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INDONESIA: APPEAL FOR RELEASE OF PRISONERS OF CONSCIENCE AND COMMUTATION OF DEATH SENTENCES

Introduction

Every year on 17 August, the anniversary of Indonesian independence, prisoners in Indonesia are formally notified of reductions in their sentences. Ceremonies are held at prisons throughout the country during which local government officials address the inmates, and it is the one day of the year when national and local media focus attention on prisoners. Depending on the length of time served, prisoners may be granted remissions ranging from one month to one year. Death sentences may be commuted to life imprisonment, and life sentences may be reduced to 20-year terms. Amnesty International is calling on the Indonesian Government to observe the 17 August holiday this year by releasing all prisoners of conscience and commuting all death sentences.

In 1986 out of the total of 23,233 prisoners in Indonesia, 17,565 prisoners received remission from their sentence, and 1,949 were then released.

Prisoners of Conscience

"Prisoners of conscience" are men and women detained for their political or religious beliefs, colour, sex, ethnic origin or language who have not used or advocated the use of violence. In Indonesia prisoners of conscience fall into three main categories: people arrested in connection with an attempted coup in 1965; Muslim activists; and leaders of what is termed the "moderate opposition". (For background on the coup attempt, see ASA 21/23/85, Indonesia: Prisoners Under Sentence of Death for Alleged Offences relating to an Attempted Coup in 1965 or Membership of the Indonesian Communist Party (PKI); for background on the Muslim activists and "moderate opposition", see ASA 21/10/86, Indonesia: Muslim Prisoners of Conscience.) Amnesty International believes that the following people have been detained for the non-violent expression of their political or religious beliefs or activities and should be immediately and unconditionally released.

1. Dr Subandrio, aged 73, Foreign Minister and Deputy Prime Minister under President Sukarno, was arrested on 13 March 1966 in Jakarta and charged with subversion for his alleged complicity in the 1965 coup attempt. As head of the Central Intelligence Bureau, he was accused of being privy to coup plans and of aiding and abetting members of the Indonesian Communist Party (PKI) involved in the coup. Evidence used against him was said to be circumstantial, and Amnesty International believes he was arrested because of his identification with the policies of the Sukarno government which had facilitated the growth of the PKI. He was tried before an Extraordinary Military Court in December 1966 in a trial which Amnesty International

believes was unfair. He was sentenced to death, but the sentence was commuted to life on 15 December 1981. He is presently detained in Nirbaya prison, Jakarta.

2. Manan Effendi bin Tjokrohardjo, aged 67, formerly vice-chairman of the PKI for East Kalimantan. He was arrested on 9 October 1965 on subversion charges for his alleged involvement in the attempted coup of 1965. He was sentenced to death by the Balikpapan District Court on 6 May 1967, and his sentence was commuted to life imprisonment after an appeal to the High Court in Banjarmasin on 24 February 1982. Until April 1987 he was detained in Balikpapan prison, in East Kalimantan; he is now detained in Surabaya, East Java. Many provincial leaders of the PKI were arrested in the aftermath of the coup attempt and charged with planning to carry out the coup in their regions by seizing key provincial officials and taking over government installations. The charges were based on meetings held on the day of the coup by provincial PKI leaders to discuss the impact of events in Jakarta. Amnesty International believes that many of these leaders, including Manan Effendi, did not in fact use or advocate the use of violence against the government.

3. Alexander Warouw, 70, a former government official in East Kalimantan, was also arrested in East Kalimantan in October 1965. He was tried by the Balikpapan District Court and sentenced to life imprisonment on 6 May 1967. His appeals against his sentence before the High Court and the Supreme Court were rejected. Until April 1987 he was detained in Balikpapan prison, East Kalimantan. He is married with two children; his family were allowed to visit him once a month. Alexander Warouw is now detained in Surabaya, East Java, a considerable distance from his home.

4. Ahmad Zonet Sumarlan, aged about 25 years, was arrested on 13 June 1985 in Yogyakarta, Central Java, and charged with spreading hatred and false information with the intention of creating public unrest, and with subversion in connection with distributing the militant Muslim newspaper, Al-Ikhwan. Al-Ikhwan, which contained articles highly critical of the government and writings of Muslim militants in Pakistan and Egypt, was banned in May 1985. Sumarlan was sentenced to six years' imprisonment in February 1986 and is currently detained at Wirogunan Prison, Yogyakarta. Before his arrest he was a student at Universitas Islam Indonesia.

5. Achmad Zaini, 24, a shrimp trader, was arrested in July 1986 in Tamanggung, Muntilan, Central Java and was charged with distributing or displaying materials which slander the government including Al-Ikhwan and its predecessor, also banned, called Ar-Risalah. He was sentenced to two and a half years' imprisonment in January 1987, and is detained at Wirogunan, Yogyakarta.

6. Margono bin Syafei, is in his early forties and was arrested in December 1985. He was charged with subversion in connection with the distribution of Al-Ikhwan. He was sentenced to three and a half years' imprisonment in January 1987 and is currently detained in Wirogunan, Yogyakarta. He had been a tailor before his arrest.

7. Lieutenant General Hartono Rekso Dharsono, aged 60, was arrested on 8 November 1984 in Jakarta in the aftermath of a violent demonstration in Tanjung Priok, north Jakarta, during which government troops open fire on Muslim demonstrators, killing at least 30. General Dharsono was charged with six counts of subversion, including helping to draft a "White Paper" calling for an independent commission of inquiry into the Tanjung Priok

incident. He was sentenced to 10 years' imprisonment on 8 January 1986, reduced to seven years on appeal. General Dharsono is now detained in a separate bungalow on the grounds of Cipinang prison, Jakarta. He is a career military officer, formerly the commander of the prestigious Siliwangi (West Java) division of the army. He served as Indonesian Ambassador to Thailand and Cambodia and in 1976 was appointed Secretary General of the Association of Southeast Asian Nations (ASEAN), a position he held until he was removed by President Suharto after his criticism of the latter for relying more on military might than on popular support.

8. Haji Mawardi Nur, aged 68, was arrested on 14 September 1984 and charged with subversion for a series of religious lectures he gave in which he criticized several government policies as being in violation of Islamic teachings. He was sentenced to 14 years' imprisonment on 15 January 1986. He is currently being detained at Cipinang prison, Jakarta. A Member of Parliament during the 1950's, Nur was a lawyer by training. At the time of his arrest, he was one of the Indonesian officials of the Mecca-based World Muslim League and was deputy general of the Korps Muballigh Indonesia, (KMI), Indonesian Muslim Preachers Corps.

9. Haji A M Fatwa, aged 47, a well-known Muslim preacher, was arrested on 19 September 1984 on subversion charges in connection with a meeting at his house shortly after the Tanjung Priok demonstration where possible responses to the incident were discussed. He was also a signatory of the "White Paper" mentioned above. He was sentenced to 18 years' imprisonment on 23 December 1985, and is currently detained at Cipinang Prison in Jakarta. He had been arrested in 1978 for allegedly having spoken out against the government and was imprisoned without trial for nine months before being released in 1979.

10. Professor Usman al Hamidy, aged 73, was arrested on 13 September 1984, the day after the Tanjung Priok demonstration took place. He was charged with subversion for having criticized government policies in a series of lectures given at religious gatherings, and he was sentenced to eight years' imprisonment on 26 March 1986. He is currently detained at Cipinang Prison, Jakarta. Before his arrest he had been rector of Penguruan Tinggi Dakwah Islam (PTDI), a college for religious teachers in Tanjung Priok. He is disabled and confined to a wheelchair.

11. Abdul Rani Yunsih, aged 43, a Muslim preacher, was arrested on 13 September 1984 at his house in Jakarta. He was charged with having given a number of speeches during 1984 criticizing the state ideology of Pancasila and advocating its replacement with Islam and sentenced to seven years' imprisonment on 31 January 1986 for subversion. He was acquitted of charges of having participated in violent activities during the Tanjung Priok riot. He is presently detained at Cipinang Prison, Jakarta.

12. Ali Masrum al Mudafa, aged about 26, was arrested on 2 November 1984 in Surabaya, East Java. He was charged with subversion for having participated in study workshops on Islam which government prosecutors said were aimed at instituting Islamic law in Indonesia and for copying and distributing leaflets and cassettes concerning the clash at Tanjung Priok in September 1984. In September 1985 he was sentenced by the Surabaya District Court to 12 years' imprisonment. He is currently detained at Kalisosok prison, Surabaya. Before his arrest he had been a schoolteacher and a broadcaster for a commercial radio station.

13. Hasbullah Sidik Deadon was arrested on 11 October 1984 in Ternate,

in the Moluccas. He was charged with subversion for having read out a pamphlet containing a brief report about the events at Tanjung Priok during a gathering in Ternate, and he was sentenced to 15 years' imprisonment in late October 1985. Before his arrest he was a student at Sultan Hairun University, Ternate.

14. Syamsu Haji Raef was arrested at the same time and on the same charges as Hasbullah Sidik Deadon, above. He was sentenced to 10 years' imprisonment in late October 1985. Like Deadon, he was a student at Sultan Hairun University, Ternate.

15. Murjoko, 27, an administrative employee in the medical faculty of Brawijaya University, Malang, East Java

16. Faizal Fachri, 24, a student at the technical faculty of Brawijaya University

17. Sugeng Budiono, 21, a student of applied statistics at Indonesia's "Open University"

18. Andi Sukisno, 22, a student at the State Teacher Training Institute (IKIP), Malang

All four of the above were students in Malang, East Java, and were arrested in late 1984 and early 1985 on subversion charges following a series of bomb attacks on Christian and Buddhist sites in Java for which a group of Muslim activists not associated with the four students took responsibility. No evidence was produced in either the trials of the students or those of the self-confessed bombers to suggest that any of the four were in any involved. The authorities also accused the four of undermining the government and "spreading hatred" in religious courses they organized in 1984 which they called a Muslim Character Development Program. The courses stressed obedience to Islamic law and teachings, but the prosecution claimed they were aimed at establishing an Islamic state in Indonesia. Amnesty International is not aware of any evidence produced to substantiate the charges. All four were sentenced to eight years' imprisonment, but after an appeal by the prosecution, the High Court raised the sentence of Andi Sukisno to 15 years and that of Sugeng Budiono to nine years.

PRISONERS UNDER SENTENCE OF DEATH

Amnesty International, which is unconditionally opposed to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, is also calling on the Indonesian Government to commute all death sentences. It has been concerned that the number of judicial executions has risen in recent years with 10 in 1987 alone. Nine of those executed last year had been in prison for more than 16 years and are believed to have had no right to appeal to a higher court after their convictions in a special military tribunal (see ASA 21/27/86, Indonesia, Recent Executions and Application of the Death Penalty).

Those who remain under sentence of death include 16 prisoners sentenced to death for alleged involvement in the 1965 coup attempt; three Muslim activists; and at least five prisoners convicted of common crimes.

1. Ruslan Widjayasastra, aged 68, was arrested on 14 July 1968 and charged

with subversion and criminal plotting against the state, both for alleged complicity in the 1965 coup attempt and for participation in what the government has described as an armed rebellion of a "New Style" PKI in Blitar, East Java, in 1967. Ruslan Widjayasastra is said to have been head of the Central Committee of the "New Style" PKI. He was sentenced to death on 15 July 1974 by the Central Jakarta Subversion Court and later appealed for clemency to President Suharto. The result of this appeal is not known but it is believed to have been rejected. Ruslan Widjayasastra is detained in Cipinang prison, Jakarta. Before the attempted coup, he had been a member of the central committee of the PKI, and deputy chairman of the peasants union, Barisan Tani Indonesia (BTI) and SOBSI, the PKI-led trade union federation.

2. Sukatno, 58, was arrested on 21 July 1968 in Blitar, East Java. Before the 1965 coup attempt, he had been the chairman of Pemuda Rakyat, the PKI youth organisation and a member of parliament. He was also a member of the Central Committee of the PKI. After the coup attempt, he went underground with other senior members of the PKI and, like Ruslan Widjayasastra above, was active in the so-called Blitar Rebellion. He was sentenced to death on 11 March 1971. He appealed against his sentence to the Supreme Court but it was rejected, and President Suharto reportedly rejected his appeal for clemency in 1982. Sukatno is detained at Cipinang prison, Jakarta.

3. Iskander Subekti, 66, was arrested on 31 July 1968 for his alleged involvement in the 1965 coup attempt and the Blitar Rebellion. He had been a member of the Central Committee of the PKI (foreign affairs section). He was sentenced to death on 22 December 1972. He appealed to the High Court against this sentence but the result of this appeal is not known. He is held in Cipinang prison, Jakarta.

4. Asep Suryaman, 61, was arrested on 28 September 1971 for his alleged involvement in the 1965 coup attempt. He was alleged to have been a member of the PKI "Special Bureau" responsible for building contacts for the PKI within the military. He was tried in Central Jakarta District Court on charges of plotting to carry out an attack with the intention of overthrowing the government and with armed rebellion against the state (articles 107 and 108 of the Criminal Code). He was sentenced to death on 27 August 1975. He appealed to the High Court against this sentence but the result is not known. Asep Suryaman is detained in Cipinang prison, Jakarta.

5. Satar Suryanto, aged 48, was arrested on 4 October 1965 for his alleged involvement in the 1965 coup attempt. He was sentenced to death on 19 April 1971. He appealed to the High Court against this sentence but the result is not known. Satar Suryanto is detained in Cipinang prison, Jakarta. Before his arrest he had been a sergeant in the Cakrabirawa (the Presidential Guard). A battalion commander of the Cakrabirawa unit was one of the leaders of the coup attempt and chairman of the short-lived "Revolutionary Council" proclaimed on 1 October 1965. Many soldiers in that unit are believed to have taken part in the murder of six generals the night before.

6. Raswad, aged 52, was arrested on 4 or 5 October 1965 for his alleged involvement in the abortive 1965 coup. He was sentenced to death on 16 April 1968 by the Jakarta Military Tribunal in connection with the kidnap and murder of General Yani, one of the six army generals killed during the coup attempt. He appealed to the President against for clemency but the result is not known. Raswad is detained in Cipinang prison, Jakarta.

Before his arrest he had been a sergeant in Cakrabirawa.

7. I Bungkus, aged 50, was arrested on 8 October 1965 for his alleged involvement in the 1965 coup attempt. He was sentenced to death on 30 July 1971 by the Jakarta Military Court. He appealed to the High Court against this sentence but the result is not known. Bungkus is detained in Cipinang prison, Jakarta. Before his arrest he had been a sergeant in the Cakrabirawa.

8. Yohanes Surono, had been a sergeant in the Cakrabirawa unit of the army in 1965. Now 58, he was sentenced to death in 1979 by the Regional Military Court in Jakarta. His first appeal was rejected by the Military High Court on 5 July 1972; he was not informed of the decision until over a year later. The clerk of the Military High Court told him in August 1973 to sign a form authorizing the final cassation appeal which he did. He did not meet the clerk again until 26 December 1986 when he was told that his cassation was invalid because it did not include an accompanying memorandum and the signature was not sufficient. He appealed to the President for clemency on 9 February 1987 noting that he was illiterate in law and had just followed the clerk's instruction in making his appeal.

9. Simon Petrus Soleiman

10. Athanasius Buang

Simon Petrus Soleiman, 50, had been a sergeant in the Cakrabirawa unit, and Athanasius Buang, 48, had been a private. Both were arrested on 5 October 1965 and sentenced to death four years later, on 8 November 1969, by the Regional Military Court in Jakarta. Both appealed to the High Military Court the same day their sentences were handed down, saying they were only carrying out orders. They received no news about the status of their appeal until 3 February 1987, almost two decades later, when they were informed by a member of the Corps Kehakiman Militer (Military Justice Corps) that both their first and their second appeals (cassation) had been rejected. They were apparently not aware of having made a second appeal. Both have appealed to President Suharto for clemency.

11. Nurhayan (Noor Rachoyan), 49, had been a private in the Cakrabirawa unit. He was arrested on 5 October 1965 and sentenced to death by the Regional Military Court in Jakarta on 8 November 1969. He made an appeal immediately to the Military High Court but was notified on 3 February 1987 that his appeal had been made too late and that the statute of limitations had expired. He appealed to President Suharto for clemency on 9 February 1987. Detained in Cipinang prison, Jakarta, he suffers from diabetes and other ailments.

12. Sukardjo, 50, had been a member of the Cakrabirawa unit. He was arrested on 5 October 1965 and sentenced to death by the Regional Military Court in Jakarta on 5 March 1969. He appealed to the Supreme Court but the result of this appeal is not known. He is detained in Cipinang prison, Jakarta.

13. Giyadi Wignyosuharjo, 60, had been a member of the Cakrabirawa unit. He was arrested on 4 October 1965 and sentenced to death by the Regional Military Court in Jakarta on 16 April 1968. He is reported to have submitted a request to the President for clemency but the result of this is not known. He is detained in Cipinang prison, Jakarta.

14. Marsudi, 52, had been a sergeant major in the airforce in 1965. The

date of his arrest is not known. He was sentenced to death by an Extraordinary Military Court on 9 October 1968. He is reported to have appealed to the High Court, but the result of this is not known. He is detained in Cipinang prison, Jakarta.

15. Sukarman, 67, a former member of the Executive Committee of the Provincial Committee of the PKI for East Java. He was arrested in Blitar on 21 July 1968 and tried and sentenced to death by the Malang District Court on 31 May 1976. At his trial he announced that he would not appeal against his death sentence, but he was later reported to have submitted a request to the President for clemency in December 1982, although the result of this is not known. He is currently detained in Pamekasan prison, Madura, and he is said to be in poor health.

16. Suwandi, 64, the former secretary of the Provincial Committee of the PKI for East Java. He was arrested in Blitar on 9 June 1968 and tried and sentenced by the Malang District Court on 11 June 1973. He submitted a request to the President for clemency in September 1983 but the result of this is not known. He is currently detained in Pamekasan prison, Madura, and he suffers from a heart condition.

17. Azhar bin Moh Sapar, accused of involvement in the so-called "Imron Group", a group of Muslim activists which in 1981 hijacked an Indonesian airplane and later stormed a police station in Bandung, West Java, allegedly to obtain arms for the struggle to establish an Islamic state. He was charged with subversion and murder and sentenced to death in 1982. His appeal was rejected in September 1985. Three other members of the Imron Group have been executed, one in 1983, one in 1985 and one in 1986.

18. Bambang Sispooyo, 38

19. Abdullah Umar, 37

Both of the above are Muslim activists, accused of involvement in an organization known as Komando Jihad (Holy War Command), were convicted of subversion for involvement in armed robbery and the killing of two men in January 1979. Abdullah bin Umar was originally sentenced to life imprisonment but was given the death sentence by the High Court in Yogyakarta in early June 1985 following an appeal. Bambang Sispooyo was sentenced to death on 1 June 1985. No further appeals have been made. The two men are presently believed to be detained in Nusakambangan prison, Cilacap, Central Java.

20. Chan Tin Chong, 30, a Malaysian national, was charged with drug-trafficking and sentenced to death in 1985. His appeal to the High Court in Jakarta was rejected in April 1986. Four months later his companion, who had been sentenced to life imprisonment, admitted to having given false testimony to government investigators which had implicated Chan Tin Chong. However, the Supreme Court refused to consider the new evidence, saying it could only consider technical and procedural questions, and it rejected his appeal on 3 February 1987. (For additional information, see ASA 21/08/87, Indonesia: Update on the Death Penalty.)

21. Capa P.K. Sidaruk, who was arrested in 1973 for murder was sentenced to to death by a military court in Banten, West Java, in 1976 after reportedly being convicted solely on the basis of his confession. Capa Sidaruk appealed to the Supreme Court to review his sentence, but the appeal was only formally registered with the Supreme Court in October 1986 and no decision has yet been made.

22. Sgt. Isto Sukarta was convicted of murdering the son of his lover, Mrs Lince Lembong, and was sentenced to death by the military court in Bogor, West Java in March 1986. Mrs Lince Lembong herself was convicted of murdering her husband and was sentenced to death on 13 August 1986; her sentence was reduced to life imprisonment on appeal. Sgt. Sukarta, however, who escaped from prison in November 1986 and was recaptured in January 1987, had his first appeal rejected but has now appealed to the Supreme Military Court.

23. Osman Hutagalung, 40, was sentenced to death on 4 March 1987 by the District Court in Padang Sidempuan, Tapanuli Selatan, North Sumatra, for the murder and mutilation of a woman in his village who nine years earlier had caused Hutagalung to be imprisoned for 80 days for punching her in the nose. The murder took place in July 1986. The accused confessed to the killing and said it was in revenge.

24. Marsufin Abdi, aged 23, was sentenced to death on 23 June 1987 by the Jember District Court for murdering a close friend after a quarrel over money in November 1985. In November 1986 he had already been sentenced to eight years' imprisonment for the murder of a former girlfriend several years ago. In handing down the death sentence, the judge gave his opinion that the accused could not be rehabilitated into an Indonesian who would live in accordance with the state ideology Pancasila.