996 after a Special Congress of the PRD in Yogyakarta in which they expressed the support for the leadership of Megawati Sukarnoputri of the Indonesian Democratic Party (*Partai Demokratik Indonesia*, PDI), criticised the way in which the government and military interfered in the issue of the PDI's leadership and rejected the five 1985 political laws²⁵;
- organized or participated in a number of demonstrations and rallies including: a demonstration in November 1994 in Solo, Central Java to protest against the banning of a magazine published at the University of Jember; a demonstration on 23 August 1995 at which members of the PRD shouted slogans such as "one opposition - one change!" and waved banners which said "repeal the five political laws!", "freedom or organization for workers!" and "the people need a new party!"; and a ceremony on 12 November 1995 to commemorate the massacre in Dili, East Timor in 1991 during which up to 270 civilians were killed.
- held a meeting with other members of the PRD to discuss the publishing of a magazine called "Combat".

As in the cases of the other PRD activists there are fears that Petrus Hariyanto's trial was not conducted according to internationally accepted standards for fair trial. Among the concerns about the trial are that on at least two occasions Petrus Hariyanto was prevented from directly cross-examining witnesses and that one prosecution witness, I Gusti Anom Astika (another of the PRD prisoners), claimed to have tried to retract his statement because it had been made during an interrogation in which BIA officers were present and during which he did not have a lawyer.

Petrus Hariyanto was found guilty of the charges against him and, on 28 April 1997, was sentenced to six years' imprisonment. The sentence was increased to eight years by the High Court on appeal. According to reports the High Court's decision was made on 21 July 1997 but Petrus Hariyanto was not informed of the outcome until over three weeks later on 13 August.

There are reports that Petrus Hariyanto suffered from liver and kidney complaints while in custody and there were fears that he may not have been given access to the necessary medical treatment for his condition.

Amnesty International considers Petrus Hariyanto to be a prisoner of conscience, imprisoned solely for the non-violent expression of his political beliefs. The organization is calling for his immediate and unconditional release.

²⁵ These five laws concern political parties, referendums, mass organizations and the composition of Indonesia's national and regional parliaments.

Ken Budha Kusumandaru, Ignatius Putut Arintoko & Victor da Costa

Names:	Ken Budha Kusumandaru	Ignatius Putut Arintoko	Victor da Costa
Date of Birth:	7 November 1973	28 March 1976	10 May 1974
Occupation:	Student	Student	Student
Arrested:	11 August 1996	12 August 1996	12 August 1996
Charges:	All charged with Articles 1a, b & c of the Anti-subversion Law, Article 154 of the Criminal Code		
Sentenced:	28 April 1997	28 April 1997	28 April 1997
Sentences:	4 years	18 months	18 months

Ken Budha Kusumandaru, Ignatius Putut Arintoko and Victor da Costa are all activists in Indonesian Students' Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia Demokrasi*, SMID). SMID's aims include a multi-party political system, academic freedom and an end to militarism on university campuses, a democratic trade union movement and basic human rights. It is affiliated with the unrecognized, left wing political party, the People's Democratic Party (*Partai Rakyat Indonesia*, PRD) which was blamed by the Indonesian authorities for the riots which broke out in Jakarta on 27 July 1996.

The three SMID activists were among many members of the PRD or its associated organizations who went into hiding after the 27 July riots in the face of a crackdown on alleged opponents and critics of the government. Ken Budha Kusumandaru was arrested, without a warrant, by members of the military intelligence agency (BIA) on 11 August 1996 and was beaten on the head and the kidneys in order to force him to reveal the whereabouts of other PRD activists. Ignatius Putut Arintoko and Victor da Costa were arrested the following morning at 2

am. All three detainees were reported to have been subjected to continuous interrogations for between 24 and 36 hours.

The three were held in incommunicado military detention for approximately one week before finally being transferred to the custody of Attorney General's office on 18 August. It was only on 21 August that they were finally given access to members of their families and to lawyers - even then the lawyers were restricted to half hour visits only.

The joint trial of Ken Budha Kusumandaru, Ignatius Putut Arintoko and Victor da Costa began on 12 December 1996 in South Jakarta District Court. Although the three activists had been arrested for their alleged role in inciting the Jakarta riots, the indictment only made passing reference to them having been, "among the crowd" who created the disturbances. The accusations against them instead focussed upon a variety of peaceful activities which they had undertaken, which were considered to have been subversive. Among the accusations against the three were that they:

- were members of SMID;
- participated in the 22 July 1996 ceremony at the Legal Aid Institute (a prominent human rights group) to launch the manifesto of the PRD. At the gathering speeches were given which called for the repeal of the five political laws²⁶, rejected the role of the army in politics and accused the New Order regime of subjecting its own people to violence;
- participated in a PRD award ceremony at which awards were given to people including Pramodya Ananta Toer (a leading Indonesian novelist whose books are banned in Indonesia) and Xanana Gusmão (the jailed leader of the East Timor resistance forces). Ken Budha Kusumandaru was responsible for leading the singing of the PRD song at the ceremony, Ignatius Putut Arintoko accompanied him and Victor da Costa was in charge of security at the ceremony;
- took part in demonstrations to protest against the "Makassar incident" (at least three and possibly six students died in the incident when members of the Indonesian security forces intervened in student riots in the town of Ujung Padang in Sulawesi in April 1996);
- participated in a number of demonstrations including one in July 1996 in Surabaya with a local trade union. At the demonstration banners were displayed which included slogans calling for an end to the military role in politics, and for "one struggle, one democracy!". Demonstrators are also alleged to have shouted demands for a increase in the daily minimum wage to 7,000 rupiah (approximately US\$3), for a boycott of the 1997 parliamentary elections and for new political parties and a new president.

²⁶ These five laws concern political parties, referendums, mass organizations and the composition of Indonesia's national and regional parliaments.

Amnesty International is concerned about procedural irregularities which were recorded during the trial of Ken Budha Kusumandaru, Ignatius Putut Arintoko and Victor da Costa including the fact that the number of defence witnesses which they were permitted to call was limited and that they were reported to have been prevented from directly cross-examining some prosecution witnesses.

The three were found guilty and were sentenced to terms of imprisonment on 28 April 1997. Ken Budha Kusumandaru received a four year sentence while Ignatius Putut Arintoko and Victor da Costa were both sentenced to 18 months' imprisonment..

Amnesty International considers Ken Budha Kusumandaru, Ignatius Putut Arintoko and Victor da Costa to be prisoners of conscience, imprisoned solely for the non-violent expression of their political beliefs. The organization is calling for their immediate and unconditional release.

Wilson Bin Nurtiyas

Date of Birth: 1968
Occupation: Student
Arrested: 10 September 1996
Charge: Articles 1a, b & c Anti-subversion
Law + Article 154 Criminal Code
Sentenced: 16 June 1997
Sentence: 5 years' imprisonment

Wilson Bin Nurtiyas (known as Wilson) is the head of the department of education, information and international relations of the Indonesian Centre for Labour Struggle (*Pusat Perjuangan Buruh Indonesia* - PPBI) and coordinator for the Indonesian Peoples' Struggle with the Maubere People (*Solidaritas Perjuangan Rakyat Indonesia dengan Maubere*, SPRIM). Both organizations are associated with the Peoples's Democratic Party (*Partai Rakyat Indonesia*, PRD) which was accused by the Indonesian authorities of organizing the 27 July 1996 riots in Jakarta.

Wilson was arrested, together with I Gusti Agung Anom Astika, on 10 September 1996 in Central Java by members of the military intelligence agency (BIA) and local police officers. Their arrests were part of widespread arrests of peaceful political activists and government critics carried

out by the authorities in the weeks following the 27 July riots. Like many of those detained at the time, Wilson and Anom were arrested without warrants. They were held and interrogated for almost 24 hours by the military and the local police before being transferred to Jakarta. The interrogation continued in Jakarta for a further two hours in the presence of BIA officers. Wilson stated in court that when he asked the officers interrogating him for legal representation, he was told "*you do not need a lawyer - you should just answer questions*". Seven days after their arrest, on 17 September, the two were transferred to the custody of the Attorney General's office where they eventually permitted access to lawyers and their families, but for short periods of time only.

Wilson's trial began in February 1997 at the South Jakarta District Court. Although he was initially arrested in relation to the 27 July riots, the accusations against Wilson when his case came to trial focussed primarily on peaceful political activities which he had undertaken in previous years. Among the accusations against Wilson were that he was:

- head of the department of education and information and of the department of international relations for the PPBI, coordinator of SPRIM and a member of the PRD;
- joined in the event held to launch the PRD's manifesto on 22 July 1996 at the Legal Aid Institute (a prominent human rights group) in Jakarta;
- participated in a congress of the PPBI which took place on 23 and 24 October 1994 in Ambarawa, Central Java. At the congress Wilson was accused of giving a history of the labour movement and of stating the need for the minimum daily wage in Indonesia to be raised to 7,000 rupiah (approximately US\$3), for freedom of association and an end to military involvement in labour disputes;
- led or took part in a number of demonstrations including: a labour demonstration in Bogor on 12 November 1995 where demands were made including a referendum for East Timor, the release of Xanana Gusmão (the jailed leader of the East Timorese armed opposition) and to revoke the five political laws²⁷; and a demonstration in solidarity with East Timor on 7 December 1995 at the Dutch Embassy in Jakarta;
- joined a meeting on 14 November 1995 where he publicly explained the process of East Timor's integration with Indonesia which, he stated, was proceeded by a military occupation which resulted in the deaths of thousands of East Timorese;
- published a bulletin called "Workers Organising" in which it was stated that there are many restrictions facing Indonesian workers as they struggle to unite and that workers are subjected to unlawful killing, beatings and arrest in the struggle for their rights;
- present at a number of conferences or seminars outside Indonesia including one called "East Timor and the Asia Pacific - towards the year 2000" at Sydney University, Australia in June 1996. Wilson was accused of giving a paper at the conference in which he stated,

²⁷ These laws concern political parties, referendums, mass organizations and the composition of Indonesia's national and regional parliaments.

among other things, that he did not consider East Timor to be a part of Indonesia and that he supports independence for East Timor.

Amnesty International is concerned that, as in the case of the trials of other members of the PRD and its affiliated organizations, Wilson's trial did not conform to international standards for fair trial. Among the irregularities reported during his trial was the low number of defence witnesses permitted to be called in comparison to the number of witnesses for the prosecution. It is reported that in total only five witnesses for defence were permitted compared to xx for the prosecution. Among the witnesses that the judge did not allow to appear were Xanana Gusmão, the jailed leader of the East Timorese armed opposition, and Sri Bintang Pamungkas, a former parliamentarian who is serving a prison sentence for "insulting the President" and who is also facing charges under the Anti-subversion Law for his political activities. The judge was quoted as saying that two witnesses were "irrelevant to the accusations put forward by the prosecutors".

The prosecution demanded that Wilson be sentenced to a term of 11 years in prison. He was eventually sentenced to five years' imprisonment on 16 June 1997.

Amnesty International considers Wilson to be a prisoner of conscience imprisoned solely for the peaceful expression of his political views. The organization is calling for his immediate and unconditional release.

I Gusti Agung Anom Astika

Date of Birth: 7 June 1971
Occupation: Student
Arrested: 10 September 1996
Charge: Articles 1a,b & c Anti-subversion Law
+ Article 154 of the Criminal Code
Sentenced: 16 June 1997
Sentence: 4 years' imprisonment

I Gusti Agung Anom Astika (known as Anom) is the coordinator of the education and propaganda department of the unrecognized, left-wing political party, the People's Democratic Party (*Partai Rakyat Demokratik*, PRD). The PRD was accused by the authorities of instigating the riots which broke out in Jakarta on 27 July 1996.

In the weeks following the riots the Indonesian authorities carried out widespread arrests of political activists and critics of the government including many members of the PRD. Anom was arrested, together with Wilson Bin Nurtiyas, on 10 September 1996 in Central Java by members of the military intelligence agency (BIA) and the local police force. The two were arrested without a warrant. They were initially held and interrogated for nearly 24 hours by BIA and the local police before being transferred to Jakarta where the interrogations continued in the presence of BIA. Seven days later, on 17 September, they were transferred to the custody of the Attorney General's office. It was only after they were transferred to the custody of the Attorney General that the two were permitted access to lawyers and to their families, even then visits were restricted to short periods of time only.

Anom was formally charged under Indonesia's Anti-subversion Law, and with Article 154 of the Criminal Code which punishes "spreading hatred" against the Government of Indonesia with up to seven years' imprisonment. As with the other 13 activists from the PRD and its associated organizations who were brought to trial, the accusations against Anom focussed on a wide range of peaceful political activities undertaken by him since 1994. Among the accusations were that Anom:

- was involved in the establishment of the PRD and was involved in a discussion with Budiman Sudjatmiko (the president of the PRD, sentenced to 13 years' imprisonment) about materials to be provided to the press and the dissemination of data on the PRD to the public and the international community;
- had organized, together with Budiman Sudjatmiko, the distribution of leaflets promoting a PRD publication called "The way to reach Multi-Party Democracy". The publication is alleged to have said that there is no democracy in Indonesia; and that 30 years under President Suharto's government has prevented participation of the people in politics;
- took part and acted as a moderator in the Special Congress of Students' Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia untuk Demokrasi - SMID*) in July 1994;
- participated in a number of demonstrations including one on 18 July 1995 at PT Great River International, a garment factory in Bogor, where demands were made for an increase in the daily minimum wage to 7,000 rupiah (approximately US \$3), for freedom to form trade unions and for the 1985 political laws to be revoked²⁸. At another demonstration on 12 November 1995, held to commemorate the massacre in Dili, East Timor in 1991 during which up to 270 civilians were killed, demands for a referendum in East Timor were made;
- made a speech at the Asia Pacific Labour Conference in Australia in June 1996 in which he allegedly referred to a referendum for East Timor and the intention of the Maubere people to continue their opposition to the military occupation of East Timor by the New Order regime;
- made 500 copies of two magazines called *Suara Massa* (Voice of the People) and *Tugas Kita* (Our Tasks) which allegedly discredited the Indonesian Government and distributed them at a press conference and via the Internet for national and international consumption.

Anom's trial began in February 1997 at the South Jakarta District Court. Amnesty International is concerned that the trial did not meet with internationally accepted standards for fair trial. Among the reported irregularities was the failure of the prosecution to produce 11 witnesses before the court. Instead the prosecution read their testimonies thereby denying the defence lawyers the opportunity to cross-examine the prosecution witnesses and causing Anom to walk out of the courtroom in protest. There is also concern, as is the case in the trials of the other 13 PRD members, that witness statements may have been obtained under duress.

The prosecution demanded a nine year prison sentence for Anom. He was eventually sentenced to four years' imprisonment on 16 June 1997.

There are also concerns about Anom's health. He suffers from asthma and his lungs are said to have been weakened by a bout of severe pneumonia in 1996. According to one report

²⁸ These five laws concern political parties, referendums, mass organizations and the composition of Indonesia's national and regional parliaments.

Anom's request for medical treatment was turned down by the judge during his trial on the grounds that he had not yet been convicted and was therefore not eligible for medical attention. There is concern that while in jail he may not receive the necessary medical attention which he requires and that conditions in prison may exacerbate his health problems.

Amnesty International considers Anom to be a prisoner of conscience, imprisoned solely for the peaceful exercise of his right to express his political beliefs. The organization is calling on the Indonesian authorities to release Anom immediately and unconditionally.

Dita Indah Sari

“The two [Dita Sari and Coen Husein Pontoh] were very calm, even smiling, when the sentences were read out... they knew that they would be found guilty as this trial has been so politicized.”
Nurabadria, one of Dita Sari’s lawyers.

“This verdict is unfair. I will continue my struggle for the workers.”
Dita Sari’s statement, after being found guilty of subversion.

Date of Birth: 30 December 1972

Occupation: Student

Arrested: 8 July 1996

Charges: Article 1a, b & c of the Anti-subversion Law, Article 154 of the Criminal Code

Sentenced: 22 April 1997

Sentence: 6 years’ imprisonment reduced to 5 years on appeal

Dita Sari is the leader of the labour rights organization, the Indonesian Centre for Labour Struggle (*Pusat Perjuangan Buruh Indonesia*, PPBI). The PPBI is affiliated to the People’s Democratic Party (*Partai Rakyat Demokratik* - PRD), an independent left-wing political party accused by the Indonesian Government of being responsible for riots which took place in Jakarta on 27 July 1996.

Dita Sari was arrested on 8 July 1996 after taking part in a labour demonstration that day in the Tandes industrial zone of Surabaya, East Java. Workers from 10 different factories participated in the action in support of an increase in the minimum daily wage from 4,000 rupiah to 7,000 rupiah (US\$1.70 to \$3) and for an end to the Indonesian Armed Forces’ role in political life. According to reports the demonstration was peaceful. Nevertheless, the protesters were blocked by a heavy military and police presence and the demonstration was violently dispersed. Dita Sari was among the demonstrators who were beaten by the security forces.

At least nine students activists, including Dita Sari and Coen Husein Pontoh from the National Peasants’ Union (*Serikat Tani Nasional*, STN), and five workers were arrested. More labour and student activists were arrested in Surabaya the following day, including Mochamad Sholeh, an activist from the Indonesian Students Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia Demokrasi*, SMID).

Only Dita Sari, Coen Husein Pontoh and Mochamad Sholeh were kept in detention. Despite having been in custody for several weeks before the riots in Jakarta on 27 July, the three

were accused of being among those who were behind the disturbances. This accusation appeared to have been dropped by the time the case came to trial, but the links between the three activists and the PRD were among the accusations in their indictments.

Dita Sari went on trial on 16 December 1996, together with Coen Pontoh, at Surabaya District Court. Among the accusations against Dita Sari was that she was:

- involved in setting up the PPBI and the STN, that these organizations are affiliated to the PRD and that they are formed to take political actions or make political statements;
- present at a special congress of the PRD in Yogyakarta in April 1996. The congress produced a series of documents including: "Problems facing the Indonesian People" in which Indonesia is described as a capitalist system characterised by feudalism, militarism and imperialism.

Other documents such as the "The Program of the Struggle" and "Basic Rights of the Indonesian People" contained a variety of recommendations and demands including the need for workers to have more power to build a democratic coalition government under which the military is controlled by the people and where the military is trained to respect human rights; the right of self-determination to be given to the people of East Timor, Aceh and West Papua; an end to overseas aid to and training of the Indonesian military; the implementation of international labour standards protecting the rights of workers; the repeal of the Anti-subversion Law, guarantees of the right to free speech and association and the right to fair trial;

- led or participated in a number of actions including: a candle-light vigil on 12 November 1995 to commemorate massacre in Dili, East Timor during which up to 270 civilians were killed by the security forces; a demonstration at the District Court in Jakarta in May 1996 calling for the charges against Sri Bintang Pamungkas to be dropped²⁹ and the repeal of the Hate-sowing Articles³⁰; labour demonstrations including one outside the Ministry of Manpower in Jakarta in June 1996 and in Surabaya in July the same year in support of a minimum daily wage of 7,000 rupiah (approximately US\$3).

Amnesty International believes that Dita Sari's trial fell short of internationally accepted standards for fair trial. Reported irregularities included the use of witness statements which had been obtained under duress. One witness claimed that he attempted to retract his pre-trial statement prior to the trial because he believed that it had been embellished by an intelligence officer. Another prosecution witness was reportedly interrupted by the judge when giving his testimony after he described being beaten when he was arrested on the same day as Dita Sari.

²⁹ The former parliamentarian, Sri Bintang Pamungkas, was tried and sentenced to 34 months' imprisonment for "insulting" President Suharto during a seminar he gave in Berlin in April 1995. In 1997 he was also charged under the Anti-subversion Law for his political activities. Amnesty International considers him to be a prisoner of conscience.

³⁰ The Hate-sowing Articles are a series of articles which forbid "spreading hatred" against government officials and are punishable by up to seven years' imprisonment. They are frequently used to arrest and imprison prisoners of conscience.

The prosecution demanded that Dita Indah Sari should be sentenced to eight year's imprisonment. She was sentenced to six years on 22 April 1997. The sentence was reduced to five years' imprisonment on appeal.

Amnesty International considers Dita Indah Sari to be a prisoner of conscience, imprisoned solely for the non-violent expression of her political beliefs. The organization is calling for her immediate and unconditional release.

Coen Husein Pontoh

"I'm not surprised, this was a political trial and the judges were not free."

Comment by one of the lawyers for Pontoh and Dita Sari.

"I am not afraid, even if I have to spend the rest of my life behind bars. I will not stop here, I will continue to fight for the interest of workers."

Statement to the court by Pontoh.

Date of Birth: 25 December 1969

Occupation: Student

Arrested: 8 July 1996

Charges: Article 1a, b & c of the Anti-subversion Law, Article 154 of the Criminal Code

Sentenced: 22 April 1997

Sentence: Four years' imprisonment reduced to three-and-a-half years on appeal

Coen Husein Pontoh (known as Pontoh) is a coordinator of the Indonesian Peasants' Union (*Serikat Tani Indonesia*, STN) which was set up to provide education and organizational assistance to peasants. The STN is affiliated to the People's Democratic Party (*Partai Rakyat Demokratik*, PRD), the independent left-wing political party accused by the Indonesian Government of being responsible for riots which took place in Jakarta on 27 July 1996.

Pontoh was among those arrested on 8 July 1996 after a demonstration in which he was participating was violently broken up by the military. The demonstration took place in the Tandes industrial zone of the city of Surabaya, East Java. Workers from 10 different factories participated in the action in support of an increase in the minimum daily wage from 4,000 rupiah to 7,000 rupiah (approximately US\$1.70 to \$3) and for an end to the Indonesian Armed Forces' role in political life in Indonesia. According to reports the demonstration was peaceful. Nevertheless, the protesters were blocked by a heavy military and police presence and some were beaten as the military moved to break up the demonstration.

At least nine students activists, including Pontoh and Dita Indah Sari from the Indonesian Centre for Indonesian Workers' Struggle (*Pusat Perjuangan Buruh Indonesia*, PPBI), and five workers were arrested. More labour and student activists were arrested in Surabaya the following day, including Mochamad Sholeh, an activist from the Indonesian Students' Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia Demokrasi*, SMID).

Only Pontoh, Dita Sari and Mochamad Sholeh were kept in detention. Despite having been in custody for several weeks before the riots in Jakarta on 27 July, the three were accused of being among those who had masterminded these disturbances in Jakarta. This accusation appeared to have been dropped by the time the case came to trial, but the links between the three activists and the PRD were among the accusations in their indictments.

Pontoh went on trial, together with Dita Sari, on 16 December 1996 at Surabaya District Court. Among the accusations against Pontoh were that he was:

- involved in setting up the PPBI and the STN; that these organizations are affiliated to the PRD and that they were formed to take political actions or make political statements;
- linked to a special congress of the PRD in Yogyakarta in April 1996. The congress produced a series of documents including "Problems facing the Indonesian People" which refers to Indonesia as a capitalist system characterised by feudalism, militarism and imperialism.

Other documents such as the "The Program of the Struggle" and "Basic Rights of the Indonesian People" contained a variety of recommendations and demands including the need for workers to have more power to build a democratic coalition government in which the military is controlled by the people and where the military is trained to respect human rights; the right of self-determination to be given to the people of East Timor, Aceh and West Papua; an end to overseas aid to and training of the Indonesian military; the implementation of international labour standards protecting the rights of workers; the repeal of the Anti-subversion Law, guarantees of the right to free speech and association and the right to fair trial;

- participated in a number of actions including: a meeting in May 1996 of the PRD and other organizations at which the PRD publication *Suara Rakyat* (The Voice of the People) was prepared; a demonstration in front of the Ministry of Manpower in Jakarta in June 1996 in support of a minimum daily wage of 7,000 rupiah; and the launch of the PRD's manifesto on 22 July 1996 at the Legal Aid Institute (a prominent human rights organization) in Jakarta.

Amnesty International believes that Pontoh's trial fell short of internationally accepted standards for fair trial. Reported irregularities included the use of witness statements which had been obtained under duress. One witness claimed that he attempted to retract his pre-trial statement prior to the trial because he believed that it had been embellished by an intelligence officer. Another prosecution witness was reportedly interrupted by the judge when giving his testimony after he described being beaten when he was arrested on the same day as Dita Sari.

Pontoh was sentenced on 22 April 1997 to four years' imprisonment, two years less than the prosecution had demanded. His sentence was reduced to three-and-a-half years on appeal.

Amnesty International also has concerns about Pontoh's treatment in detention. In the first few months after he was sentenced there were two disturbances in Madeang Prison, Surabaya,

which Pontoh and Mochamad Sholeh were accused of masterminding. The second more serious disturbance took place on the night of 17 June 1997 when a fire broke out in the prison after inmates rioted. Despite denying any involvement the two were among those badly beaten with ratan sticks or kicked by members of the military who had been brought in to control the riot. Pontoh suffered bruising to his face, black eyes and a damaged cheek. Human rights lawyers have called for an investigation into the allegations of ill-treatment against the two.

Amnesty International considers Pontoh to be a prisoner of conscience, imprisoned solely for the non-violent expression of his political beliefs. The organization is calling for his immediate and unconditional release.

Mochamad Sholeh

"The council of judges should not be taken seriously. I am not guilty and I reject this verdict."

Mochamad Sholeh after a guilty verdict had been delivered.

Date of Birth: 2 October 1975

Occupation: Student

Arrested: 9 July 1996

Charges: Article 1a, b & c of the Anti-subversion Law, Article 154 of the Criminal Code

Sentenced: 22 April 1997

Sentence: Four years' imprisonment

Mochamad Sholeh is an activist from the Indonesian Students' Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia untuk Demokrasi*, SMID). SMID's aims include a multi-party political system, academic freedom and an end to militarism on university campuses, a democratic trade union movement and basic human rights. It is affiliated to the Peoples' Democratic Party (*Partai Rakyat Demokratik*, PRD), the independent left-wing political party accused by the Indonesian Government of being responsible for riots which took place in Jakarta on 27 July 1996.

Mochamad Sholeh was arrested on 9 July 1996, a day after taking part in a labour demonstration in the Tandes industrial zone of the city of Surabaya, East Java. The demonstration involved activists and labourers from around 10 different factories who were calling for an increase in the minimum daily wage from 4,000 to 7,000 rupiah (approx US\$1.70 to \$3) and for an end to the Indonesian Armed Forces' role in politics. According to reports the demonstration was peaceful. Nevertheless, the demonstrators were blocked by a heavy military and police presence and violently dispersed.

Despite being in custody at the time of the 27 July raid and riots in Jakarta, Mochamad Sholeh and two others, Dita Indah Sari and Coen Husein Pontoh, who were arrested during the Surabaya demonstration were accused of being among those who were behind the Jakarta disturbances. This accusation appeared to have been dropped by the time the case came to trial, but the links between Mochamad Sholeh and the PRD were used to strengthen the case made against him.

Mochamad Sholeh went on trial on 16 December 1996 at Surabaya District Court. The specific accusations against Mochamad Sholeh clearly indicate that he was tried for his peaceful political activities.

Among the charges against Mochamad Sholeh were that he:

- was a member of SMID;
- organized or took part in a number of actions including two labour demonstrations on 8 and 9 July 1996 in Surabaya, East Java where he "inflamed the workers" by shouting out slogans such as "Military dogs: defending capital!" and "Military dogs: stop involvement in labour disputes!". He was also accused of distributing leaflets during the demonstrations which contained slogans including "Lower Prices!"; "Monitor the elections!"; "New political parties!"; "Referendum for the Maubere People!"; "Raise wages!"; "Freedom of association!".
- was linked to a special congress of the PRD in Yogyakarta in April 1996. The congress produced a series of documents including: "Problems facing the Indonesian People" which refers to Indonesia as a capitalist system characterised by feudalism, militarism and imperialism.

Other documents such as the "The Program of the Struggle" and "Basic Rights of the Indonesian People" contained a variety of recommendations and demands including the need for workers to have more power to build a democratic coalition government in which the military is controlled by the people and where the military is trained to respect human rights; the right of self-determination to be given to the people of East Timor, Aceh and West Papua; an end to overseas aid and training of the Indonesian military; the implementation of international labour standards protecting the rights of workers; the repeal of the Anti-subversion Law, guarantees of the right to free speech and association and the right to a fair trial;

Amnesty International is concerned that there were many procedural irregularities recorded before and during his trial.

The prosecution demanded a six year prison sentence for Mochamad Sholeh. He was sentenced on 22 April 1997 to four years' imprisonment. The sentence was upheld on appeal.

Amnesty International considers Mochamad Sholeh to be a prisoner of conscience, imprisoned solely for the non-violent expression of his political beliefs. The organization is calling for his immediate and unconditional release.

Amnesty International also has concerns about Mochamad Sholeh's treatment in detention. In the first couple of months after he was sentenced there were two disturbances in Madeang Prison, Surabaya, which officials accused Mochamad Sholeh and Coen Husein Pontoh of masterminding. The second more serious disturbance took place on the night of 17/18 June when a fire broke out in the prison after inmates rioted. Despite denying any involvement in the

riot the two were among those badly beaten with ratan sticks or kicked by members of the military who had been brought in to control the riot.