

INDONESIA

@Attacks on free speech

Introduction

In recent weeks there has been a renewed attack on freedom of the press in Indonesia, including detention of prisoners of conscience, short term arrest, police raids and other forms of intimidation. Four people, **Tri Agus Susanto**, from the Pijar Foundation, a non-governmental organisation, **Ahmad Taufik**, **Danang** and **Eko Maryadi**, from the Alliance of Independent Journalists (AJI), are currently detained as prisoners of conscience. They are facing penalties of up to seven years in prison for their involvement in the publication of independent magazines. The offices of two organisations having been subjected to police raids and a number of journalists are being threatened with employment sanctions for their support of an independent journalists association.

The arrests and intimidation are consistent with a long-standing pattern by the Indonesian Government in dealing with peaceful political opposition. They demonstrate a continued unwillingness on the part of the government to tolerate freedom of speech and association. The four detainees are facing prison sentences solely for the exercise of lawful activities, and while the government is arguing that they have been involved in the production of "illegal" publications, Amnesty International is concerned that the charges are a pretext for the control of peaceful political opposition.

Amnesty International is urging the Indonesian Government to immediately and unconditionally release the four detainees and to ensure that non-government organisations and individuals, including independent journalists, can exercise their rights to freedom of speech and association, guaranteed under international human rights standards and in the Indonesian Constitution, without fear of arrest or intimidation.

Detention of prisoners of conscience

At about 10pm on 9 March, 15 police officers raided the offices of the Pijar Foundation, a non-governmental organization, in south Jakarta. Bringing a warrant, the police arrested **Tri Agus Susanto**, an activist from Pijar, and confiscated documents and computer diskettes from the office. On 10 March, at around 1pm, **Syahrul**, also an activist from Pijar, was arrested from the Pijar office.

The arrest of Syahrul and Tri Agus were in connection with a speech made on 25 June 1994 by leading human rights lawyer, Adnan Buyung Nasution, the head of Indonesia's Legal Aid Foundation (*Yayasan Lembaga Bantuan Hukum Indonesia - LBHI*). The contents of the speech were quoted in the June 1994 issue of Pijar's independent magazine, *Kabar Dari Pijar*. The speech, made on 25 June 1994, concerned the government's banning of three weekly magazines in June 1994.

The two men were held for questioning under Article 154 of Indonesia's Criminal Code, which states that "...the public expression of feelings of hostility, hatred or contempt toward the government..." is punishable by up to seven years' imprisonment. Article 154 is one of the so-called "Hate-Sowing Articles", introduced by the Dutch colonial government and incorporated into Indonesia's Criminal Code, which are frequently used to suppress peaceful dissent. Syahrul was released without charge on 11 March, one day after his arrest, but as of 29 March Tri Agus was still being held. He has yet to be formally charged, although it is anticipated that this will follow the police investigation of his case currently under way.

Within a week of the Pijar arrests, several members of the Alliance of Independent Journalists, AJI, were detained by police at a gathering at a Jakarta hotel. On 16 March at about 9.30pm police were believed to have arrested up to seven people from the Wisata Hotel in Central Jakarta where they were celebrating the end of the Muslim fasting month. The celebration had been attended by diplomats from the United States, Australian, Japanese and Swiss embassies and also foreign journalists. Those arrested included **Ahmad Taufik**, **Liston P. Siregar**, **Fitri (f)**, **Danang**, **Eko Maryadi**, **Sri Bintang Pamungkas** (Member of Parliament for the United Development Party - PPP), **Jemi Sakir** and **Abdul Haris**. They were all reportedly arrested without warrants.

Ahmad Taufik, Liston P. Siregar, Danang and Sri Bintang Pamungkas were released after several hours in police custody. However, Ahmad Taufik was rearrested from his home on the morning of 17 March. It is believed that Danang was also rearrested on the same day. By the end of March, Ahmad Taufik, Danang and Eko Maryadi were still being held at the Jakarta Police Headquarters and had been charged under Article 154 of the Indonesian Criminal Code and Article 19 of the Indonesian Press Law (1966). Article 19 of the Press Law states that the illegal distribution of an unlicensed publication is punishable by up to one year in prison.

Ahmad Taufik, a member of the Alliance of Independent Journalists (AJI). He is currently facing a seven-year sentence for his peaceful activities.

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Danang is described by AJI members as a "helper" in the AJI office. He is reportedly not a journalist or an activist with the organisation. He has however been subjected to intensive questioning in police custody about the membership and structure of AJI, indicating that the interest of the authorities extends beyond the issue of "illegal" publications to the right of individuals to organise independently.

The police claim that AJI was illegally selling an unlicensed publication, Independen, and that the publication, which is marked for distribution to AJI members only, was being publicly sold at hotels. Police Colonel Nurfauzi, from the Crime Investigation Division of the Jakarta Police, stated: "By law, if they want to produce, distribute and sell a publication to the public they must obtain a valid license from the government".¹ However, given the banning of three magazines, Tempo, Editor and Detik, in June 1994, it is unlikely that other publications which are independent in tone and content, would be able to obtain such a permit.

Amnesty International is concerned that Ahmad Taufik, Danang, Eko Maryadi and Tri Agus Susanto are prisoners of conscience, detained solely for the non-violent expression of their right to freedom of expression. The organization is calling on the Indonesian Government to release them immediately and unconditionally.

Further attacks on freedom of expression

Amnesty International is concerned that the authorities may be using the arrests of both Pijar and AJI members as a pretext to crack down on independent publications and more generally, peaceful political dissent. In addition to the short-term detention of journalists and activists and the detention of the four prisoners of conscience, the police have raided the office of non-governmental organizations which have published independent magazines and questioned their members. On the night of 9 March Pijar's office was raided, while AJI's office was raided on 16 March. Journalists continuing to associate with independent journalists' organizations have reportedly been threatened with dismissal or disciplinary sanctions by the official Association of Indonesian Journalists, the PWI, and the government.

It is believed that the police have prepared warrants for the arrest of two other Pijar activists, **Rachlan Nashidik** and **Hakim Hatta**. They have not yet been arrested. The police have also issued summonses against at least 11 individuals to be questioned as witnesses in the case against Tri Agus. Those who have so far been summoned include Adnan Buyung Nasution, Christine Hakim, an actress, Sunarti, the Chair of the independent trade union, the Indonesian Prosperous Worker's Union (SBSI). Some of the group have already been questioned, and are believed to have been asked for their opinion about freedom of speech. Amnesty International is concerned that some of this group may be at risk of short-term detention.

Amnesty International is also concerned for the safety of other members of AJI, including Secretary General Santoso, who are believed to be on a list of those wanted by the police. It is unclear why the Indonesian authorities have waited until now to take action against Independen. The magazine began publication in September 1994, however since then it has increased its circulation to 12,000.

In what appears to be a further attack on independent journalism, the PWI announced on 17 March that 13 of its members would be expelled for signing the Sirnagalih Declaration in August 1994 (see page 5 below).

¹ Jakarta Post, 20 March 1995.

PWI Chairman, Tarman Azzam was quoted as saying that, by signing the Sirnagalih Declaration, the 13 had "forfeited" the right to be members of the PWI.² Those sacked from PWI include journalists previously employed by the banned magazines Tempo and Detik. They are **Happy Sulistiyadi, Ardian Gesuri, Diah Purnomowati, Goenawan Mohamad, Fikri Jufri, Budiman Hartoyo, Toriq Hadad, Yopie Hidayat, Moechanoe Moera, P Hasudungan Surait, Eros Djarot, Satrio Arismunandar, and Yosep Adi Prasetya**. Employers have also been warned against employing those journalists who are members of AJI, with two journalists in particular, former chief editor of Tempo, Goenawan Mohamad and former senior editor, Fikri Jufri being singled out. The decision by the PWI to expel the 13 journalists has been supported publicly by Information Minister Harmoko who has stated that the government will take action against any media publications which employ AJI members.³

Expressions of opposition to the crack down

Although the recent clamp down indicates clearly that the Indonesian Government is not apparently intending to relax restrictions on freedom of speech and association, it coincides with considerable domestic debate about the manner in which the Indonesian Government should respond to peaceful political opposition. At a recent seminar in Jakarta, Marzuki Darusman, a member of Indonesia's National Human Rights Commission called on the Indonesian Government not to detain individuals solely for the expression of their peaceful views, stating that "people may be detained only if they express their ideas with physical violence".⁴

The arrests of the AJI members were immediately followed by a protest of about 50 to 60 individuals outside Indonesia's parliament on 21 March. The protestors demanded greater press freedom and the release of the AJI journalists and Tri Agus Susanto. AJI has pledged that despite the arrests and the raid on its office it will continue to publish Independen, stating: "our solidarity is clear and will be demonstrated through AJI. Independen will continue and will keep the same name. We are ready for the risk".⁵ The LBH has described the arrests of the journalist as illegal and is currently working to defend the detainees.

Legal Restrictions on Free Speech

There continue to be heavy restrictions on a wide range of internationally recognised civil and political liberties in Indonesia. Despite its stated commitment to political "openness", and the explicit guarantees of freedom of speech contained in Article 28 of the country's 1945 Constitution, Indonesia's New Order government continues to impose heavy restrictions on a wide range of internationally-recognized civil and political liberties including freedom of speech, assembly, conscience. These restrictions have helped to create an atmosphere of generalized fear within which dissent is not easily expressed.

State censorship in Indonesia takes the form of both legislative controls and intimidation. The Press Law of 1982 stipulates that there shall be no press censorship, but adds that the press must also be "responsible",

² Reuters, 18 March 1995.

³ Jakarta Post, 20 March 1995.

⁴ Jakarta Post, 30 January 1995.

⁵ Reuters, 20 March 1995.

leaving considerable leeway for interpretation by the authorities.⁶ Executive discretion is further enhanced by a 1984 decree, which empowers the Minister of Information to revoke the license of any publication which, in his judgement, does not conform to this ideal.⁷

In June 1994, the Indonesian Government banned three prominent weekly magazines, Tempo, Editor and Detik.⁸ The bans came during a period of ostensible political "openness" in Indonesia, an openness which journalists and political dissidents were testing. At the time of the ban, the three magazines had a combined circulation of around 700,000. Tempo was banned because the government stated that its reporting was posing a threat to national stability, whereas Detik and Editor were banned because the government claimed they had infringed conditions of their publishing licenses.

International and domestic opposition to the ban was considerable. A large group of journalists formed the Alliance of Independent Journalists (AJI) in August 1994, frustrated that the official Association of Indonesian Journalists (PWI) had taken no action against the ban. A statement issued after the formation of AJI, the Sirnagalih Declaration, which was signed by 58 journalists and intellectuals, stated that:

We reject all kinds of interference, intimidation, censorship and media bans which deny the freedom of speech and open access to information.

In the months since the banning, new independent publications have emerged and others continue to operate, most of the time under difficult circumstances. These publications have not been granted official permits and therefore are vulnerable to attack and closure by the government. They have however provided a forum for critical commentary of government policies and practices, including information about human rights violations.

Conclusion

Amnesty International is calling on the Indonesian Government to immediately and unconditionally release Ahmad Taufik, Danang, Eko Maryadi and Tri Agus Susanto. The organisation is also calling on the government to allow those engaging in peaceful activities such as the production of independent publications, to do so in an atmosphere free from the threat of intimidation and arrest.

⁶ The Press Law of 1966 (UU No.11/1966) stipulates that the press will be free, unless it undermines or is opposed to *Pancasila*. The 1982 Press Law (UU No.21/1982) stipulates that the press will not be censored.

⁷ The Ministerial Decree is *PP Menpen No.01/Per/Menpen/1984 tentang Surat Izin Usaha Penerbitan Pers (SIUUP)* This power, spelled out in Article 33 of the regulation, appears to be at odds with the Press Law of 1982, which stipulates that a publication licence may only be revoked by a court decision.

⁸ For further information see Amnesty International, Indonesia: Free Speech Protestors Detained and Beaten, June 1994 (ASA 21/27/94), and Article 19, The Press Under Siege: Censorship in Indonesia, November 1994.