

INDONESIA

@Student Prisoners of Conscience

Introduction

Scores of student activists have been jailed for periods ranging from a few months to more than eight years since Indonesia's New Order government publicly declared its commitment to greater political openness and the protection of human rights in the early 1990s. In February 1994, a student human rights activist, **Nuku Soleiman**, was sentenced to four years' imprisonment for "insulting the president" following a peaceful demonstration at the national parliament. In May his sentence was increased to five years following an appeal to the High Court. On 18 May, a further 21 university students were sentenced to six months in prison on the same charge for their part in a similar protest in December 1993.

A number of student prisoners of conscience have been released in recent months after serving all or most of their sentences, but two others remain in jail serving long sentences imposed in 1989. **Bonar Tigor Naipospos** was conditionally released from jail on 16 May 1994 after serving five years of an eight-and-a-half year sentence for subversion. Amnesty International welcomes his release, but it believes that he should never have been in custody. It is also concerned that military authorities have arbitrarily rejected a request for the conditional release of two other students jailed for similar offences. **Bambang Subono** and **Bambang Isti Nugroho** remain in prison serving sentences of seven and eight years respectively for possession of banned literature and for participating in political discussion groups.

Amnesty International is calling for the immediate and unconditional release of all student prisoners of conscience, and for an end to the practice of imprisoning people for their non-violent political beliefs and activities. It is also urging Indonesia's military authorities to cease the use of arbitrary measures to impede the conditional release of prisoners of conscience who are eligible for it.

Nuku Soleiman and the 21 students

Student activists and others who engage in non-violent protest against government policy in Indonesia continue to face arrest and imprisonment. In February 1994 Nuku Soleiman, a student and human rights advocate, was imprisoned for four years after criticizing Indonesia's President Suharto.¹ He was charged under Article 134 of the Indonesian Criminal Code, a law inherited from Dutch colonial rule, under which insulting the head of state is an offence

¹ For more detailed information about the arrest and trial of Nuku Soleiman see Amnesty International document, *Indonesia: Nuku Soleiman - Prisoner of Conscience*, March 1994 (ASA 21/08/94)

punishable by up to six years in prison. The sentence was increased to five years in May following an appeal to the High Court.

In November 1993, Nuku Soleiman took part in a demonstration outside Indonesia's national parliament (DPR) during a hearing about the national lottery. He was arrested after distributing pamphlets which accused Indonesia's president, Suharto, of being the "mastermind" of a number of human rights "disasters". These included the killing of dozens of Muslim activists in Tanjung Priok, North Jakarta in 1984; the November 1991 Santa Cruz massacre in East Timor, during which an estimated 200 unarmed civilians were killed by Indonesian troops; and the killing of four villagers during an October 1993 protest against the Nipah Dam project in Madura, Java.²

Nuku Soleiman.

² All these human rights violations have been independently documented by Amnesty International.

A further 21 students were arrested for holding a separate demonstration in front of the DPR on 14 December 1993.³ About 200 students took part in the demonstration, during which riot police and soldiers were deployed to stop the protesters from entering the parliament building. The protest again called upon the President to take responsibility for human rights violations committed by government forces during his nearly 30 years in power, with one banner saying "*Drag Suharto before a Special Meeting of the People's Consultative Assembly (MPR)*". During the demonstration four people were reportedly beaten and trampled on by soldiers using rubber clubs and tear gas to force the protesters out of the main lobby of the parliament building. The four were among the 21 people subsequently arrested.

At the trial of the 21, which began on 8 March, the state prosecutor accused the defendants of "intentionally and consciously" defaming the President and the House of Representatives. A police witness said that four of the "ringleaders" had taken it in turns to read poems which attacked the president's integrity. One of the defendants, **Yeny Rosa Damayanti**, challenged this view in a press interview on 28 April. She maintained that the protesters were arrested not because they had attacked the president, but because they had questioned the dominance of the military in Indonesian society and politics. She said the students had for the first time openly called for the politically powerful *Bakorstanas* (the Coordinating Agency for the Maintenance of National Stability) to be dismantled.

On 18 May 1994 the 21 students were sentenced to six months' imprisonment. Like all political trials in Indonesia, theirs was characterized by a number of irregularities which raised questions about the standards of evidence used. For example, the defendants alleged that one police witness had joined the demonstration and had himself shouted anti-government slogans, in an apparent effort to incriminate the demonstrators. Another police witness testified that the students had been arrested by the police, as required by law. This claim was strongly contested by the defendants and their lawyers, who insisted that military officials had carried out the arrests. The trial was also conducted amid an atmosphere of intimidation, with the courts heavily guarded by police and military personnel, and plainclothes intelligence officers present at the hearings.

Bonar Tigor Naipospos, Bambang Isti Nugroho and Bambang Subono

³ The names of the 21 students are provided in Appendix I.

Bonar Tigor Naipospos, aged 32, was a student of political science at Gajah Mada University in Yogyakarta, Central Java. He was arrested in Jakarta in June 1989. In 1990 he was sentenced to eight and a half years' imprisonment for subversion after an unfair trial. He was charged with possessing and distributing literature said to contain communist ideas, and for disseminating Marxist teachings in discussion groups and through his own writings. At the trial the state prosecutor also stated that he had circulated works by the renowned Indonesian author, Pramoedya Ananta Toer, which are banned by the government.⁴ Despite there being no evidence whatsoever that Bonar Tigor Naipospos had engaged in any violent activity, or committed any recognizable criminal offence, the sentence was upheld by the Supreme Court in August 1991.

Bonar Tigor Naipospos was conditionally released from Cipinang prison in Jakarta on 16 May 1994. While welcoming his release, Amnesty International is concerned that two other prisoners of conscience, Bambang Isti Nugroho and Bambang Subono, charged and convicted in a closely related case in 1989, remain in prison despite also being eligible for conditional release. They had received marginally shorter sentences and been in jail for a longer time. Amnesty International urges the Indonesian Government to release them immediately.

Bambang Isti Nugroho was arrested on 20 June 1988. He was accused of possessing banned Marxist-Leninist literature and of holding "illegal" discussion meetings. In 1989 he was convicted of subversion and sentenced to eight years' imprisonment. Bambang Subono was also convicted in 1989 and sentenced to a seven-year term for subversion. He was arrested for leading an informal study circle and possessing various books banned by the government because of their allegedly communist content. The books included novels by Pramoedya Ananta Toer.

Conditional Release and Military Obstruction

According to the relevant Ministry of Justice regulations, all prisoners - including those convicted of subversion - are eligible for conditional release after they have served at least two-thirds of their sentence.⁵ The regulations stipulate that to be eligible for early release a prisoner's "conduct and attitude" must have improved, and that he or she must have "demonstrated awareness of and regret for the crime committed". The initial assessment of these matters is made by prison authorities, but the final judgment is left to the Regional

⁴ Pramoedya Ananta Toer was himself imprisoned between 1965 and 1979 and was adopted by Amnesty International as a prisoner of conscience. His basic civil and political rights continue to be severely curtailed.

⁵ The relevant regulations are Ministry of Justice Regulation M.01-PK.04.10/1989 concerning assimilation, conditional release and leave pending release; and a 1991 amending regulation.

Military Commander, in his capacity as head of *Bakorstanasda* (the Regional Coordinating Agency for the Maintenance of National Stability).

Some Regional Military Commanders have interpreted the regulations in ways which, in Amnesty International's view, constitute a violation of international human rights standards upholding the rights to freedom of expression and opinion. Following the release of several prisoners of conscience in 1993, the Regional Military Commander for Jakarta confirmed that they had been required to submit in writing their views on the national ideology, *Pancasila*, and the Constitution as a condition for their release.⁶ The same requirement was imposed as a condition for the release of Bonar Tigor Naipospos, Bambang Subono and Bambang Isti Nugroho.

Bonar Tigor Naipospos

Bambang Isti Nugroho (left) and
Bambang Subono

⁶ See Amnesty International document: *Indonesia: Conditional Release of Political Prisoners - Hundreds Remain in Jail*, September 1993 (ASA 21/21/93).

After serving two-thirds of their sentences, all three students lodged formal requests for conditional release through the Director of Wirogunan Prison in Yogyakarta where they were detained. Bambang Subono, with the shortest sentence, began the process in February 1993; Bambang Isti Nugroho, with a slightly longer sentence, submitted his request in August 1993; and Bonar Tigor Naipospos, with the longest sentence, made his request in February 1994. In accordance with official procedure, the requests were forwarded to the local office of the Ministry of Justice and from there to the Director-General of Corrections in Jakarta, accompanied by a letter of recommendation from the Prison Director. At all stages of the procedure the requests were approved by the relevant civilian officials. For the release to go ahead, however, endorsement was required from the Regional Military Commander.

Bonar Tigor Naipospos was transferred to Cipinang prison in Jakarta in February 1994, so his request for release was forwarded to the Regional Military Commander there, Major General Hendro Prijono. After submitting an essay expressing his views on *Pancasila* to the military authorities, he was freed from detention. The request for the release of Bambang Subono and Bambang Isti Nugroho, who remained in Wirogunan prison, was forwarded to the Regional Military Commander for Central Java, Brigadier General Soerjadi, who had not given his clearance as of late May 1994. When asked to explain the delay, Brigadier General Soerjadi said that Bambang Subono and Bambang Isti Nugroho had not yet written an essay on their political beliefs, and that their behaviour in prison still had to be assessed.

These explanations exemplify the problem of arbitrary military power over political prisoners in Indonesia. Ministry of Justice regulations do not require political prisoners to write an essay of any kind as a condition for release. As noted above, that condition was introduced arbitrarily by the Regional Military Commander for Jakarta prior to the release of a number of well-known prisoners of conscience in August 1993, but it has never become law. By citing this condition as a justification for failing to release the two prisoners of

conscience, the Regional Military Commander for Central Java was, in effect, superseding government regulations. Furthermore, the Commander's suggestion that the prisoners' release had been delayed because their behaviour in prison had still to be assessed was deliberately misleading, since a positive assessment by the Prison Director is a necessary precondition for the submission of any request for conditional release.

The only conclusion to be drawn from the Commander's remarks is that the military authorities in Central Java simply did not wish to see Bambang Subono and Bambang Isti Nugroho released, and that they were prepared to act without regard to the law in order to achieve this end. Amnesty International is concerned at this arbitrary use of military power to impede the release of two prisoners of conscience. It urges the Indonesian authorities to release them immediately, and to ensure that the legal procedures for conditional release are in future applied fairly and consistently to all prisoners.

APPENDIX I: Student Prisoners of Conscience convicted in 1994

Name	Charge	Sentence
A Yunus	Insulting the President (Article 134)	Six months
Adi Kurniawan	" " " " "	" " "
Andi Hartono	" " " " "	" " "
Andrianto	" " " " "	" " "
Antony L.J. Ratag	" " " " "	" " "
Farid Paskah	" " " " "	" " "
Ferry Haryono	" " " " "	" " "
Gunardi Aswantoro	" " " " "	" " "
Hendrik D. Sirait	" " " " "	" " "
M. Huda	" " " " "	" " "
M. Rifqi	" " " " "	" " "
Mandri Sri Martiana	" " " " "	" " "
Mazduki	" " " " "	" " "
Nuku Soleiman	" " " " "	Five years (after appeal)
P. Teddy	" " " " "	Six months
Piryadi	" " " " "	" " "
Saef Lukman	" " " " "	" " "
Sunandar	" " " " "	" " "
Suwito	" " " " "	" " "
Tony Sinaga	" " " " "	" " "
Wandi N. Tuturoong	" " " " "	" " "
Yenni R. Damayanti	" " " " "	" " "
Bambang Isti Nugroho	Subversion	Eight years
Bambang Subono	" " "	Seven years

RECOMMENDED ACTIONS: Please send airmail letters either in English or in your own language:

- urging the government to release immediately and unconditionally Nuku Soleiman, the 21 students [please list them all] sentenced on 18 May, and all others imprisoned for peaceful criticism of government policy or human rights activities;
- welcoming the release of Bonar Tigor Naipospos, but expressing concern that Bambang Isti Nugroho and Bambang Subono remain in detention;
- expressing concern that military authorities have impeded the conditional release Bambang Isti Nugroho and Bambang Subono by invoking a requirement not stipulated in Ministry of Justice regulations governing conditional release.

APPEALS TO:

Maj. Gen. Haris Sudarno (Regional military commander for KODAM Pangdam
IV/Diponegoro Central Java)
Markas Besar KODAM IV/Diponegoro
Semarang
Jawa Tengah
Indonesia

Susilo Sudarman (Coordinating Minister for Political
Menko Polkam and Security Affairs)
Jl. Merdeka Barat No. 15
Jakarta
Indonesia

COPIES OF YOUR APPEALS TO:

Lt. Gen, (Ret.) Ali Said
Chair, Komnas HAM (National Commission on Human Rights)

c/o Direktorat Jenderal Pemasyarakatan
Jl. Veteran No. 11
Jakarta Pusat
Indonesia

Ali Alatas S.H. (Minister of Foreign Affairs)
Menteri Luar Negeri
Jl. Taman Pejambon 6
Jakarta

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