

# TABLE OF CONTENTS

Introduction1

Background4

The raid5

Komnas HAM findings10

Arrests14

Arrests during the raid14

Arrests since the raid15

PRD arrests15

Trade union arrests17

Anti-subversion charges20

The trials 22

Incommunicado detention and torture22

Summons - A mode of intimidation26

The case of Father Sandyawan27

Intimidation of lawyers28

The case of Bambang Widjojanto28

Lawyers outside of Jakarta30

Media intimidation31

Member states of the United Nations 33

Recommendations34

The Indonesian Government 34

Member states of the United Nations34

Appendix Ii

Statement by the National Human Rights Commission i

Appendix IIvi

Individuals arrested since 28 Julyvi

Appendix IIIix

Individuals called for questioningix

# INDONESIA

## Arrests, torture and intimidation: The Government's response to its critics

### Introduction

On 27 July 1996, the Jakarta headquarters of the Indonesian Democratic Party (*Partai Demokratik Indonesia* - PDI) was raided by hundreds of police and alleged supporters of a rival faction of the PDI.<sup>1</sup> The raid aimed to forcibly remove from the headquarters supporters of PDI leader, Megawati Sukarnoputri, who became a rallying point for a much broader opposition within Indonesia after she was ousted from the party leadership at a rival party congress in June 1996. Discontent at the raid spilt over into serious rioting throughout Jakarta, including the burning of buildings and vehicles. The raid and riots resulted in the arrests of up to 249 people, serious injuries and at least five deaths. In the aftermath a broad crackdown was launched on the opposition movement in Indonesia which has seen dozens of peaceful critics of the government arrested and charged.

Amnesty International recognises the right of states to control violent disturbances, but asserts that this must be done within the limits of internationally recognised human rights standards. In this case, Amnesty International believes that the security forces' handling of the raid, the riots and demonstrations which followed was partisan and involved the use of excessive force. This has only been strengthened by the findings of Indonesia's own National Commission on Human Rights, (*Komisi Nasional Hak Azasi Manusia* - Komnas HAM). The organization is concerned that efforts by Komnas HAM and independent organizations, including Amnesty International, to establish a full and impartial account of the events and their toll have been hampered by military intimidation and surveillance and a lack of information and cooperation from the government. The findings of Komnas HAM, in particular that the raid and riots resulted in at least five deaths, that 23 people are still missing and that the raid was accompanied by the use of violence and involved the security forces, underline the need for further independent investigation of the events, unhindered by restrictions on access to information.

Amnesty International acknowledges that the 249 people arrested during the raid and the riots may include some individuals who engaged in acts of violence. But Amnesty International believes that the criminal charges facing the 124 who are now being tried are largely politically motivated and is concerned that they receive a fair trial in accordance with international standards and Indonesian law. Some were reportedly arrested without engaging in violent acts, while others were defending themselves against violent attacks by other individuals without protection from security forces who were standing by. All are believed to be supporters of Megawati Sukarnoputri and no supporters of the rival PDI faction are believed to have been arrested or facing trial.

Amnesty International is also concerned that the Indonesian authorities have used the events of 27 July 1996 as a pretext to launch a broad crackdown on the opposition movement, arresting peaceful human rights, labour and political activists. Since the raid at least 108 people have been arrested, 15 of whom remain in detention. Up to 46 individuals are facing criminal and political charges and at least 119 people have been called for questioning by the authorities. Amnesty International believes that most - if not all -

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<sup>1</sup> See the following Amnesty International reports, *Indonesia: Raid on PDI Office*, AI Index: ASA 21/46/96, 28 July 1996, *Indonesia: PDI Raid: Update*, ASA 21/48/96, 30 July 1996, *Indonesia: Open letter to the Indonesian Media*, ASA 21/54/96, 9 August 1996 and *Indonesia: PDI Raid: Reprisals Continue*, ASA 21/56/96, 9 August 1996. AI Index: ASA 21/70/96 Amnesty International November 1996

of these people have been arrested or questioned because of their peaceful political activities.

With this crackdown, the Indonesian authorities have unleashed an attack on civil liberties not seen for many years in the country, in a bid to control the political environment in the run up to the country's parliamentary elections of 1997 and to manage deeper tensions emerging within Indonesian society as a result of social and economic change. Amnesty International fears that the heightened level of restrictions imposed in recent months will be maintained until the election and beyond.

The raid on the PDI office and the subsequent harassment and arrest of political activists, government critics and human rights monitors, has demonstrated that the political will and machinery to violate many of the most basic human rights continue to exist and to be applied in Indonesia. Despite talk of improvements in the human rights situation in Indonesia, real progress has been limited and has not included the repeal of legislation which allows for the imprisonment of prisoners of conscience, greater judicial independence, or an end to the use of excessive force, torture and ill-treatment by the security forces.

The international community has once again taken little action to condemn the recent human rights violations although in the past it has been quick to point to any steps taken by the Indonesian Government to improve its human rights record. Amnesty International believes that the international community can and should urge the Indonesian Government to stop the current crackdown on peaceful political activities and to guarantee peaceful freedom of expression and association during the pre-election period.

In August 1996, Amnesty International travelled to Indonesia to conduct research into the events of 27 July and the subsequent crackdown. Despite an increase in the level of monitoring and surveillance by the authorities, Amnesty International interviewed eyewitnesses to the raid on the PDI office and the disturbances which followed and family members of those who have been detained.

The following report documents the raid, the findings of Indonesia's National Human Rights Commission concerning the raid and the arrests which have followed, and raises concerns about the trials. Amnesty International's information is derived from many sources including the media, eyewitness testimony and human rights organizations. The document concludes with a list of recommendations for the Indonesian Government and member states of the United Nations.

In October, a draft of this report was provided to the Indonesian Government for comment. On submitting the report, Amnesty International stated its willingness to incorporate any comments received into the report on publication. In November, Amnesty International received informal comments conveyed orally by the Indonesian Embassy in London, UK. The general points were as follows:

- Amnesty International's report is one-sided and relies too heavily on eyewitness sources and does not sufficiently incorporate the view of the Government of Indonesia;
- the 27 July 1996 events at the PDI office should not be characterised as a "raid", but rather a clash between rival factions of the PDI;
- similarly, the use of the term "crackdown" is misleading. The riots are not being used by the authorities as a pretext to restrict civil and political rights. Rather, the actions taken by the authorities since 27 July

should be seen in the context of law enforcement;

- there is no systematic intimidation of non-governmental organizations;
- to refer to an “excessive use of force” by the military is inaccurate. The security forces were explicitly instructed to use restraint, were armed only with rattan sticks and batons and did not use guns;
- the Government of Indonesia appreciates and is studying the findings of Komnas HAM;
- the Indonesian Government welcomes cooperation on human rights and is willing to provide information at an appropriate time.

Other specific concerns raised in the informal response have been incorporated into the body of the text. Amnesty International welcomes this response, particularly the commitment to studying the findings of Komnas HAM, but is disappointed that the Indonesian authorities have not seen fit to make more substantive comments. For the reasons outlined in the body of the report, Amnesty International continues to have serious concerns about the handling of the July disturbances and the subsequent targeting of peaceful opponents of the government.

## Background

Apart from the government party, Golkar, the PDI is one of only two political parties allowed to exist in Indonesia. The third party is the United Development Party (*Partai Persatuan Pembangunan* - PPP). Any candidates for the national elections, whether from the PDI, Golkar or the PPP, must be screened by military intelligence agencies and approved by the President. Political campaigning between elections is illegal. All state employees and officials are required to support Golkar. Megawati Sukarnoputri was elected the leader of the PDI for a five year term in 1993. Since the beginning of Megawati's term as leader of the PDI there has been speculation that her growing popularity could disrupt the vote for the government party, Golkar, during the parliamentary elections in 1997. In June 1996, in a bid to oust Megawati from the leadership, elements within the party arranged an extraordinary party congress in Medan, North Sumatra. The Congress, which was not recognised by Megawati or her supporters, received support and endorsement from the government and the military. Megawati's supporters staged a demonstration in Jakarta in protest at the Medan Congress. The demonstration on 20 June was violently dispersed by riot police and a large number of people were injured, including members of the security forces.<sup>2</sup> Five people arrested during the demonstration are now facing trial. At the Medan Congress, Suryadi was elected leader of the PDI and Buttu Hutapea became the new Secretary-General.<sup>3</sup>

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<sup>2</sup>The Indonesian Government says that of those wounded, 37 were members of the security forces.

<sup>3</sup>Suryadi was the leader of the PDI until Megawati's election in 1993. He failed to win another term as the head of the party, following a party congress in which the military intervened to prevent his re-election. Suryadi had apparently angered President Suharto by calling for a limit of two terms on those serving as Indonesia's President. While the attempts to prevent his re-election were successful, another candidate suitable to the authorities was not available. In this climate, Megawati gained support for a leadership bid and won election.

Following the Medan Congress, Megawati announced that she was taking legal action against the military, the police, a government minister, and Suryadi for holding the Congress and electing another leader. In addition, the Megawati faction of the PDI refused to leave the party's headquarters in Jalan [street] Diponegoro in central Jakarta. During the month before the raid, a free speech forum - known as *Mimbar Bebas* or Freedom Forum - took place daily at the headquarters with many individuals using the forum to vent their frustration at the government and the military. Protests from the authorities at the holding of the *Mimbar Bebas* mounted and the Megawati faction was ordered by the military to stop the daily speeches on the grounds that the forum was "subversive" and disturbed public order. Military authorities also stated that they would help Suryadi retake the PDI headquarters if Megawati's faction did not vacate the office. Having refused to leave the premises voluntarily, Megawati's faction was evicted by force on 27 July when the headquarters was raided by police and hundreds of alleged supporters of Suryadi. Since then, Megawati has continued her attempts to mount a legal challenge against the Medan Congress. After being ousted from the party headquarters, Megawati and her supporters set up a new office, but this was closed down by the authorities on 27 September on the grounds that it was located in an area zoned as residential - despite the fact that other offices operate from the same area. Megawati's lawyers say they will challenge the closure. The closure of the office is likely to be followed by other restrictions on attempts by Megawati and her supporters to continue what they see as their legitimate activities as the PDI and the party's leadership. A list of PDI candidates for next year's parliamentary elections from Megawati's faction of the party has been rejected in favour of the candidate list put forward by Suryadi.

The riots which followed the raid on the PDI headquarters have been used by the authorities as a pretext to arrest and harass political and other activists. As the 1997 parliamentary election approaches, there are indications that violations of civil and political rights will increase. Military authorities have recently stated that Indonesia needs more legislation to deal with threats to internal security. Chief of the Indonesian Armed Forces (ABRI) Socio-Political Affairs Department, Lieutenant-General Syarwan Hamid, was quoted as saying that despite the existence of an Anti-subversion Law, there is a need for mechanisms, including legislation, to deal with "*growing demands for democratisation which had increased the possibility that threats to security and order at home would escalate*"<sup>4</sup> The authorities have also indicated their intention to impose tight controls on election campaigning, with police having powers to ban activities if they consider the campaigning to be a threat to safety.

## The raid

The raid on the PDI office on 27 July was not unexpected. In the days before, police had begun to gather outside the building. Major ASEAN (Association of South-east Asian Nations) Ministerial meetings took place in Jakarta during the previous week; as a result there was a large contingent of foreign media in the country. Observers speculated that the authorities would attempt to limit coverage of the PDI conflict by waiting for the ASEAN meetings to

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<sup>4</sup>*The Straits Times*, 18 September 1996.

conclude before moving against the office.

Even two months after the events, the precise circumstances of the raid remain unclear. Many eyewitnesses have been detained while others have gone into hiding. The overwhelming majority of foreign and domestic journalists did not directly witness the events. Video footage and photographs were all taken from outside the PDI headquarters with most journalists being forced to monitor from behind a police line which kept them 500 metres from the office.

Before the raid, journalists and other observers say there were between 300 to 500 PDI members loyal to Megawati from all over Indonesia staying in the headquarters. Many were PDI security guards but there were also a large number of supporters, including a group of people providing food. Each morning around half of those in the office would leave the building to wash and change, so the estimates of those still in the building at the time of the raid are between 150 and 300. There were also believed to be up to 100 supporters sleeping on the streets outside the headquarters.

Between 6 am and 7 am on 27 July, around six trucks full of people purporting to be PDI members supporting Suryadi, arrived outside the PDI headquarters. The group, mostly young men, were wearing red t-shirts (the official colour of the PDI) with logos referring to the Medan Congress and red bandanas around their heads. They were followed by trucks of riot police who stayed in the background. At around 7 am the Suryadi supporters - numbering several hundred - started shouting and throwing stones and Molotov cocktails at those inside the headquarters.<sup>5</sup> Both were thrown back in a confrontation lasting about half an hour, during which there were injuries. Amnesty International spoke to people who were wounded by stone-throwing during this attack or who saw others wounded. One eyewitness described seeing one Megawati supporter lying in the front yard of the headquarters unconscious after being hit by stones. He thought that the man was dead. He claimed that at least another 14 people were wounded during this attack and were cared for in the PDI headquarters. Another eyewitness described seeing four people wounded as a result of stone throwing.

The police took no action to prevent the violence during this confrontation, despite being stationed directly outside the PDI headquarters. The Suryadi supporters then retreated and the police came forward to negotiate with PDI members inside the headquarters. Some of the wounded were taken away by ambulance. Further stone-throwing broke out and lasted for another half an hour. More casualties resulted but they were not removed from the building. Outside, clashes had begun between the security forces and Megawati supporters, during which a bus in one of the side streets was reportedly set on fire by demonstrators. Arrests were also conducted in the streets outside the headquarters prior to the police entry.

In the immediate aftermath of the raid, there was considerable speculation about whether the Suryadi supporters who began the attack on the PDI headquarters were genuine members of the party. There are frequent reports of the Indonesian authorities using individuals or groups linked to the government ruling party to stage demonstrations or intimidate individuals.<sup>6</sup> In this

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<sup>5</sup>The Indonesian Government has responded to allegations that it was the pro-Suryadi group which started this assault by stating that Komnas HAM has not mentioned who began the stone-throwing.

<sup>6</sup>A recent example of this is the "ninja" gangs which operated in East Timor, particularly in the early months of 1995. The gangs, AI Index: ASA 21/70/96Amnesty International November 1996

case too, it was widely believed by observers that the Suryadi supporters were organised by the authorities despite an admission from Buttut Hutapea, the Medan Congress appointed Secretary-General of the PDI, that he led the raid and provided training to 800 PDI members before the raid.<sup>7</sup> Suryadi was also quoted as publicly acknowledging having provided training, but denied that his supporters led the raid. The Indonesian National Commission on Human Rights, in a bid to investigate the raid, has requested from Suryadi the names of the 800 PDI members who were alleged by Buttut Hutapea and Suryadi to be involved in the raid but the list has so far not been forthcoming.

In recent weeks, more evidence has come to light in Jakarta about the origins of the pro-Suryadi group which attacked the PDI office. One man, has claimed in court that he, along with 200 others, were given instructions to attack the PDI office and were provided with red t-shirts and clubs in order to do so. He said that he, along with the 200 others, were transported to the PDI headquarters in trucks and that he was pressured to throw stones. He claimed that he was not a member of the PDI and that he was paid for his involvement in the raid.<sup>8</sup>

Shortly before 9 am, the police stormed the headquarters, breaking through the main gate. They were followed by the Suryadi supporters. During the assault, PDI banners were burnt and the podium used for the free speech forum was pulled down. Both the riot police and the Suryadi supporters hit and kicked Megawati supporters inside the headquarters. One man inside at the time told Amnesty International that he was hit by a policeman with a truncheon without any provocation - he was not armed. There are unconfirmed reports that once inside, the Suryadi group used knives to stab Megawati supporters.

The head of Central Jakarta Police and the District Military Commander for Central Jakarta were present during this raid which lasted less than half an hour. At least 20 injured people were brought out on stretchers after the raid. It is not clear how many people were arrested, with eyewitnesses giving varying accounts ranging from 40 to 130 taken into custody. Amnesty International was told that around 20 of those arrested during the raid were detained after trying to leave the headquarters through a back exit. Around 100 people did manage to escape into buildings and streets behind the headquarters.

At around 11 am, a large crowd gathered close to the PDI office. The crowd was listening to speakers, some of whom related unconfirmed reports that 47 people were killed during the raid. Stone throwing at the police began, but only after the attack intensified did the police and soldiers charge towards the demonstrators. The police used truncheons but some were armed with electric batons and hand guns.

During the next few hours, many people witnessed the security forces use excessive force resulting in dozens of injuries. People who were not engaged in violence were hit by police with truncheons and kicked. One high school student was beaten unconscious in a street adjacent to the PDI headquarters. He was taken to hospital and reported to be in a coma. Another young man was seen beaten to the ground and then kicked by police as he lay there. A

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believed to have acted with the complicity of the authorities, roamed the streets of Dili and other towns at night, stoning and burning houses and attacking residents. The gangs targeted individuals suspected of involvement in pro-independence activities.

<sup>7</sup>*The Jakarta Post*, 31 August 1996.

<sup>8</sup>*Kompas*, 31 October 1996.

Amnesty International November 1996AI Index: ASA 21/70/96

diplomat, who tried to prevent further injury to a woman who was being beaten, was himself hit with a truncheon on the arm and shoulder. It is not clear how many people were arrested during this period, although some journalists observed that dozens were taken into custody.

Following the security forces' response, the crowd scattered in several directions and further riots broke out in various locations in the city centre. The worst rioting, including the burning of buildings, began in the afternoon in a main thoroughfare around one kilometre from the PDI headquarters. In the area of the most serious rioting, there were no troops, and Amnesty International is not aware of any rioters being arrested at this time. At its peak the riot involved around 10,000 people and at least 10 buildings were burnt down while others were damaged. By Sunday 28 July, the protests had largely subsided but there was at least one demonstration of around 200 people in Jalan Diponegoro which was also violently dispersed, with 30 people reportedly arrested.

The official figure released by the Indonesian authorities of the number of people who died during the raid and the rioting is four, all of whom were men; Uju, 36, who was alleged to have died of a heart attack; and three men who were alleged to have died in, or attempting to flee, burning buildings; Ahmad Shaleh,<sup>9</sup> (19), Slamet, (25) and Suganda Siahaan. The information provided by the authorities about the deaths was never complete or entirely consistent. On 28 August, Indonesian military spokesperson, Brigadier General Amir Syarifudin acknowledged that two people had died, one of whom was a demonstrator. Syarifudin was not quoted as providing a cause of death but this acknowledgement that one of those who died was actually a demonstrator is significant.<sup>10</sup> On 12 August, Syarifudin said that four people died; one died of a heart attack in hospital, another died after his head hit a pavement, and two died trying to escape blazing buildings. Ahmad Shaleh was said to be a security guard who fell out of a building. However, in a media interview his mother claimed that Ahmad Shaleh was not a security guard and that he died in police custody after he was beaten.<sup>11</sup>

The government claims that the raid and the riots resulted in 28 people being injured. The actual figure of those wounded during the raid alone appears to be far higher than this. Eyewitnesses estimate that at least 20 people were seriously wounded during the raid. *Agence France Press* (AFP) reported that six ambulances were used to take the wounded out of the headquarters and that this number "was insufficient to carry all the injured to hospital, and some had to be loaded into police trucks".<sup>12</sup> One newspaper quoted a doctor, assisting in a clinic established inside the PDI office, as stating that; "I was forced to work, stitching up patients, amid a shower of stones... It was so strange that when the attack began the police did not do anything", he said. "I've never seen anything like this... I only managed to stitch up four people".<sup>13</sup> In addition, at least 30 people were treated inside the office of the Legal Aid Institute (*Lembaga Bantuan Hukum* - LBH) which is located on the same street as the PDI headquarters. On 12 August, Brigadier General Amir Syarifudin stated that all those who had been hospitalised

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<sup>9</sup>Also referred to in *Suara Pembaruan* as Asmayadi Soleh. 31 July 1996.

<sup>10</sup>Radio Australia, 28 July 1996.

<sup>11</sup>*Suara Pembaruan*, 31 July 1996.

<sup>12</sup>AFP 27 July 1996.

<sup>13</sup>*The Jakarta Post*, 29 July 1996.

AI Index: ASA 21/70/96Amnesty International November 1996

after the raid had stayed in hospital for "a few days" only and had then been discharged.<sup>14</sup> Amnesty International believes this information is incorrect and that some of those in hospital stayed for longer than a few days, including the high school student reported to have fallen into a coma after being beaten and kicked by the security forces.

Based on Amnesty International's research, the findings of Komnas HAM and other sources, certain human rights concerns emerge clearly:

- that no action was taken by the police to protect Megawati's supporters from violent attacks;
- that in many cases excessive force was used by the security forces;
- that the authorities have grossly hindered attempts to investigate impartially and fully the events of 27 July.

To date the government has not acknowledged that anyone who was inside the PDI headquarters at the time of the raid is missing. Independent human rights lawyers say that six people are still missing and that up to four people - in addition to the four whom the government believes have died - may have been killed, one of whom is thought to have died in police custody.<sup>15</sup> Amnesty International spoke to one witness who claims that he witnessed the death of 17 people who were stabbed inside the PDI office. Amnesty International cannot confirm this. Other sources have stated that at least one of those wounded during the raid, and another person who died, may have been shot.

The conflicting evidence and figures of those who are missing and killed leads Amnesty International to be concerned that more people may have been killed than the government has admitted and that some of those missing could have died as a result of the raid. This makes it critical for the government to demonstrate fully a commitment to further independent and thorough investigation of the events of 27 July. Without the cooperation of the Indonesian Government in providing full information about individuals arrested, wounded or hospitalised, it will not be possible to finally determine how many people died on 27 July. Such cooperation has so far been lacking. Indeed the government has actively hampered the work of human rights monitors by restricting access to information and by creating an atmosphere of fear and intimidation in which people are afraid to speak out.

## **Komnas HAM findings**

On 12 October Komnas HAM released its final report on the human rights violations which occurred during the raid and riots.<sup>16</sup> The main points of the report, the full text of which is

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<sup>14</sup>AFP, 12 August 1996.

<sup>15</sup>*The Jakarta Post*, 16 August 1996.

<sup>16</sup>On 31 August, Komnas HAM released its preliminary findings - which took the form of a carefully worded two page statement. The statement said that as of 31 August, five people were believed to have died, 149 had been wounded, including members of the security forces, and 74 were reported to be still missing. Of the 74 missing, it was accepted that not all were necessarily dead but could be in hiding or in detention. The statement did not provide an account of the raid or who had led it. The Commission named the five victims as Uju bin Asep, Asmayadi Soleh, Suganda Siagian, Slamet and Sariwan.

Amnesty International November 1996AI Index: ASA 21/70/96

reproduced as an appendix to this document, are that:

- the takeover of the PDI office headquarters was accompanied by the use of violence, and was carried out by pro-Suryadi PDI supporters together with the security forces; Komnas HAM's request for a list of the 200 members of the PDI who allegedly led the raid was still outstanding;

- the takeover was a continuation of a series of events connected with an open conflict in the PDI in which the authorities had "*involved themselves in an excessive and biased way out of proportion to its function as a manager of politics and security*";

- five people - Uju bin Asep, Asmayadi Soleh, (believed to be the same as Ahmad Shaleh), Suganda Siagian, Slamet and Sariwan died as a result of the events. Two, Asmayadi Soleh and Slamet, died from wounds caused by blunt instruments; Suganda Siagian died from burns; Uju bin Asep was suspected of dying from a heart attack; while Sariwan died as a result of gunshot wounds. (With the exception of Sariwan, these people are believed to be the same four as those acknowledged by the government to have died). The possibility that the death toll from the events might rise further could not be ruled out;

- 149 are believed to have been wounded including members of the security forces;

- 23 people are still believed to be missing, either because they have not yet returned home, they cannot be contacted, they are travelling and/or are possibly dead; (In August, Komnas HAM announced that it had received reports that 74 people were missing. Prior to publication of the final report, this figure was revised by Komnas HAM down to 30 and finally 23).

Komnas HAM blamed the riots which followed the raid on the violence with which the raid was conducted. The report made several recommendations including:

- that arrests, detention and investigations in relation to the events of 27 July should be carried out in accordance with the appropriate laws, respecting the principle of the assumption of innocence; deviation from legal procedures must be corrected and action taken against those who deviate from the law;

- the acts of violence committed by the Pro-Suryadi PDI supporters must be examined and perpetrators prosecuted in the same way as other perpetrators of violence;

- that to ease difficulties in investigating the events, the government should provide information related to the violence and the victims, including full autopsy reports and other information of those who died;

- that the government, through the appropriate authorities, should continue the search for the missing.

Amnesty International welcomes the breadth of Komnas HAM's findings. There are still however many questions left unanswered, in particular in relation to the five deaths. There is still no information about the circumstances of the deaths or clarity about where they took place.

The autopsy report for Sariwan was reportedly requested by Komnas HAM from the police on 13 September, but by the time of Komnas HAM's final report, it was not forthcoming. The Komnas HAM report did not say how Sariwan was shot or who was suspected of being responsible. The authorities have denied that there were any gunshots fired on 27 July but some members of the security forces are known to have been carrying guns. There is no autopsy report available for Uju bin Asep who was suspected of dying from a heart attack. During the press conference to launch the report, Komnas HAM officials reportedly stated that Uju bin Asep's wife had said that her husband never had a heart problem during his lifetime.

There has been no official government response to the findings, although Coordinating Minister for Political and Security Affairs, Soesilo Soedarman, has stated that the government is studying the findings; "*We have no objections against the findings. But we need to verify them*". There has been no indication that Komnas HAM's recommendations will be implemented.

In August, Komnas HAM was reportedly warned by the government to take the "national interest" into consideration when conducting its investigations of the events.<sup>17</sup> On 31 August, Komnas HAM announced its preliminary findings that five people had died, 149 had been wounded and 74 were reported missing. The response by both the government and the military to these preliminary findings was largely critical. The military stated that the figure of 74 reported missing should be understood to mean simply that these people had failed to return to their homes. The government expressed surprise and urged Komnas HAM to provide proof of its findings including names and addresses of all those missing. State Secretary Murdiono was quoted as saying that the difference between the government's figure and that of Komnas HAM was "unhealthy".<sup>18</sup>

As has been the case in previous investigations conducted by Komnas HAM, the Commission has not been permitted to conduct proper monitoring, including forensic investigations of the PDI office. At least one week lapsed before Komnas HAM members were allowed to visit the PDI headquarters and it was not until 29 July, two days after the raid, that they were permitted by the authorities to visit the wounded in hospital, and then at times only in the presence of the military. By the time of Komnas HAM's visit to the tightly guarded PDI headquarters, the building had been cleaned up by the authorities and vital evidence disturbed. Komnas HAM stated that they found a "*sharp acid smell and found newly applied putty in the damaged rooms*".<sup>19</sup>

A fundamental concern highlighted through Komnas HAM's investigation of the raid is the lack of any meaningful witness protection program in Indonesia - protection called for under international human rights standards.<sup>20</sup> Without guarantees that witnesses will not be subjected to harassment by the security forces, eyewitnesses are afraid to speak out. Komnas HAM is not

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<sup>17</sup>*The Jakarta Post*, 21 August 1996.

<sup>18</sup>AFP, 6 September 1996.

<sup>19</sup>*The Jakarta Post*, 9 August 1996.

<sup>20</sup>Principle 15 of the *United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions* calls for the protection of witnesses and complainants from violence, threats of violence or any other form of intimidation.

Amnesty International November 1996AI Index: ASA 21/70/96

in a position to prevent individuals who do come forward from becoming a target of reprisals including human rights violations. The fear felt by witnesses has been intensified by a heightened level of military surveillance. Telephone tapping has increased and the monitoring of individuals' and non-governmental organizations' activities by the authorities has intensified. One individual, questioned by the authorities since the raid, was presented during his interrogation with a list of telephone numbers of incoming calls he had received. There has also been an increased military presence on the streets of Jakarta. A non-governmental team established to investigate and assist those who suffered as a result of the raid, the Team of Voluntary Helpers for Victims of the 27 July Incident (*Tim Relawan Penolong Korban Insiden 27 Juli*), stated that the work of the team was being hampered because of military surveillance of victims' houses and their families and threatening phone calls.

Amnesty International spoke to one eyewitness to the raid who claimed to have been arrested by police and military on three occasions between 29 July and 2 August and warned not to provide information about the raid. A member of the PDI, he had been inside the headquarters at the time of the raid. On the first occasion, he was arrested on 29 July by soldiers from the Jakarta District Military Command (KODIM) in the street and held in military custody for around 24 hours. Only days later, he was arrested again from his house at midnight by officers from a Sub-District Military Command (Koramil), threatened and released without charge after four hours. On 2 August, he was arrested again, this time by police, and held for 24 hours at Regional Police Headquarters. Following his release without charge, he said that there were frequently soldiers stationed outside his house at night. Amnesty International believes that at least one other eyewitness has been arrested - and released - since the raid.

## **Arrests**

### **Arrests during the raid**

Up to 249 individuals are believed to have been arrested in Jakarta during the weekend of 27 and 28 July. At least 124 of them are now facing criminal charges, most of whom are believed to have been arrested in and around the PDI headquarters on 27 July. Six of this group are believed to have been released on bail but are still facing charges. The remainder are now being held under the custody of the Attorney-General in Jakarta, including 20 juveniles and women who have been sent to Pondok Bambu Detention Centre also in Jakarta. Another 11 were arrested at the PDI office in Surabaya, East Java, on 27 July, but have subsequently been released.

The group have been charged under Article 170 of the Indonesian Criminal Code, which relates to the use of violence against property and/or persons and is punishable with a maximum imprisonment of five years and six months; seven years if the violence results in injury; nine years if it results in serious injury; or 12 years if it results in death. Some are also believed to be facing charges under Article 218 of the Criminal Code which relates to refusal by participants in riots to disperse and is punishable with a maximum prison sentence of four months and two weeks.

Amnesty International regards all 124 to be political prisoners and is concerned that they receive a fair trial in accordance with international standards and Indonesian law. Amnesty International acknowledges that some individuals among this group may have engaged in acts of violence, either in the PDI office or during subsequent riots and demonstrations on 27 July. But the organization believes that the criminal charges against them are largely politically motivated. Most are believed to have been arrested either in or around the PDI headquarters on the morning of 27 July, after the raid on the office. According to eyewitnesses, some were arrested without engaging in violent acts. All of those currently facing charges are believed to be supporters of Megawati Sukarnoputri. Despite their clear involvement in acts of violence, Amnesty International is not aware of any Suryadi supporters have been arrested during the raid or subsequently charged. The Secretary General of the PDI, Buttu Hutapea, who publicly admitted leading the raid, has only been questioned and not charged.

Amnesty International is seriously concerned therefore that the 124 will not receive a fair trial. Their access to lawyers was severely restricted during the initial stage of their investigation, despite international and domestic guarantees requiring prompt access to lawyers.<sup>21</sup> Article 54 of Indonesia's Code of Criminal Procedure states that "*a suspect or defendant has the right to get legal assistance from one or more legal advisers during the period and at every level of examination...*". Article 55 states that "*.. a suspect or defendant has the right to choose his own legal adviser*". At least six detainees originally refused to sign their police statements on the grounds that they had not been accompanied by a lawyer when the statements were being prepared.

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<sup>21</sup>International standards, including Principles 5 and 7 of the *Basic Principles on the Role of Lawyers* and Principles 17 and 18 of the *Body of Principles for the Protection of All persons under Any Form of Detention or Imprisonment*, require that individuals in detention have access to lawyers of their own choice, that they be informed of this right immediately upon arrest and that they be given access to lawyers without delay and in any case no later than 48 hours after arrest or detention.

## **Arrests since the raid**

Since the raid on the offices of the PDI and the subsequent riots, arrests of political activists have occurred on a regular basis across the country. At least 108 individuals are known to have been arrested since 28 July. Forty-two of this group are believed to be facing charges mainly under the Anti-subversion Law or the so-called Hate-sowing Articles of Indonesia's Criminal Code.<sup>22</sup> Of this figure, Amnesty International believes that at least 15 are still being held. At least 119 other people have been called in for questioning by the military, police and Attorney-General's officials - four of whom are facing charges.

## **PRD arrests**

Those most at risk of arrest are activists suspected by the authorities of involvement with a left-wing political organization accused by the government of instigating the riots, the People's Democratic Party (*Partai Rakyat Demokratik* - PRD) or its affiliated organizations, including the Indonesian Students Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia Demokrasi - SMID*), the National Peasants' Union (*Serikat Tani Nasional* - STN) and the Network for People's Art (*Jaringan Kesenian Rakyat* - JKR). Others with no connection to the PRD or its associated organizations have also been arrested or summoned for questioning, reflecting the breadth of the government's crackdown on opposition groups.

The PRD's manifesto, which was promulgated in a ceremony five days before the PDI raid, calls for the involvement of workers, urban poor, students, intellectuals and peasants in a mass struggle for political, social and economic change in Indonesia. It does not advocate violence in support of its objectives. The group calls for the military to withdraw from its prominent role in civilian areas of life in Indonesia.<sup>23</sup> The organization claims to have around 800 members - in a country with a population of over 190 million - with around 120 cadres. Its membership is largely student activists.

Dozens of alleged members of the PRD and its affiliated organizations have been arrested. Fourteen are still in detention, and at least 11 others are facing political charges. Amnesty International is concerned that most of this group, if not all, may be prisoners of conscience if convicted and imprisoned. They do not appear to have been involved in acts of violence and are being arrested and charged for the peaceful exercise of their political beliefs. According to information received by Amnesty International, many alleged PRD members currently facing charges were not in Jakarta on the day of the riots. None were arrested during the riots. From information about police and military questioning, it appears that the authorities are more interested in obtaining information about non-governmental organizations and the links between them, than in obtaining information about specific acts of violence which occurred during the riots. In any event, Amnesty International has serious concerns about whether they will receive a fair trial.

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<sup>22</sup>The Hate-sowing Articles were introduced by the Dutch colonial administration in the early 1900s and were incorporated into Indonesia's Criminal Code after independence. They forbid "spreading hatred" against the government and government officials.

<sup>23</sup>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.  
AI Index: ASA 21/70/96 Amnesty International November 1996

The arrests of PRD activists have been accompanied by public statements from senior military and government figures aimed at discrediting the organization. On 29 July, military officials claimed publicly that the riots were not random expressions of frustration but had been organized by the PRD. The authorities claim that the party's manifesto demonstrates the threat of "latent communism" in Indonesia and has accused the PRD of attempting to overthrow the Indonesian Government. They argue that the PRD's manifesto contains the language and thoughts of the banned Indonesian Communist Party (*Partai Komunis Indonesia* - PKI), pointing to the award given by the PRD to banned Indonesian novelist, Pramoedya Ananta Toer, as further evidence of the group's communist leanings. On 8 August, President Suharto was quoted as saying that the PRD had "*clearly conducted activities which had the characteristics of insurgency*".<sup>24</sup> In more recent statements, warning of ever present fears of a communist revival, the military has stated that the PRD was trying to revitalise the PKI. On 28 September, the eve of the anniversary of the 1965 alleged communist coup attempt in Indonesia, Armed Forces Chief of Staff, General Feisal Tanjung, again warned of the use by communists of "peaceful propaganda" and "humanity" to spread their ideas.<sup>25</sup>

PRD members have been arrested in Jakarta, Yogyakarta, Surabaya and other towns across Java. On 11 and 12 August, the authorities arrested **Budiman Sujatmiko**, the head of the PRD and nine other alleged members of the organization or its affiliated groups, **Petrus Haryanto, Benny Sumardi, Garda Sembiring, Ignatius Putut Arintoko, Ignatius Pranowo, Kendar Kusumandaru, Yacobus Kurniawan, Suroso** and **Victor da Costa**. All were initially held incommunicado in military custody but have now been transferred to the custody of the Attorney General. One of the group, Benny Sumardi, has been released but is still facing a charge of "harbouring criminals". Benny Sumardi is not a member of the PRD but was arrested because members of the PRD were allegedly in hiding at his house. The nine remaining in custody are being held under the Anti-subversion Law. In other towns in Indonesia, including Medan, Bandung, Semarang and Surakarta, students from other groups - in many cases with no links to the PRD or any of its affiliated organizations - have been arrested and questioned about their alleged links with the PRD or involvement in the riots on 27 July. Another three alleged members of the PRD or its affiliated organizations are also facing subversion charges and are currently being held in the custody of the Attorney-General in Jakarta. They are **I Gusti Anom Astika** and **Wilson Nurtiyas** who were arrested in Semarang, Central Java on 10 September, and **Wignyobin Mardi** who was believed to have been arrested in Jakarta on 3 September.

### **Trade union arrests**

The current wave of arrests has reached beyond the PRD. Human rights and student activists, trade unionists and other individuals critical of the government have also been arrested. Individuals who spoke at the Freedom Forum at the PDI headquarters in June and July have

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<sup>24</sup>*The Jakarta Post*, 8 August 1996.

<sup>25</sup>*Kompas*, 29 September 1996.

Amnesty International November 1996AI Index: ASA 21/70/96

been included in the round up. Independent trade union leader, Muchtar Pakpahan, the head of the Indonesian Prosperous Workers Union (*Serikat Buruh Sejahtera Indonesia* - SBSI) and a long time critic of Indonesia's industrial relations system, remains in detention facing subversion charges, following his arrest on 30 July. On 20 July, Pakpahan publicly committed SBSI to supporting the PDI under Megawati's leadership. On the evening of 27 July, he released a statement which alleged official involvement in the raid on the PDI office.<sup>26</sup> It included the allegation that 300 people were offered bribes to participate in the raid by a member of an organization affiliated with Golkar - the government party; that the group was taken to a police station where they were given clothing, axes and hammers and then given instructions about raiding the office. On the night of his arrest, Pakpahan was planning to arrange a meeting between a journalist and an eyewitness to the events inside the PDI office.

Muchtar Pakpahan is currently held in the custody of the Attorney-General's office in Jakarta. He unsuccessfully challenged the lawfulness of his detention, claiming that it is not in accordance with the law because neither the reason for his arrest nor the alleged criminal acts of which he is accused were made clear to him or his lawyers. The judge hearing the application ruled that the detention order against Muchtar Pakpahan was complete and was in accordance with the law.

In a letter to the International Confederation of Free Trade Unions, explaining the rationale behind Muchtar Pakpahan's arrest, officials from Indonesia's Department of Manpower stated that:

*"[t]he summons issued by the Junior Supreme Judge for interrogation is absolutely not in relation with his [Muchtar Pakpahan's] capacity as General Chairman of an organization called SBSI. He was summoned in respect with his position as a board member of MARI (Majelis Aksi Rakyat Indonesia) ... and some other illegal organizations of which against the government policy and professing the communism of which is strictly forbidden by the Decision of the People Consultative Assembly No Tab MPR No XXV/1966. In addition he did criminal act against Act No 11/PNPS/1963 on the Combatting Subversive Activities, particularly Article 1, paragraph (3) on any activities to break the existing nation's system of the Republic of Indonesia. This should be emphasised that this case is not related to struggle for labour but clearly on issues of politics."*<sup>27</sup>

Amnesty International views the arrest of Muchtar Pakpahan as a deliberate attack by the government on a peaceful government critic, using the events of 27 July as a pretext. Muchtar Pakpahan is not the only person from SBSI to have been arrested or called for questioning since 27 July. The union's leaders claim that since the raid around 59 SBSI members have been called for questioning and at least seven detained throughout Java and Sumatra. On 14 August, SBSI Medan leader Amosi Telaumbanua

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<sup>26</sup>Muchtar Pakpahan was imprisoned after riots in Medan in April 1994 on charges of incitement. He was released in May 1995 pending an appeal to the Supreme Court against his conviction. In October 1995 he won his appeal and was acquitted.

<sup>27</sup>Letter to the International Confederation of Free Trade Unions from the Department of Manpower of the Republic of Indonesia, 30 August, 1996.

and two colleagues were taken into military custody and questioned. They were released later that night but detained again the following day and questioned about SBSI, the PDI, the political situation concerning Megawati, and SBSI's attitude towards the PDI. In another incident on 13 August, seven members of SBSI were arrested in the town of Deliserdang, south of Medan in North Sumatra. The seven were reportedly held incommunicado in military custody. Three were released after two days but the remaining four were held in military custody for another five days. Some of the seven were reportedly beaten and kicked while in custody and all were apparently forced to retract their membership of SBSI. Union activists have also been questioned in Riau, Garut, Lampung, Pekanbaru, Surakarta, Malang and other towns. Leaders of the union, including Tohap Simanungkalit and the female Secretary General, Sunarti, have been questioned in Jakarta. SBSI offices and the house of Muchtar Pakpahan have been raided and books confiscated.

Another peaceful critic targeted during the current crackdown is Nurhayati, a woman who was three months pregnant at the time she was taken into custody. Nurhayati was arrested by police on 14 August 1996 from her home, allegedly because of comments she made during the Freedom Forum at the PDI headquarters prior to the raid. Nurhayati was prompted to speak at the Freedom Forum after seeing a woman being beaten during a PDI demonstration in Jakarta on 20 June. She only spoke once but was recorded on a police video. Nurhayati was originally accused of violating Articles 134, 154 and 207 of the Criminal Code. Upon arrest, she was told that she would be questioned only, but was subjected to an eight hour interrogation session without a lawyer, and then detained in police custody. She was reportedly forced to sign a detention order after she was told that if she did not, she would receive a longer sentence. Nurhayati was detained for at least seven days before being granted access to a lawyer. Amnesty International is concerned that she may not yet have access to full medical treatment. Nurhayati has been moved to a detention centre in Jakarta under the authority of the Attorney-General. She is now facing one charge under Article 154 of the Criminal Code which punishes "... *the public expression of feelings of hostility, hatred or contempt toward the government*" with up to seven years' imprisonment. If convicted and imprisoned, Amnesty International would consider her a prisoner of conscience.

Arrests continued into October. Five residents of Wonosobo in Central Java were taken into custody during October. The five were reportedly accused by the military of discrediting the government and insulting the President and were suspected of being members of the PRD. There is no information about how long the five were held in military custody before their release, but they are now believed to be required to report to District Military Headquarters in Wonosobo.<sup>28</sup>

Also in October, a student activist from Ujung Pandang in Sulawesi, was arrested by officers from Bakorstanasda from his house, in an incident which demonstrated a violation of domestic procedures on arrests and investigations. **Akbar Endra**, a

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<sup>28</sup>Republika, 26 October 1996.

student at Hassanuddin University, was arrested on 11 October. Just one week before his arrest, Akbar Endra had announced the formation of a new student party in Ujung Pandang - the Students Pro-Democracy Party (*Partai Mahasiswa Pro-Demokrasi - PMPD*). Akbar Endra stated publicly at the time that the party had no links with the PRD. In the following week, Akbar Endra received two informal summons contained in letters, from the Head of Intelligence at Bakorstanasda. Akbar Endra refused to respond to both summonses because neither clarified the specific reason for the summons. He was arrested by five plainclothes men on the night of 11 October. Akbar Endra was held incommunicado in Bakorstanasda custody until the following day when he was transferred to KODIM 1408 and then transferred to police custody in Ujung Pandang where he was interrogated without a lawyer. The military authorities stated that Akbar Endra was being questioned about the formation of a new party but it is also believed that he has been questioned in connection with alleged involvement at a public meeting at the Regional Headquarters of the PDI in Ujung Pandang before 27 July. Four other members of the PMPD have also been summoned by the military reportedly because of their involvement with the PMPD. The four are believed not to have surrendered to questioning on the grounds that the proper procedures had not been followed. Akbar Endra has now been released from custody but is believed to be still facing charges.

## Anti-subversion charges

There are currently believed to be 15 individuals arrested after the raid facing trial under the Anti-subversion Law. A further 13 are facing the Anti-subversion law as a subsidiary charge. Three activists from a PRD linked independent labour organisation, **Dita Sari, Coen Hussein Pontoh** and **Mohammad Shaleh**, who were arrested on 8 July during a labour demonstration in Surabaya, are also facing subversion charges. On 22 August, Indonesia's official news agency, Antara, quoted Attorney-General Singgih as saying that the Anti-subversion Law would be used to prosecute people with a "... *political and subversive background and whose aim is to destabilise the government*". The Attorney-General was further quoted as saying that "... *based on PRD's political manifesto and documents, the group's activities have all the elements of subversion.* "

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. Komnas HAM has been vocal in its opposition to the Anti-subversion Law. On 15 August, Deputy Chairman of the Commission, Marzuki Darusman stated that "*We are consistent in our stand that the subversion law should not be used to prosecute criminals*". He stated further that "... *articles in the law are so elastic that any crime can be categorized as 'subversive' if the authorities wish to do so*".<sup>29</sup> Human rights lawyers have also expressed their concern about the current revival in the use of the law.<sup>30</sup> There have also been international calls for the repeal of the law

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<sup>29</sup>*The Jakarta Post*, 15 August 1996.

<sup>30</sup>Indonesian lawyer, Todung Mulya Lubis has recently stated that "*Using the law for this particular case amounts to waking up a law that has already collapsed*" and would "*constitute a setback to the development of human rights and political life here*". *The AI Index: ASA 21/70/96* Amnesty International November 1996

Arrests, torture and intimidation: The Government's response to its critics

as well, including from the United Nations Special Rapporteur on torture.<sup>31</sup> During his visit to Indonesia in December 1995, the highest United Nations human rights official, the High Commissioner for Human Rights also called on the Indonesian Government to repeal the Anti-subversion Law.<sup>32</sup>

For many years, Amnesty International has argued for the repeal of the Anti-subversion Law on several grounds. Principle human rights concerns regarding the law are:

- the vague wording of the law permits the prosecution and conviction of anyone, including peaceful opponents of the government, whose words or actions can be construed as disruptive of public order, or critical of *Pancasila*<sup>33</sup>, the government, its institutions or its policies;

- the standards of proof required for a conviction of the offence of subversion are less rigorous than for other laws in Indonesia; this violates the guarantee of the presumption of innocence required in criminal cases;

- the law provides for harsher penalties than other laws on political crimes,

- the law provides for the death penalty as a possible punishment;

- defendants can be detained without trial for up to one year on the authority of the Attorney-General;

- detainees rights provided for under the Indonesian Code of Criminal Procedure (KUHAP) are forfeited for those facing charges under the Anti-subversion Law.

In recent years, other governments referred to the declining use of the Anti-subversion Law as evidence of an improving human rights situation in Indonesia. Amnesty International believes that these same governments should condemn the Indonesian Government's clear intention to continue using the law to repress civil and political rights.

## The trials

Amnesty International is concerned that all of those arrested and charged in connection with the events of 27 July 1996 may not receive a fair trial. Concerns about the fairness

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*Jakarta Post*, 19 August 1996.

<sup>31</sup>Report of the Special Rapporteur, Mr P Kooijmans, pursuant to Commission on Human Rights Resolution 1991/38: Visit by the Special Rapporteur to Indonesia and East Timor, E/CN.4/1992/17/Add.1, 8 January 1992.

<sup>32</sup>Report of the High Commissioner for Human Rights on his visit to Indonesia and East Timor, 3-7 December 1995, E/CN.4/1996/112, 14 March 1996.

<sup>33</sup>*Pancasila* is Indonesia's state ideology and embodies five principles: belief in one God, humanitarianism, national unity, democracy and social justice.

Amnesty International November 1996AI Index: ASA 21/70/96

of trials are underlined by the fact that in the majority of the cases, the initial investigation and interrogation was conducted without the presence of lawyers for the accused. While most detainees now have access to lawyers, their first interrogations were conducted without legal representation. Statements prepared in police custody were signed and prepared without lawyers.

The trials are expected to last several months and will be divided into different groups, the first being those arrested on 27 July and then those who have been arrested since 27 July, including those facing trial under the Anti-subversion Law. In late September, the Attorney General stated that the subversion cases against Muchtar Pakpahan and the PRD activists would be taken to court in November.

The trials of the 124 arrested on 27 July, which began in October, have already confirmed the earlier fears of procedural violations and judicial unfairness. One defendant, Noval Arafah, was quoted as saying in court that the police told the detainees that being accompanied by lawyers during their interrogation would only create difficulties for them. He claimed also that the police promised that if the detainees signed their statements they would be released. A lawyer acting for the defence has also raised concerns about the heavy police and security presence during the trials, which he considers to be intimidating his clients.<sup>34</sup> Objections raised by the lawyers to these and other issues of unfairness have already been overruled by the judges hearing the cases. The Central Jakarta District Court, which is hearing the cases, has announced that it will attempt to finalise the cases within three months.

## **Incommunicado detention and torture**

Most of the arrests of activists alleged to be involved with the PRD have been conducted in contravention of domestic Indonesian law and international standards on human rights. In many cases the failure of the authorities to guarantee detainees fundamental nationally and internationally mandated safeguards has facilitated torture and ill-treatment by the security forces. The arrests are more often than not conducted by plainclothes individuals - believed in most cases to be from the military intelligence body *Badan Intelijen ABRI*, (BIA) or the Coordinating Agency for the Maintenance of National Stability, (Bakorstanas) - who do not identify themselves or provide arrest warrants. Many of the arrests have occurred at night and neither detainees nor their families have been told where they are being taken. In many cases, families have spent days trying to find out where their sons or daughters are being held. Under Indonesia's own Code of Criminal Procedure, the police are responsible for arrests but few of the arrests have been conducted by the police. The Code of Criminal Procedure also stipulates that warrants are required for an arrest and that copies of the warrants and details of the whereabouts of the detainee should be provided to families. In most cases these requirements have been ignored. Many of the activists have been held incommunicado in military detention before being handed over to police custody. While in military

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<sup>34</sup>*The Jakarta Post*, 22 October 1996.

custody they have been denied access to lawyers, again in contravention of their rights under Indonesian law. While access to lawyers and family usually improves after transfer to police or Attorney-General's custody there are still concerns that this access is limited by the authorities. Lawyers acting for PRD members and trade unionist Muchtar Pakpahan are believed to have been restricted to half hour visits once a week. In the absence of lawyers, detainees have been subjected to pressure - either mental or physical - to provide information which may later be used against them or other suspects in trials which are expected to take place over the coming months.

The Indonesian Government has indicated that the International Committee of the Red Cross (ICRC) was permitted to visit 11 detainees being held in custody on 23 August. The team visited Muchtar Pakpahan, Budiman Sujatmiko and the nine individuals arrested along with him. Following its visit, the ICRC were reported to have said that all the detainees were in good shape. The 124 detainees arrested on 27 and 28 July have not been visited by the ICRC.

The Deputy Chair of Komnas HAM, Marzuki Darusman, has stated that arrests and interrogations should be carried out in accordance with Indonesia's law and that the Commission had been given assurances from the police and the Attorney-General's office that this would be the case. In September, the Deputy Chair of Komnas HAM was quoted as saying: "*Being detained and questioned without proper warrants is surely wrong and a violation of human rights*".<sup>35</sup> In September, Attorney-General's officials publicly stated that the investigation and detention of those being held under the Anti-subversion Law was being conducted according to Indonesia's Code of Criminal Procedure.<sup>36</sup> However, the most serious violations - including torture and ill-treatment - have been carried out while detainees are being held incommunicado in military custody, where they are beyond the protection of the Indonesian Code of Criminal Procedure. At the time of the Attorney-General's officials public pronouncements, **Munif Laredo**, a student activist, was being held incommunicado by BIA after being arrested by plainclothes individuals from a restaurant in Jakarta on 15 August. Munif Laredo was reportedly detained for around six weeks in BIA custody in Jakarta during which time he was reportedly severely ill-treated and does not appear to have been granted access to lawyers.

On 14 August, a doctor who provided medical assistance to PDI members wounded during the raid was arrested by plainclothes military officers and held for three nights incommunicado in military custody. Dr Tjiptaning was prevented from contacting lawyers and her family were not informed of her whereabouts. There was no arrest warrant and she was released without charge. Lisa Febrianti, a female university student, was arrested at her home on 3 August by plainclothes officers believed to be military intelligence officers from the Regional Military Command for East Java. A student at the Airlangga University in Surabaya, Lisa Febrianti was arrested for her alleged connection with the Indonesian Student Solidarity for Democracy (SMID). She

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<sup>35</sup>AFP, 6 September 1996.

<sup>36</sup>*Tempo Interaktif*, 31 September 1996.

Amnesty International November 1996AI Index: ASA 21/70/96

was detained at the regional headquarters of the military intelligence body, Bakorstanasda, for several days before being transferred to police custody where she was given access to lawyers. Lisa Febrianti was arrested without a warrant and it was not until four days later that the East Java regional military authorities admitted that she was in military custody - even then they did not give details of her exact whereabouts. Lisa Febrianti has since been released but is believed to be still facing charges. Another alleged SMID activist, Yul Amrozi, was arrested by two plainclothes military officers on motorbikes at around 9.30 pm on 31 August in Yogyakarta. He was detained in District Military Command (KODIM) Yogyakarta for five days and released on 5 September. During his time in military custody he was denied access to lawyers and his family. While it is not believed that Yul Amrozi was tortured in military custody, he sustained an injury to one eye while being arrested. It is not known now whether he faces any charges.

Five students in Yogyakarta were reportedly beaten in police custody after being arrested during a demonstration at Gadjah Madah University on 2 August. Upon release, the five displayed signs of beatings and at least one had broken teeth. Another man, arrested on 27 July, was taken into police custody in Central Jakarta. His family were not informed of his arrest until 1 August. He was beaten with rattan, kicked and tortured. As a result he lost three front teeth and has had problems moving his legs. He was subsequently transferred to Metropolitan Police Headquarters and is believed to be still facing charges. Another individual was arrested on 4 August in Jakarta after getting off a bus at midnight. He was stopped by members of ABRI who asked him if he was a member of the PDI. On discovering what they considered to be evidence of his support for Megawati in his bag, they immediately started hitting and kicking him in the street. He was winded from the kicking, and then placed in a military vehicle and taken into military custody where he was hit again. He also claims that a truncheon was put in his mouth and the end hit hard so that it damaged his throat and resulted in him not being able to eat for three days. He was also held under water. He was detained for 10 days during which he was not offered the opportunity to consult with a lawyer or to meet with his family. He was released without charge.

Another detainee allegedly subjected to torture while in military custody was Hendrik Dikson Sirait, 24, an activist from the student organization *Pijar*, who was arrested on 1 August at a peaceful demonstration outside the Jakarta District Court. He was taken into custody by military officers from Bakorstanasda and detained for five days from 1 to 6 August, during which time he was denied access to lawyers. He was interrogated twice and tortured on both occasions. Hendrik Sirait was kept in a cell on his own and was wearing only underclothes. On the first day of his detention, Hendrik Sirait was interrogated for 15 hours from 12 midday until around 3 am. The second interrogation session on the following day lasted another 15 hours from 11 am until 2 am of the next morning. Hendrik Sirait was burnt with cigarette butts on three occasions and subjected to electric shocks on his hands and ears. He was also beaten and kicked. Hendrik Sirait was then transferred to police custody where he was provided with a detention order which stated that he had been arrested on 27 July at the PDI headquarters in Jakarta. It is not clear why his detention order contains this error, but the result is that,

AI Index: ASA 21/70/96Amnesty International November 1996

as in many other cases, there is no documentation of his five days of incommunicado military detention. It is not clear whether Hendrik Sirait is facing any charges now, but he has to report to police once a week.

The ill-treatment and torture evident in the early stages of the crackdown continues. A man arrested following a raid on a women's NGO office in Jakarta on 31 August was beaten and subjected to electric shocks during several hours of interrogation in military intelligence custody. On 26 September, a group of human rights lawyers from the Team of Defenders of Legal Justice in Indonesia (*Tim Pembela Hukum-Keadilan Indonesia* - TPHKI) complained to Komnas HAM about the violations of Indonesia's Code of Criminal Procedure which have occurred since the raid on the PDI office. Among the list of common violations since 27 July cited by the lawyers were arrests by unidentified individuals, denial of the right to family visits and restrictions on, and denial of, access to lawyers.

## **Summons - A mode of intimidation**

In addition to the threat of arrest, the military and government authorities have used the threat of summoning individuals - both with and without the use of official summonses - as a form of intimidation. At least 119 people have been called for questioning since the raid on the PDI office. The range of individuals who have been called for questioning has been broad, including members of the PDI, individuals who participated in the Freedom Forum, NGOs which have emerged during the PDI conflict, or lawyers involved in the defence of those arrested during and after the raid. Most have been called as witnesses in the investigation of PRD and other activists, but the Attorney General has stated that "witnesses may become suspects", suggesting that those called for questioning could themselves face charges.<sup>37</sup> Four are facing charges, including under the Hate-sowing Articles. The Attorney-General has said that 30 members of the Indonesian People's Council (*Majelis Rakyat Indonesia* - MARI) - an umbrella organization for NGOs established in July 1996, which includes Muchtar Pakpahan on its board - will face questioning.

Among the nine PDI parliamentarians called for questioning are **Megawati Sukarnoputri**, the ousted Secretary General of the party, **Alexander Litaay**, **Sophan Sophiaan**, **Sukowaluyo**, and **Soetardjo Soerjogoeritno**. Megawati has been summonsed on three separate occasions, most recently on 10 September when her lawyers were prevented from accompanying her. One member of Indonesia's Parliament for the PDI, **Aberson Sihaloho**, has been summonsed as a suspect under Articles 134, 154 and 207 of the Criminal Code. Article 134 punishes "*insulting the President*" with a maximum sentence of six years' imprisonment. Under Article 154 "*... the public expression of feelings of hostility, hatred or contempt toward the government...*" is punishable by up to seven years' imprisonment. Article 207 punishes

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<sup>37</sup>The Jakarta Post, 10 September 1996.

insulting an “*authority or a public body*” with a maximum imprisonment of one year and six months. The offences are alleged to have occurred during a speech made by Aberson Sihalohe between 17 June and 28 July, but he claims that he only spoke at the Freedom Forum on one occasion - 13 July. Aberson Sihalohe, a prominent supporter of Megawati, has been questioned twice by police, on 27 September and 1 October. If convicted and imprisoned, Amnesty International would consider Aberson Sihalohe to be a prisoner of conscience.

On 9 September, **Gunawan Mohamad**, a journalist and the Chair of the Independent Election Monitoring Committee (*Komite Independen Pengawasan Pemilu - KIPP*) was questioned as a witness by the Attorney-General's office in the subversion case against Muchtar Pakpahan and Budiman Sujatmiko.

Over three months after the raid, this intimidation continues. In recent weeks, there have been fears that the military is looking for particular “intellectuals” behind the PRD. A list of dozens of political and human rights activists and workers is believed to have been drawn up by military intelligence from the interrogation sessions with individuals arrested since the raid. Amnesty International fears that this group - all of whom are engaging in non-violent activities - are at risk of arrest.

Following a raid on the office of a women's NGO and the arrest of two workers from the office, a group of Indonesian non-governmental organizations reacted publicly to the questioning, office searches and other forms of harassment. On 6 September, the group went to Komnas HAM to complain of the harassment, arrests, ill-treatment and torture of activists and lawyers, and argued that since the raid on the PDI office, attacks against NGOs have intensified:

*At this point in time, NGOs have become the object of attention and treatment by those in power, through planned efforts of disinformation and intimidation. This disinformation and intimidation campaign ranges from verbal threats - accusations without facts printed in the press, surveillance and investigation - to the use of violence - raiding NGO offices, illegal detention and investigation, physical and mental torture. This campaign of disinformation and stigmatization, intimidation and the use of violence, is a backward step for Indonesian society.<sup>38</sup>*

NGO activists have also criticised a military call in late September for greater monitoring of foreign funding to non-governmental organizations to ensure that foreign aid was not being used against the interests of the state. On 1 November, the Coordinating Minister for Politics and Security said that 32 unnamed non-governmental organizations would face government actions because they were considered to “pose problems” either because they were conducting unspecified illegal activities or they were not basing their activities on the state ideology of *Pancasila*. The Minister was reported to have said that NGOs which received funding from overseas but did not inform the government of this were considered to be engaging in illegal acts and that individuals from NGOs could

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<sup>38</sup>“State violence is against a just and humane ethics of politics”, statement from 20 Indonesian NGOs, September 1996.  
AI Index: ASA 21/70/96 Amnesty International November 1996

face questioning by the authorities.

### **The case of Father Sandyawan**

Another individual who has come under intense pressure for his alleged role in providing protection to PRD activists is **Father Sandyawan Sumardi**. Father Sandyawan, a Jesuit priest who works with the Jakarta Social Institute (*Institut Sosial Jakarta - ISJ*), has been active in the Team of Voluntary Helpers for Victims of the 27 July Incident (*Tim Relawan Penolong Korban Insiden 27 Juli*), which was set up to investigate the events of 27 July. Unlike many others called for questioning, Sandyawan himself is actually facing criminal charges. Originally threatened with several charges, including insulting the President and expressing hatred towards the government, Father Sandyawan is now being investigated under Article 221 of the Indonesian Criminal Code, relating to "harbouring criminals". Father Sandyawan is accused of harbouring three members of the PRD in the house of his brother, Benny Sumardi, before their arrest in August. Father Sandyawan has argued that he was compelled to offer protection to the three activists, despite the fact that he did not know exactly who they were, because he felt that they could be at risk of torture and the military's "shoot to kill" policy announced after the raid on the PDI headquarters.<sup>39</sup>

Father Sandyawan has now been questioned on at least three occasions but he has not been arrested. His case has been submitted by the police to the Prosecutors Office. In addition to questioning over his own alleged actions, Father Sandyawan has also been called as a witness in the case against Muchtar Pakpahan. On 22 August, Sandyawan complied with a summons to appear for questioning at the Prosecutors Office in relation to the activities of Muchtar Pakpahan. However when he arrived, he was not allowed to be accompanied by lawyers and was questioned mostly about the activities of the PRD. Father Sandyawan has also been subjected to threatening phone-calls and to extensive surveillance outside his house. His brother, Benny Sumardi, has now been released from detention but is also still facing charges of "harbouring criminals".

### **Intimidation of lawyers**

In addition to the questioning and arrests of trade union activists, lawyers involved in defending those arrested since 27 July are now facing a degree of harassment and intimidation not experienced in Indonesia for many years. Four lawyers have already been questioned in relation to those detained for their alleged participation in, or involvement in organising, the riots. Another has been called for questioning under charges of colluding with foreigners to bring about revolution. The office of a human rights legal practice has also been searched by security officials and documents seized.

### **The case of Bambang Widjojanto**

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<sup>39</sup>On 30 July, following the raid, the Jakarta Military Command announced a "shoot to kill" policy, which was not lifted until 6 September.

The Indonesian Legal Aid Foundation (*Yayasan Lembaga Bantuan Hukum Indonesia - YLBHI*) and regional branches of the Legal Aid Institute (*Lembaga Bantuan Hukum-LBH*) - well known for their work on human rights cases in Indonesia - have been targeted apparently because their lawyers have been involved in defence of prisoners arrested since 27 July. Another reason for the harassment of YLBHI and LBH lawyers is that the PRD held its official launch ceremony at the YLBHI office in Jakarta on 22 July 1996. The national director of YLBHI, Bambang Widjojanto<sup>40</sup>, has been called for questioning five times as a witness in the cases against Muchtar Pakpahan, Budiman Sujatmiko and Petrus Haryanto. All three have been clients of Bambang Widjojanto. Amnesty International is concerned that the right to confidentiality of communications and consultations between lawyers and their clients within their professional relationship is being contravened.<sup>41</sup>

Bambang Widjojanto has refused on procedural grounds to appear for questioning in response to any of the five summonses. After one occasion when he did not appear for questioning following receipt of a summons, police and military officers came to the YLBHI office in Jakarta apparently to prompt Bambang Widjojanto to appear. Just prior to his third summons, an official spokesman for the Attorney General's office stated in the Indonesian media that "*[i]f Widjojanto fails to comply with our third summons... we will send officers to fetch him*". On 18 and 19 September Bambang Widjojanto went to the Prosecutor's office of his own accord to discuss the summonses he had so far received. Questioning focused on the PRD and YLBHI's links with NGOs. Under Article 224 of Indonesia's Criminal Code refusal to respond to a summons as a witness is punishable by a term of imprisonment of six or nine months.

In a joint action with a number of NGOs, Bambang Widjojanto criticised the authorities' violation of lawyers immunity rules, by forcing lawyers to testify as witnesses in the investigation of their clients. Under Indonesia's Code of Criminal Procedure lawyers are protected from testifying as witnesses in certain circumstances. Article 120 of the code states that lawyers can "*give information to the best of his knowledge except when dignity, prestige, occupation or function oblige him to guard a secret, in which case he can refuse to give the information asked*". The code also states, under Article 170, that during trials "*[t]hose who because of their occupation, dignity and prestige or function are obliged to guard a secret, can ask to be freed from the obligation to give information as witness, namely on the matter entrusted to them*". It is the judge who determines whether the reasons given by the lawyer are acceptable under the article.<sup>42</sup>

## **Lawyers outside of Jakarta**

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<sup>40</sup>Bambang Widjojanto was the 1993 winner of the Robert Kennedy Human Rights Award.

<sup>41</sup>The UN Basic Principles on the Role of Lawyers, Article 22 states that "[governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential".

<sup>42</sup>The UN Basic Principles on the role of Lawyers: Article 18 states that "[l]awyers shall not be identified with their clients or their clients' causes as a result of discharging their functions".

LBH lawyers outside Jakarta have also been targeted. On 2 September, a student demonstration, believed to have been organised with the connivance of the local authorities took place outside the regional parliament in Ujung Pandang, criticising LBH for “*colluding with foreigners*”. The director of the office, Nasiruddin Pasigai, has been summonsed twice by police as a suspect under Article 111 of the Criminal Code which states that an individual who colludes with a foreign body or person outside of the country to bring about revolution in Indonesia should be punished with a maximum imprisonment of six years. The specific accusation against Nasiruddin Pasigai is that he held a meeting at the LBH office with an American academic - a consultant with the US Government Agency for International Development - on 30 August. Nasiruddin Pasigai was questioned on 9 and 10 September by the police in Ujung Pandang. Lawyers from YLBHI in Jakarta have written to the authorities protesting the summons against Nasiruddin Pasigai. Since then, three other lawyers have been called for questioning in relation to the charge facing Nasiruddin Pasigai. It is not clear whether the lawyers have all responded to the questioning. It is believed that Nasiruddin Pasigai may now also be facing charges of “*expressing hatred towards the government*” under Article 154 of the Criminal Code.<sup>43</sup> If he is detained Amnesty International would consider him to be a prisoner of conscience. Amnesty International is concerned that unidentified individuals have been seen outside his house on more than one occasion in an apparent attempt to intimidate him further. The director of the LBH office in Medan, North Sumatra, **Alamsyah Hamdani** has also been called in for questioning on at least one occasion since 27 July, apparently in connection with student activism in Medan. In October, the Director of LBH in Bali was summoned by judicial authorities to ensure that the office was complying with regulations concerning the licensing of legal staff at LBH. Another LBH lawyer is known to have gone into hiding to escape continued harassment by the authorities.

In addition to the intimidation facing LBH lawyers, RO Tambunan, the principal lawyer for Megawati Sukarnoputri is facing possible cancellation of his practising licence following government and military accusations that his actions, as a lawyer for Megawati were “*too political*”. Indonesia's Justice Minister has stated that Tambunan's actions are being investigated to determine whether they are consistent with lawyers' ethics. Amnesty International considers the allegations against Tambunan to be motivated by an attempt to intimidate him because of his legal defence work for Megawati.

Another lawyer who has been summonsed for questioning is **Mulyana Kusumah**. Mulyana Kusumah is both a human rights lawyer and the Secretary General of KIPP, the independent election monitoring group whose members were subjected to arrest and harassment earlier this year.<sup>44</sup> Human rights lawyer **Johannes Princen**, from the League for the Defence of Human Rights (LPHAM), has also been summonsed for questioning. On 17 September the Jakarta office of LPHAM was searched by nine

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<sup>43</sup>Jawa Pos, 11 October 1996.

<sup>44</sup>For more information see Amnesty International, *Indonesia: Independent Election Monitors Targeted*, AI Index: ASA 21/23/96, 29 April 1996.

Amnesty International November 1996 AI Index: ASA 21/70/96

officials from the Attorney General's office together with police and military officers. Documents relating to LPHAM, KIPP, the independent trade union SBSI and other non-governmental organizations were seized.

Amnesty International is concerned that the questioning and summonses, the search of LPHAM's office and other forms of harassment against members of the legal profession are intended to intimidate lawyers involved in defending cases related to the raid on the PDI offices. Efforts by human rights lawyers have frequently met with obstruction by the authorities in the past, although the current level of intimidation and the openness with which it is being carried out is unusual. In some past cases detainees have been threatened with torture or longer prison sentences if they sought to employ a lawyer. In other cases heavy political pressure has been placed on defence lawyers, including briefings before trials by military intelligence warning against mounting too strong a defence. Lawyers in some political trials have also been prevented from bringing the full complement of defence witnesses or have been prevented from cross-examining prosecution witnesses fully. Amnesty International believes that the harassment of high-profile, well-respected individuals that is currently occurring is also intended as a public warning to activists, human rights defenders and perceived government opponents to cease their activities.

## **Media intimidation**

The media has also come under greater pressure from the authorities since the raid on the PDI office raising further concerns about freedom of expression in Indonesia. At least four journalists were beaten during the raid on 27 July and two were detained and beaten following a demonstration in support of ousted PDI leader, Megawati Sukarnoputri, in the East Java town of Surabaya. The four journalists were severely beaten by police and military personnel on 27 July close to the PDI headquarters after being told to stop taking photographs of the security forces' actions during the day. One journalist, Cecep Sukma, was beaten by several soldiers who he claims were aware that he was a journalist, after he tried to photograph a man who had lost consciousness as a result of being beaten by riot police and soldiers. Cecep Sukma spent five days in hospital for the injuries he sustained during the beating. Another photographer from *Asiaweek*, Kemal Jufri, was also kicked and hit in the head after he tried to photograph soldiers beating a demonstrator. A journalist who tried to protect Kemal was also beaten.

Adi Sutarwijono and M Subeki were beaten on their heads and bodies while in military custody after they were arrested during a demonstration in Surabaya on 28 July in support of Megawati. The two journalists were reporting on the demonstration from among the crowd. They tried to prevent their arrests by telling the soldiers who arrested them that they were journalists, but were

arrested after Adi Sutarwijono was accused of being involved with the PRD because he was found to have PRD press releases in his bag.

Indonesia's prominent writer, Pramoedya Ananta Toer, has also faced harassment from the authorities in relation to the raid on the PDI headquarters. Pramoedya has been called in for questioning as a witness in the case against independent labour leader Muchtar Pakpahan and PRD activists who have been accused by the authorities of masterminding the riots on 27 July. Pramoedya, a former prisoner of conscience, is now in his 70s and suffers from failing eyesight and hearing. He was called for questioning on 12 August, but Amnesty International is concerned that he appears to have been called for a further questioning session with the Attorney-General's Office.

In an incident which Amnesty International considers to be linked to current attempts by the authorities to curb freedom of expression and association through intimidation and harassment of non-governmental organizations, five journalists in Ujung Pandang have received summonses from the police in connection with the meeting at the LBH Ujung Pandang office with the American academic on 30 August. The journalists were called for questioning in connection with the accusation against LBH Director Nasiruddin Pasigai of collusion with a foreign body. Four of the journalists refused to appear for questioning but one, Andriawan Bangsawan, from the magazine *Tiras*, did report to the police on 13 September. Andriawan Bangsawan reported that during the 10 hour session he was accused of receiving money from the academic. Even the official Indonesian Journalists Association (PWI) - not known for criticising government sanctions against the media - questioned the legal basis of the summons against Andriawan Bangsawan.<sup>45</sup> Indonesia's national police chief has apologised for the summonses issued against the journalists.

## **Member states of the United Nations**

Despite the marked downturn in the human rights situation in Indonesia in recent months, the response from the international community has been muted. The United States Government has criticised restrictions on the rights to freedom of speech, association and assembly and has called for those taken into custody in connection with the raid to be guaranteed their full legal rights. The government has announced that it is delaying the sale of nine F-16 fighter jets to Indonesia because of the current human rights situation, although the sale will probably go ahead in January 1997.

Other governments have been less vocal. The British Government has called for "*restraint*" to be exercised by both sides. The Australian Prime Minister, during a visit to Indonesia, stated that the Australian Government would not

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<sup>45</sup>*Kompas*, 16 September 1996.

*“lecture”* Indonesia on human rights. In the immediate aftermath of the riots, the Australian Government's criticism was limited to stating that the military's “shoot to kill” policy was not helpful and calling for restraint.<sup>46</sup> An Australian Senate resolution passed on 22 August, however, did express concern over political activists detained in Jakarta. The European Union expressed concern over those arrested following the raid on the PDI office.

In recent years, other governments have held back from criticising Indonesia's human rights record, pointing to positive steps the Indonesian Government was taking, such as the signing of a Memorandum of Intent with the High Commissioner on Human Rights. Now that the Indonesian Government has so clearly demonstrated its willingness to target non-violent activists for arrests and reluctance to prevent the use of torture and ill-treatment, the international community should remind the Indonesian Government of its previous commitments to human rights protection. This is especially so when the local Indonesian human rights movement is facing harassment and restrictions on its activities in defence of human rights in Indonesia.

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<sup>46</sup>*Sydney Morning Herald*, 1 August 1996.

## **Recommendations**

### **The Indonesian Government**

Amnesty International is calling on the Indonesian Government to:

- provide full public information about all those who are believed to have died as a result of the raid and in the riots, including circumstances of their deaths;
- ensure a full and impartial investigation of all the reports of ill-treatment and torture during and since the raid; ensure that the findings of the investigation are made public and that those found responsible are brought to justice;
- put an end to any intimidation by the security forces of eyewitnesses to the raid of the PDI headquarters;
- allow for the full and impartial investigation of the events of 27 July, without intimidation of eyewitnesses and further tampering of evidence;
- ensure that the findings of Komnas HAM are dealt with in such a way that those alleged to have been responsible for committing human rights violations are held properly to account in civilian courts;
- stop the arrest of individuals for their non-violent political activities, and release any of those currently detained solely for their non-violent political activities;
- stop the practice of arbitrary detention of individuals and the use of incommunicado detention; ensure that any detainee has prompt access to a lawyer of their own choice, adequate medical treatment and that information about their whereabouts is provided to their families;
- prevent the use of torture and ill-treatment of those taken into custody;
- repeal the Anti-subversion law.

### **Member states of the United Nations**

Amnesty International calls on other governments to:

- urge the Indonesian Government to stop the current crackdown on non-violent political, human rights and other activists and to implement fully the recommendations listed above;

Arrests, torture and intimidation: The Government's response to its critics

·urge the Indonesian Government to ensure that Indonesian citizens have the right to freedom of expression and association, without fear of harassment, arrest, arbitrary detention, imprisonment, torture or ill-treatment;

·implement the recommendations contained in the 12 October 1996 report by Komnas HAM;

·remind the Indonesian Government of its commitments made to the United Nations High Commissioner for Human Rights during his visit to Indonesia in December 1995, in particular the commitment to cooperate with the mechanisms of the Commission on Human Rights and to continue to implement their recommendations; to extend invitations to United Nations human rights rapporteurs and working groups; and to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## **Appendix I**

### **Statement by the National Human Rights Commission (Komnas HAM) regarding the 27 July 1996 Incident**

The National Human Rights Commission (Komnas HAM), after carrying out observation and investigation between 28 July and 10 October 1996 concerning the 27 July 1996 Incident, presents the following points:

i. On 27 July 1996 in Jakarta, 2 (two) main incidents occurred:

1. The seizure, accompanied by force, of the PDI [Indonesian Democratic Party] central secretariat (Sekretariat DPP PDI) building at No 58 Diponegoro Street, Central Jakarta. This incident took place between approximately 06. 15 and 09. 15 that morning.
2. A social disturbance in the form of the damaging, burning, and destruction of publicly and privately owned property simultaneously in various areas around Diponegoro, Salemba, Proklamasi, Kramat Raya, and Senen streets. This incident took place between approximately 11. 00 in the morning and past 23. 00 that night.

From the two incidents, the following casualties and human suffering occurred:

1. Died: 5 (five) people, respectively:
  - a. Asmayadi Soleh (in accordance with the autopsy report, died as a result of assault with a blunt object).
  - b. Suganda Siagian (in accordance with the autopsy report, died from burn injuries)
  - c. Slamet (in accordance with the autopsy report, died from assault with a blunt object)
  - d. Uju bin Asep (died because of suspected heart disease: no autopsy was carried out).
  - e. Sariwan (according to doctors' information, which accords with information from those who carried his corpse, died as a result of being shot)

On the basis of the reports received by the commission, the veracity of which still need to be examined, the possibility remains that the number of casualties who died in relation to the 27 July 1996 Incident is greater. The commission is submitting its further inquiry into this matter to the government.

2. Injured: 149 (one hundred and forty-nine) people, both civilian and from the security forces.

3. Missing: 23 (twenty-three) people as of 10 October 1996. The term missing [here] means that the person has yet to return to their original address, cannot yet be contacted, is itinerant [dalam perjalanan], and/or possibly has died.

4. Detained: 136 (one hundred and thirty-six) as of 3 August 1996. The number of

detainees as of 12 October has not yet been obtained from the investigating authorities.

During the above incidents, the following human rights violations by various sides occurred:

- \* Violation of the principle of freedom of association and assembly;
- \* Violation of the principle of freedom from fear;
- \* Violation of the principle of freedom from cruel and inhuman treatment;
- \* Violation of the right to life;
- \* Violation of the principle of the right to security of the person;
- \* Violation of the principle of the right to property.

Viewed in terms of the background to the 27 July 1996 incident, these events are not separate from the internal conflict in the PDI which became open because of the interference of external factors. There were three elements involved in the events of the 27 July 1996 Incident, namely:

- a. The sides in the dispute: the Medan Congress PDI central leadership (DPP PDI) group (Suryadi), and the National Conference (Munas) PDI central leadership group (Megawati Sukarnoputri).
- b. The government/security forces.
- c. The public.

III. Analysis of the background to the 27 July 1996 Incident yields the following conclusions:

1. Regarding the Incident

1. 1 That the seizure of the PDI central secretariat building at No 58 Diponegoro Street, Central Jakarta, on 27 July 1996, was an action, accompanied by violence, by the Medan Congress PDI central leadership and groups supporting it, and was carried out together with the security forces. This represented a continuation from a sequence of earlier events related to the creation of an open conflict in the body of the PDI in which the government/authorities involved themselves excessively and one-sidedly and out of proportion to their function as political steward and security force.

1. 2 That the social disturbance which subsequently broke out and spread in the area of Diponegoro, Proklamasi, Salemba, Mataram, Kramat Raya, and Senen streets, was influenced by the effect of the use of force in the seizure of the PDI central secretariat building.

2. Regarding the possibility of the 27 July 1996 Incident being prevented.

That the violent seizure of the PDI central secretariat building could actually have been

AI Index: ASA 21/70/96Amnesty International November 1996

avoided if:

First, all sides had abided by the prevailing law and taken a lawful route, and furthermore had followed the legal processes which were underway, in an attempt by the sides directly involved in the internal PDI conflict to settle the problem between them through the legal [case] which had already been handed over to the police and other competent authorities.

Second, the security forces had taken concrete preventative steps early on, including a strengthening of their physical capabilities in the form of the stationing of police units to overcome the possibility of physical conflict which could rightly have been anticipated.

3. Regarding responsibility.

a. The disputing parties.

With the occurrence of human rights violations as detailed above, there is political responsibility, concerning which both sides in dispute must be held legally responsible proportionately to the actions they have carried out. By political responsibility is meant that the actions taken to achieve political aims must be constitutional and ethical.

b. Government and security forces.

The series of incidents which coalesced in the events of 27 July 1996 can be summed up as a reflection of policies related to the fields of political stewardship and security. The operational actions which took shape on the ground gave the impression of being a continuation of a series of policies, and not merely actions carried out and initiated at the level of officials in the field.

c. Perpetrators of the disturbances.

The damaging and burning of publicly and privately owned property that occurred in the 27 July Incident cannot be justified, for any reason. The perpetrators who consciously or unconsciously carried out, and/or joined in carrying out, and were involved in or ordered the carrying out of these actions, need to be held legally responsible in accordance with the provisions in force.

d. To overcome the consequences of the 27 July 1996 Incident and prevent the repetition of such events in the future, the commission gives the following recommendations:

1. The settlement of internal problems in both political and social organisations should be carried out in accordance with the statutes and rules of association of the organization, with [the following] guidance:

\* Government interference in the form of support for one side in a dispute should be guarded against;

\* The use of violence cannot be justified, and should be avoided. The existence of a variety of opinions in organizational life is natural;

\* Disputes which cannot be settled by means of deliberation [should be] settled through the courts.

2. Enforcement of the law should not be discriminatory. In this respect, the violent action by the 200 Medan Congress PDI central leadership task force (SATGAS DPP PDI Kongres Medan) should be investigated and [the case] brought to court in accordance with prevailing legal provisions, in the same way that action is being taken against other perpetrators of the disturbances.

3. Both the supporters of the Medan Congress PDI central leadership and the National Conference PDI central leadership should adhere to and respect their statutes and rules of association, as well as the decision of the courts in settling their dispute. Nevertheless the commission still recommends that the two PDI central leaderships begin deliberations and continue through to agreement, in the national interest.

4. The government and other bodies, including insurance companies, should, on humanitarian grounds, assist victims who have lost property and businesses, in particular a number of small traders [who have lost] capital and merchandise. For the moment, the commission is adhering to the announcement by the Jakarta regional government that the value of material losses was as much as one hundred thousand million rupiah.

5. To surmount obstacles in the carrying out of investigations, it is to be hoped that the government, in publishing information relating to the violence and casualties of the disturbances, will also include the possibility that people are missing, or have yet to return to their homes, and that procedures for [issuing] autopsy reports about casualties who have died are complied with.

6. The government, by way of the competent authority, should seek the whereabouts of the missing persons, and [look into] what remains to be investigated about the possibilities [in respect of] the people who have died, without excluding the possibility of involving the Indonesian Red Cross in these endeavours.

7. [Measures taken to] surmount the problems that have arisen from the 27 July 1996 Incident, in particular those relating to detention, arrest and investigation, should be carried out fully in accordance with prevailing laws and with the utmost respect for the principle of presumption of innocence. Hence, if anyone deviates from the legal procedures in force, the government should immediately take corrective action, on the basis of the law, against the perpetrator of the deviation.

The commission conveys its respect for the security forces and their members, who succeeded in overcoming and preventing bigger disturbances and losses than those already caused by the disturbances themselves, so that [the disturbances] did not spread and grow more extensive, nor result in the emergence of disturbances which

Arrests, torture and intimidation: The Government's response to its critics

could give rise to ethnic, religious, or racial problems.

This concludes the statement of the commission, prepared in accordance with the duties and responsibilities of the commission. If new evidence is found in the future, this report shall be adapted using that new evidence.

Statement published on 12 October 1996 in Jakarta and signed by the Commission Chairman, H Munawir Sjadzali, and Secretary-General, Baharuddin Lopa.

## **Appendix II**

### **Individuals arrested since 28 July in connection with the 27 July Events**

This list includes all those individuals known to Amnesty International who were taken into custody by the security forces after 28 July 1996. There are believed to be at least another five other individuals arrested since 27 July 1996, but for reasons, including their security, their names are not included on this list.

<b>Name</b>	<b>Date, place of arrest</b>	<b>Where held</b>	<b>Current status</b>
Aan Roesdiyanto	8 pm on 10 September 1996 in Ungaran, Central Java.	Taken to police custody in Semarang.	Questioned and released the same night and ordered to report to police twice a week under charges of subversion and Article 154.
Abadi Halawa, student from University of North Sumatra	6 August Medan, North Sumatra	Held in military custody for two days and then transferred to police custody in Medan.	Released 9 September.
Agung Hardana	Not clear when arrested	Held in police custody.	Released around 27 September. Required to report to police and cannot leave Surabaya. Still facing charges under Article 154 and the Anti-subversion Law.
Agus	Arrested without a warrant by Bakorstanasda in September in Surabaya	Held incommunicado in Bakorstanasda custody for several days	Released without charge.
Agustyana, MARI	Arrested on either 2 or 5 August in Jakarta	Detained in police custody.	Released on 26 August. Not believed to be facing charges.
Akbar Endra, 22, University	Arrested on 11 October by five	Held incommunicado in military custody before	Released but still believed to be facing charges.

Arrests, torture and intimidation: The Government's response to its critics

student at Hasanudin Uni, Coordinator of the Students Party for Democracy	plainclothes men from Bakorstanasda, in Ujung Pandang.	being released into police custody.	
Aledon Nainggolan, university student in Medan, North Sumatra.	see Abadi Halawa		Released 9 September.
Amrun, university student in Yogyakarta, Central Java	Arrested without a warrant at around midnight on 31 July in Yogyakarta by the military. Kodim	Held in military custody at District Military Command. Accused of involvement with PRD.	Released on 1 August.
Andi Gumbul	Arrested on 31 August in Blitar.	Transferred to police custody in Jakarta	Released on 18 or 19 September. Still facing charges under Article 154.
Ari (Harry) Kurniawan, university student Yogyakarta.	Arrested at a demonstration outside the University of Gadjah Madah in Yogyakarta, without a warrant on 2 August by police.	Not clear if held in military or police custody. Beaten while in custody.	Released without charge on 3 August.
Arinda Kurniawan (20)	Arrested on 14 August by the military in Blitar, East Java.	Transferred to police custody in Surabaya	Released on 27 September. Believed to be facing charges under Article 154 and subversion. Not allowed to leave Surabaya and has to report to police.
Atok	Arrested without a warrant by Bakorstanasda in September in Surabaya	Held incommunicado in Bakorstanasda custody for several days.	Released without charge.
Benny Sumardi, 43	Arrested on 11 August in Jakarta by officers from	Held incommunicado in military custody, before being transferred to the	Released on 21 August - still facing a charge of "harbouring criminals".

Arrests, torture and intimidation: The Government's response to its critics

	military intelligence.	custody of the Attorney-General.	
Budi Pratono, 26	Arrested on 2 August 1996 in Surakarta, Central Java.	Transferred to police custody in Jakarta.	Released on bail 21 August. Believed to be still facing subversion charges.
Budiman Sujatmiko, 27, PRD leader.	Arrested on 11 August 1996, in Jakarta by military intelligence officers.	Originally held incommunicado in military custody. Currently held in Attorney-General's custody in Jakarta.	<b>Still detained.</b> Charged with subversion.
David Kristiantoro, Student in Surabaya	Arrested late August early September by the military in Surabaya	Originally held incommunicado in military custody before being transferred to police custody.	Released. Believed to be still facing charges under Article 154 and the Anti-subversion Law. Has to report to police and not permitted to leave Surabaya.
Didit Sutopo, 23, university student from Surakarta	Arrested on 7 August 1996 by police in Surakarta.	Held in police custody, Surakarta.	Released on 8 August apparently without being charged.
Diki Prabowo	Arrested from his home in Mojokerto. Not known when.	Not known.	Not known but believed to have been released.
Eko Prastowo	Arrested without a warrant on 2 August during a demonstration outside Gadjah Madah University in Yogyakarta	Not clear if held in military or police custody. Beaten while in custody.	Released without charge on 3 August.
Erwin, (See Iman Gozaali)	Arrested without a warrant by the military on 31 July, 1996 in Yogyakarta	Held in military custody	Released on 1 August without charge.
Freddy Manurung, university student in Medan	Arrested on 6 August by the military in Medan, North Sumatra.	Taken to military detention facility and then transferred to police custody in Medan	Released 9 August, without charge.

Arrests, torture and intimidation: The Government's response to its critics

Ganda Manurung, university student	Arrested on 6 August by the military in Medan, North Sumatra.	Taken to military detention facility and then transferred to police custody in Medan	Released 9 August without charge
Ganjar Christian, student	Arrested without a warrant in late August or early September by the military in Surabaya.	Originally held in military custody and later transferred to police custody	Released on 27 September but facing charges under Article 154 and subversion. Not permitted to leave Surabaya.
Garda Sembiring, 25, SMID activist	Arrested on 11 or 12 August in Jakarta.	Originally held incommunicado in military custody. Transferred to Attorney-General's custody.	<b>Still detained.</b> Held under charges of subversion
Gito (believed to be the same as Muhammad Ali)	Arrested without a warrant by police on 2 August at a demonstration at Gadjah Madah University in Yogyakarta.	Held in police custody in Yogyakarta.	Released on 3 August without charge. Believed to have been beaten in custody.
Hari Sutanta	8 pm on 10 September, Ungaran in Central Java	Held in police custody	Released after several hours of questioning by police. Released without charge.
Hasanudin, student	Arrested on 2 August in Surakarta		Released on 6 August
Hendrik Dikson Sirait, (24), PIJAR	Arrested by the military on 1 August during a demonstration outside the Jakarta District Court	Held originally incommunicado in military intelligence custody. Transferred to police.	Released on 26 August on reporting conditions. Deferment of charges under Articles 154 and 170.
Indah Suriawati, student from Menado in North Sulawesi	Arrested without a warrant on 19 August at a university campus		Released same day apparently without charge.
Indra Goenawan	Arrested on the evening of 21 August in Jakarta	Believed to have been held in police custody.	Released but still facing charges under Article 154 and subversion.

Arrests, torture and intimidation: The Government's response to its critics

			Interrogated without a lawyer present.
Ignatius Pranowo, PPBI activist	Arrested by the military on 12 August in Jakarta.	Originally held incommunicado in military custody. Transferred to Attorney-General's custody.	<b>Still detained.</b> Facing subversion charges.
Ignatius Putut Arintoko, activist	Arrested by the military on 12 August in Jakarta	Originally held incommunicado in military custody. Transferred to Attorney-General's custody.	<b>Still detained.</b> Facing subversion charges.
I Gusti Anom Astika, 25, activist	Arrested on 9 or 10 September Ungaran, Central Java	Being held in Attorney-General's custody in Jakarta	<b>Still detained.</b> Held under subversion charges.
I Sunarman Purwosaputro + two others (Patriatno and Titin)	Believed to have been arrested by the military without a warrant prior to 7 August in Yogyakarta.	Held incommunicado in military custody.	Released in August. Not believed to be facing charges.
Iman Gozaali or (Achmad Imam Ghozali), university student	Arrested without a warrant by the military on 31 July, 1996 in Yogyakarta	Held in military custody at District Military Command. Accused of involvement with PRD.	Released on 1 August.
Imana Diyanto, student	Arrested by Bakorstanasda in September in Surabaya	Held in military custody.	Released without charge apparently after several days in military custody. Denied access to lawyers.
Kelik Ismunandar (See also Unang), student activist from Surakarta	Not known but believed to have been arrested without a warrant by the military before 4 September in Surakarta	Held in military custody in Surakarta	Believed to have been released but precise details not clear.
Kendar Kusumandaru, activist with SMID	Arrested by the military on 11 August in Jakarta	Originally held incommunicado in military custody. Transferred to Attorney-	<b>Still detained.</b> Held under subversion charges.

Arrests, torture and intimidation: The Government's response to its critics

		General's custody	
Kurniawan (Jacobus), PRD	Arrested by the military on 12 August in Jakarta	Originally held incommunicado in military custody. Transferred to Attorney-General's custody	<b>Still detained.</b> Held under subversion charges
Lisa Febrianti (f) 22, student at Universitas Airlangga, Surabaya	Arrested on 2 August at her home by military intelligence officers	Held incommunicado in military custody for several days before being transferred to police custody	Released 27 September. Facing charges under Article 160, 154 and also subversion.
Mangasi, student from Medan, North Sumatra	Arrested by the military on 6 August in Medan	Taken to military detention facility for two days and then transferred to police custody in Medan.	Released - 9 August.
Morgan Sinaga, student from Medan, North Sumatra	Arrested by the military on 6 August in Medan	Taken to military detention facility and then transferred to police custody in Medan.	Released - 9 August.
Muchtar Pakpahan, SBSI leader	Arrested on 30 July at around 11pm from his home in Jakarta	Held in Attorney-General's custody in Jakarta. Denied access to a lawyer during his first week in custody.	<b>Still detained.</b> Held under Anti-subversion Law.
Munif Laredo, activist	Arrested on 15 August from a restaurant in Jakarta	Held in military intelligence custody	Believed to have been detained for around six weeks. Not known to be facing charges.
Nia Damayanti (f), student in Surabaya	Arrested on 16 September by military intelligence officers.	Believed to have been held in Bakorstanasda custody. Originally denied access to family and lawyers	Released. Not clear if still facing charges.
Nurhana (See Iman Gozaali), student	Arrested without a warrant by the military on 2 August, 1996 in Yogyakarta	Held in military custody in Yogyakarta.	Released without charge on 3 August.
Nurhayati (f)	Arrested by police	Held under Attorney-	<b>Still detained.</b> Alleged to

Arrests, torture and intimidation: The Government's response to its critics

	on 14 August from home in Jakarta	Generals custody in Jakarta	have spoken at Freedom Forum in Jakarta. Three months pregnant at the time of her arrest. Charged and now being tried under Article 154.
Nurlaeli Huda	10 September at 8 pm in Ungaran, Central Java	Police custody.	Released but a suspect under Article 154. Reporting to police twice a week.
Parlindungan Sibuea (1 of 7 Medan students)	Arrested by the military on 6 August in Medan	Taken to military detention facility for two days and then transferred to police custody in Medan.	Released without charge 9 August.
Patriatno	Believed to have been arrested by the military without a warrant prior to 7 August in Yogyakarta	Held incommunicado in military custody.	Released. Not believed to be facing charges.
Petrus Haryanto, 26, PRD Secretary-General	Arrested on 11 August in Jakarta by the military.	Originally held incommunicado detention by the military. Currently in Attorney-General's custody in Jakarta	<b>Still detained.</b> Facing trial under the Anti-subversion Law
Drs Prihadi Beny Waluyo, University lecturer at Universitas Kristen Duta Wacana, 26	Arrested in Yogyakarta, by the military in early August.	Garnizun (police custody?) Yogyakarta	Released apparently without charge. Believed to have been arrested because he put some information about the PRD on the internet.
Rizal Muhamad, 20 (also Wisnu Ranta Hadi)	Arrested on 8 August by military intelligence in East Java.	Believed to have been held originally incommunicado in military custody and then transferred to police custody.	Released on 27 September but still facing charges under Article 154 and subversion. Not permitted to leave Surabaya.
Ronald Naibaho, university	Arrested by the military on 6 August in Medan, North	Taken to military detention facility for two days and then	Released 9 August.

Arrests, torture and intimidation: The Government's response to its critics

student in Medan, North Sumatra	Sumatra.	transferred to police custody in Medan.	
Rusli Nurman	Arrested by police and military around 17 August in Kendal, Central Java	Held in police custody in Kendal.	<b>Believed to be still detained.</b> Arrested after he was reported to the police by a neighbour for making a speech about the PRD. Facing charges under 154
Sangasir Karside (alias Prewok), teacher	Arrested on 14 August by Bakorstanasda	Originally held incommunicado by Bakorstanasda but then transferred to police custody	Released on 27 September.
Simson Simanjuntak (1 of 7 Medan students)	Arrested by the military on 6 August in Medan, North Sumatra	Held for two days in military custody before being transferred to police custody.	Released 9 August.
7 SBSI members	Arrested without a warrant by the military in Deliserdang, North Sumatra, on 13 August	Held incommunicado in military custody. Three were held for two days while the remaining four were detained for seven days.	All released apparently without charge. Some are believed to have been beaten in custody.
Stevanus	Arrested on 10 September 8pm in Ungaran, Central Java by police.	Police custody	Released still facing charges as a suspect under Article 154. Forced to report to police twice a week.
Subarni Budi Kasih (f), 21, university student	Arrested without a warrant by the military on 6 August in Yogyakarta.	Believed to have been held incommunicado in military custody.	Released. Originally accused by ABRI spokesperson of violating Article 134 and 154. No longer facing charges.
Subur Budiman, (Dr)	Taken into custody without a warrant by the military at 10pm on 29 July in Jakarta.	Detained at Regional Military Command Headquarters in Jakarta.	Released without charge on 31 July.
Suyoko (See Iman Gozaali)	Arrested without a warrant by the military on 31 July,	Held in military custody at District Military Command. Accused of	Released on 1 August.

Arrests, torture and intimidation: The Government's response to its critics

	1996 in Yogyakarta	involvement with PRD.	
Suroso, SMID activist	Arrested on the night of 11 August by the military in Jakarta	Originally held incommunicado in military custody. Now in Attorney-General's custody in Jakarta.	<b>Still detained.</b> Facing trial on subversion charges.
Syafei Kadarusman (Insinur)	Arrested on 2 August in Jakarta by police	Detained in police custody in Jakarta	Released 6 August
Syafi'i Kemamang, student activist	Surrendered to police custody on 17 August after his family were pressured by military intelligence officers to hand over Syafi'i	Held in police custody in Surabaya	Released - not clear when. Not believed to be facing charges.
Syamsul Bachri, 23, university student	Arrested on 2 August Toroh village near Grobogan, Central Java	Transferred to police custody in Jakarta.	Released on bail 21 August but still facing charges under Anti-subversion Law
Titin (See I Sunarman)	Believed to have been arrested by the military without a warrant prior to 7 August in Yogyakarta	Held incommunicado in military custody.	Released and not believed to be facing charges.
Dr Tjiptaning (f)	Arrested without a warrant on 14 August by local and BIA from her clinic in Jakarta	Held incommunicado in BIA custody	Released on 17 August. Not believed to be facing charges.
Tony Permana	Arrested by the military without a warrant on 31 July in Yogyakarta	Held in military custody at District Military Command. Accused of involvement with PRD	Released on 1 August without charge.
Triana Damayanti (f), student activist, Surabaya	Not clear when arrested but believed to be in August by the military in	Held incommunicado in Bakorstanasda Surabaya for two weeks before being transferred to police custody.	Released on 27 September. Believed to be facing charges under Article 154 and Anti-subversion law.

Arrests, torture and intimidation: The Government's response to its critics

	Surabaya.		
Trio Yohanus Mulyato, 23 student activist	Arrested without a warrant on 2 August by Bakorstanasda in Surabaya	Originally held incommunicado at Regional Military Command Headquarters in Surabaya. Then transferred to police custody.	Released on 27 September. Believed to be facing charges under Article 154 and subversion.
Unang Sutyoso, student activist in Surakarta	Not known but believed to have been arrested without a warrant by the military before 4 September in Surakarta	Believed to have been held incommunicado in military custody.	Not clear but believed to have been released. Not known to be facing charges.
Ny B Veronica Sembiring, 60 (F)	Arrested on 2 August in Bogor, West Java	Believed to have been held in police custody in Bogor	Conditionally released on 15 August. Believed to be still facing charges including for possession of ammunition.
Victor da Costa, activist	Arrested on 12 August by the military in Jakarta.	Originally held incommunicado in military custody. Transferred to Attorney-General's custody in Jakarta	<b>Still detained.</b> Facing subversion charges.
Wahyono, and four others - Blumut, Umung Sugianto, Kasyono and Mingri	Arrested during October in Wonosobo, Central Java, apparently by the military	Believed to have been held in military custody in Wonosobo	Released. Not known when. Accused of spreading hatred against President and discrediting the govt and of being PRD members. Forced to report to military but not clear if charged.
Wahyu Susilo	Arrested on 31 August by plainclothes officers from a women's NGO in Jakarta	Held incommunicado in BIA custody.	Held for several hours. Beaten and subjected to electric shocks. Not known to be facing charges.
Wahyu Widyanarko (24)	Arrested by the military on 12 August in Jombang, East Java	Believed to have been held in military custody	Released but not known when. Not believed to be facing charges.

Arrests, torture and intimidation: The Government's response to its critics

Wignyobin Mardi, student activist	Arrested without a warrant on 3 September apparently by the military in Jakarta	Not clear where originally held. Transferred to Attorney-General's custody in Jakarta.	<b>Still detained.</b> Facing subversion charges.
Wilson B Nurtiyas, 28, PPBI activist	Arrested on 10 September in Semarang, Central Java	Currently being held in Attorney-General's custody in Jakarta	<b>Still detained.</b> Facing subversion charges.
Wirayanti (f), student activist	Arrested on 10 September in Ungaran, Central Java.	Believed to have been held in police custody.	Released but facing charges as a suspect under Article 154. Has to report to police twice a week.
Wisnu Ranta Hardi, 19 (also spelt Winaranto)	Arrested without a warrant on 8 August by Bakorstanasda, East Java.	Originally held incommunicado in military custody and then transferred to police custody in Surabaya.	Released on 27 September. Believed to be facing charges under Article 154 and subversion.
Wisnu Agung (See Gito)	Arrested without a warrant by police on 2 August at a demonstration at Gadjah Madah University in Yogyakarta.	Held in police custody in Yogyakarta.	Released on 3 August without charge. Believed to have been beaten in custody
Wulan (f), student	Arrested without a warrant by Bakorstanasda in September in Surabaya	Held incommunicado in Bakorstanasda custody for several days.	Released without charge.
Yohannes Librayanto (See Gito)	Arrested without a warrant by police on 2 August at a demonstration at Gadjah Madah University in Yogyakarta.	Held in police custody in Yogyakarta.	Released on 3 August without charge. Believed to have been beaten in custody
Yul Amrozi	Arrested without a warrant on 30 August by plainclothes military	Held incommunicado in military custody.	Released on 5 September. It is not known whether he faces charges.

Arrests, torture and intimidation: The Government's response to its critics

	officers in Yogyakarta.		
Yulianti + 6, students	Arrested without warrants by the military on 14 August in Yogyakarta	Held in military custody in Yogyakarta.	Released on 15 August without charge.
Zainal Abidin, 24/23, student in Surabaya	Arrested without a warrant by plainclothes men believed to be military on 2 August in Surabaya	Originally held incommunicado in military custody. Transferred to police custody.	Released on 27 September. Beaten during his time in Bakorstanasda custody. Believed to be facing charges under Article 207, 154 and subversion.

## **Appendix III**

### **Individuals called for questioning in connection with the 27 July events**

#### **Members of Parliament**

Megawati Sukarnoputri  
Suryadi  
Sutardjo Soerjogoeritno - Polda  
Aberson Marle Sihalohe - now facing charges under Articles 134, 154, and 207.  
Roy Janus  
Sabam Sirait  
Sukowaluyo Mintoraharjo  
Sophan Sophian  
Mangara M Siahaan

#### **Others**

Agus Santoso, human rights activist.  
Ahmad Effendi, university student  
Alam Hadriyanto, university student  
Alamsyah Hamdani, Director of LBH Medan  
Albert Novianto, university student  
Alexander Litaay, ousted Secretary-General of the PDI;  
Ali Sadikin  
Amosi Telaumbanua and two colleagues, SBSI Medan<sup>47</sup>  
Andrilliwan Bangsawan - journalist  
Aries Arief Mundayat  
Abdoel Madjid, member of PDI  
Bambang Widjojanto, Director of YLBHI  
Berar Fathia, PDI supporter  
Buttu Hutapea - Medan congress installed Secretary General of PDI  
Christina Joseph, lawyer at LBH in Ujung Pandang  
Djatikusumo  
Father Ismartono, Jesuit priest  
Father Sandyawan, Jesuit priest - facing charges  
Gerry Grefisanto, university student

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<sup>47</sup>There are believed to be an additional 56 SBSI activists in Riau, Garut, Lampung, Pekanbaru, Surakarta, Malang who have also been questioned.

Arrests, torture and intimidation: The Government's response to its critics

Goenawan Mohamad, journalist and writer

Hasbi Abdullah, human rights lawyer at LBH Ujung Pandang

Heri Sebayang

Jero Wijaya, PDI Coordinator in Songan, Bali. Believed to be facing charges. <sup>48</sup>

Julius Usman

Marpinawang, SH, lawyer from LBH Ujung Pandang

Mulyana Kusumah, human rights lawyer, KIPP leader

Nasiruddin, lawyer from LBH in Ujung Pandang - facing charges Article 111 and 154

Permadi, spiritualist

Pramoedya Ananta Toer, writer

Yohannes Princen, human rights lawyer

Rahman Rasyid, student from Sudirman University

Ridwan Saidi, leader of MARI

Rini, student activist in Ujung Pandang

Sukmawati Sukarnoputri, head of Gerakan Rakyat Marhaen, Megawati Sukarnoputri's sister

Sunarti, Secretary General of SBSI

Ny Supeni, leader of PNI Baru

Suwasti, SBSI Jakarta

Tohap Simangkulit, SBSI Jakarta

Tuti Anies, environmental activist

Umar Tosin, political activist

Yopi Tamashua, political activist

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<sup>48</sup>Questioned by the military in Bangli, Bali on 28 July 1996 along with another 11, who were called back in for questioning by police in Gianyar, Bali.