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# amnesty international

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## INDONESIA

### PDI Raid: Reprisals Continue

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The raid by Indonesian security forces on the Jakarta office of the *Partai Demokrasi Indonesia* (PDI) on 27 July marked the beginning of a deterioration of the human rights situation in Indonesia.

Excessive force has been used against PDI members and supporters by the Indonesian security forces, peaceful political activists have been detained and many others wait in fear of arrest. At the same time the media in Indonesia is facing increased censorship as it comes under pressure from the authorities not to report fully on the situation.<sup>1</sup>

In its last report on the raid Amnesty International expressed fears that the authorities would use the events of 27 July as a pretext for arrests of peaceful political activists.<sup>2</sup> Regrettably these fears have been borne out. The criminalisation of the People's Democratic Party (PRD), a recently formed political party which the government is blaming for the disturbances, continues, with government and military statements calling for members of the PRD to be held responsible for their alleged role in inciting riots on 27 July. At least 50 people have been arrested since 30 July, while many others have been called in for questioning. Of those arrested, Amnesty International believes that 24 remain in custody. Dozens of others are at risk of arrest.

Amnesty International fears for the safety of many of those in detention, particularly those who are being held incommunicado by the military. In addition, the organization is seriously concerned that most, if not all, of those arrested appear to have engaged solely in peaceful pro-democracy activities. Many have been arrested in circumstances which are in direct contravention of Indonesian law; without warrants, by members of the military or in many cases by unidentified officers. Such a pattern of arrests creates an atmosphere in which further violation of detainees rights, including ill-treatment and torture, can occur more easily.

#### Arrests

The precise number of individuals arrested on 27 and 28 July who are still in detention remains uncertain. Indonesian police claimed on 7 August that 136 people were still being held but it is not clear whether this includes individuals who have been arrested subsequent to the riots. However,

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<sup>1</sup>For more information see Amnesty International: *Indonesia: Raid on PDI Office*, AI Index ASA 21/46/96, 28 July 1996, and *Indonesia: PDI Raid: Update*, AI Index ASA 21/48/96, 30 July 1996.

<sup>2</sup> See: *Indonesia: PDI Raid: Update*, *ibid*

human rights lawyers say that the figure is much higher, maintaining that 193 are still in detention. It is believed that most of this group have had access to lawyers, but one detainee, **Amsar**, has allegedly so far been refused access to lawyers and his family. It is still not clear under what charges the detainees are being held. It is also unclear how many people died as a result of the raid and the riots and it appears unlikely that it will be possible to determine this without the cooperation of the authorities and an end to the threats of arrest. Many individuals remain in hiding, with the justifiable fear that they face arrest, making it difficult for human rights monitors to determine accurately the total number of individuals still missing.

Since the weekend of the raid, student activists and political and human rights campaigners have been taken into custody in different cities throughout Indonesia. In several cases their whereabouts remains unknown. Amnesty International is concerned for the safety of those believed to be held in incommunicado detention who are denied access to lawyers. The organization believes that most, if not all, are prisoners of conscience, held by the authorities for their peaceful activities.

Among those still in detention is **Hendrik Dikson Sirait** (24), a member of the student activist organization *Pijar*. He was arrested by *Kostrad*, the Army Strategic Reserve Command, on 1 August during a peaceful demonstration outside the Jakarta District Court. Eyewitnesses report that Hendrik was beaten by security officers at the time of his arrest as he challenged the officers arresting him to produce an arrest warrant. There has been no information about Hendrik since his arrest and despite attempts to trace him by other *Pijar* members and lawyers, his whereabouts remains unknown. Hendrik was imprisoned for six months in December 1993 for his role in a peaceful human rights demonstration in Jakarta. On 2 August, three students were arrested from their homes in Surabaya. **Lisa Febrianti** (22), **Trio Yohanus Mulyato** and **Zainal Abidin** (24) are all student activists. It is not known precisely where the three are being detained, but on 7 August the Head of Information for the Indonesian Armed Forces (ABRI) in East Java admitted that the three were being held in military custody and were being investigated for their alleged connections to the PRD.

Three more activists, **I Sunarman Purwosaputro**, **Patriatno** and **Titin**, are also believed to be in military custody after having been arrested on 5 August probably in Yogyakarta, reportedly after their names and addresses were found in the diary of another student activist. A statement from the military on 7 August confirmed that they had been arrested but gave no details of their whereabouts. It stated that the three are suspected of connections with the PRD. **Subarni Budi Kasih** (21), a female student activist from Yogyakarta, is possibly also in military detention after her arrest by the military on 6 August. She was reportedly held at Resort Military Command (KOREM) 072 Pamungkas in Yogyakarta although the military authorities have stated that she is currently being held in police custody. It is not clear whether she has yet been given access to independent lawyers.

Six other activists are being held in police custody. Two, **Budi Pratono** and **Syamsul Bachri** are being held under the Anti-Subversion Law. They were arrested in the city of Surakarta in Central Java on 2 August and later taken to Jakarta where they are being held at Jakarta's main police station. Three others, **Dita Sari**, **Coen Hussain Pontoh** and **Mohammad Shaleh**, were arrested after a labour demonstration in Surabaya on 8 July during which workers from a number of

factories protested against low wages and poor working conditions. The three are activists in organizations with links to PRD. Coen Hussain Pontoh and Dita Sari have been accused of "incitement" and "spreading hatred against the government" under Articles 160 and 154 respectively of Indonesia's Criminal Code. Mohammad Shaleh has also been accused under Article 154, as well as Article 156, which prohibits expressing "hatred. . . against groups in society". The three are all being held in police custody in Surabaya. Following the events of 27 July, they were moved into separate cells where it is believed they are being held in isolation. Although it appears they have access to lawyers, there is still concern for their safety because of recent attempts by the authorities to link them to the disturbances in Jakarta. Amnesty International is not aware of any evidence linking the three to acts of violence. Another activist from Surakarta, **Didit Sutopo** (23), was arrested on 5 August and is believed to be currently in police custody in Surakarta.

In another case, the mother of a student activist was arrested apparently in connection with her son's activities. **Nyonya B Veronica Sembiring**, who is 60 years old, was arrested on 2 August in the West Java town of Bogor. It is believed she is being held in police custody facing charges relating to the possession of ammunition. Her son, Garda Sembiring, is at risk of arrest and has been banned from leaving the country.

Independent labour leader **Muchtar Pakpahan** was arrested on the night of the 30 July at his home in Jakarta and is being held under the Anti-Subversion Law. Muchtar Pakpahan, imprisoned after riots in Medan in April 1994 on charges of incitement, has faced continued harassment by the authorities since his release in May 1995. Members of his independent trade union *Serikat Buruh Sejahtera Indonesian* (SBSI), have been subjected to arbitrary arrest for their activities in support of workers' rights. At least 18 other SBSI members have also been arrested since 27 July. Nine SBSI activists arrested in Riau, North Sumatra have been released, but on 8 August nine other SBSI members were arrested in Pekanbaru, West Sumatra. There is no information on what charges the nine are being held under, but it is believed they are in police custody.

Fears for the physical safety of detainees have been borne out by the reported beating of five youths arrested in Yogyakarta, Central Java. The five were arrested by police at a demonstration outside the University of Gadjah Madah on 2 August. All five claim that they have no link with the PRD, and one of those arrested was believed to have been merely observing the demonstration. They were reportedly forced to sign a statement that they are members of the PRD. On their release from police custody on 3 August, they were suffering cuts and bruises and broken teeth as a result of beatings in police custody.

### **Legal concerns**

There are also serious concerns about the resurgence of the use of the Anti-Subversion Law under which at least three of the detainees are known to be held. The vague language of the law permits the prosecution and conviction of anyone whose words or actions can be construed as disruptive of public order; or critical of Indonesia's state ideology, *Pancasila*; the government; its institutions or its policies. The law, which carries the death penalty, also allows for detention without trial for up

to a year and the standards of evidence required for convictions under the law are less rigorous than under other Indonesian laws.

In recent years, use of the law had declined - but not ceased altogether - and there had been much internal debate about whether its use was still consistent with contemporary views on human rights in Indonesia. Indeed the Indonesian National Commission on Human Rights (Komnas HAM) had recommended that the law be repealed, as did the UN High Commissioner for Human Rights in December 1995. The Indonesian Government has ignored these calls and it now seems that the law will be used more frequently against individuals engaging in entirely peaceful expression of their beliefs. Political trials in Indonesia are routinely unfair. Among the main characteristics are:

- ◆ lack of access by defendants to legal council of their own choice;
- ◆ denial of the defendants right to cross examine prosecution witnesses;
- ◆ convictions on the basis of uncorroborated confessions extracted under duress;
- ◆ pressure from military and government authorities on lawyers and judges to ensure a guilty verdict.

For those awaiting trial under the Anti-Subversion Law, the unfair elements are dramatically increased.

### **Risk of arrest**

Many other individuals remain at risk of arrest. The authorities are believed to be currently searching for around 60 alleged PRD activists in several Indonesian cities. For some of this group, the authorities have already prepared arrest warrants, but in other cases individual activists or families of activists have reported to independent lawyers that members of the security forces, both plainclothes and uniformed officers, have come to homes and workplaces and attempted to conduct arrests without warrants. In these cases, they have been successfully challenged, but in many other cases, such as those detailed in this report, an absence of an arrest warrant has not been sufficient to prevent an arrest. Others about whom Amnesty International remains concerned are six individuals banned from travelling abroad on 2 August; Budiman Sujatmiko, Yopie Lasut, Garda Sembiring, Edi Gembul, Adriyana and Muchtar Pakpahan. With the exception of Muchtar Pakpahan who is already in detention, the others remain at risk of arrest, having already been accused by the authorities of links with the riots in Jakarta.

In addition to those individuals who have been arrested, at least six others in Jakarta alone have been called for questioning by the prosecutor's office, the police and the military. The list of those called in for questioning includes individuals engaged in human rights and political activities, but the majority are not members of PRD or its associated organisations. Up to seven members of Indonesia's Parliament could face questioning in connection with the riots. Megawati Sukarnoputri, the ousted leader of the PDI, has already been questioned for more than six hours at Jakarta's police headquarters on 9 August in relation to the riots. Amnesty International considers that the questioning of Megawati and other members of the PDI is intended to intimidate them into accepting the government-backed ouster of Megawati as the leader of the PDI.

### **Intimidation of the media**

In the midst of the crackdown, the Indonesian media has been warned by Information Minister Harmoko to be on alert for communist “propaganda”. More worryingly, some journalists have reportedly been subjected to intimidation by the security forces or individuals acting with the connivance of the authorities. Amnesty International believes that freedom of the media to report fully is fundamental to the protection of human rights. Attempts to censor the media further by using threats of communist infiltration and intimidation of journalists can only exacerbate this declining human rights situation.

### **International concern**

The censorship and atmosphere of recriminations in Indonesia has prevented many domestic critics from expressing concern about the recent events. Concern has been expressed internationally however, including from the United States and the European Union. Indonesia’s National Human Rights Commission (Komnas HAM) announced soon after the raid that it would conduct an investigation into the raid and the riots. Its findings are expected to be released on 9 or 10 August.

Amnesty International is deeply concerned that recent events in Indonesia are a retrograde step for human rights in the country. Accusations of a revival of communism are being used by the authorities to justify further arrests of peaceful political activists and to crack down on the legitimate activities of peaceful pro-democracy, human rights and other groups in Indonesia. Furthermore, the Indonesian authorities are creating an atmosphere of fear and intimidation in which journalists, human rights activists and others are afraid to publicise details of these and other human rights violations.

<b>KEYWORDS:</b> POLITICAL ACTIVISTS1 / MASS ARREST / ARBITRARY ARREST / TORTURE/ILL-TREATMENT / INCOMMUNICADO DETENTION / SOLITARY CONFINEMENT / RESTRICTION ON MOVEMENT / STUDENTS / TRADE UNIONISTS / WOMEN / FAMILIES / MILITARY / BANNING / CENSORSHIP / LEGISLATION / DEMONSTRATIONS / NATIONAL HUMAN RIGHTS COMMISSION /
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**INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM**

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