

EXTERNAL (for general distribution)

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Further information on UA 408/91 (ASA 21/26/91, 22 November 1991) and follow-ups ASA 21/28/91 of 29 November 1991, ASA 21/29/91 of 10 December 1991 and ASA 21/02/92 of 9 January 1992 - Legal Concern/Fear of Torture

Indonesia/East Timor:

Jakarta:

Agapito Cardoso*
Domingos Barreto*
Fernando de Araujo*
Joao Freitas da Camara*
Virgilio*
Metodio Moniz
Antonio Lopez
Felipe da Silva
Joao Sarmento
Fausto Bernardino
Joao "Travolta"
Gregorio de Araujo
Jose Maria Belo

Avelino Maria Coelho da Silva
Mario Canelas
Egas Quintao Monteiro
Francisco Vasco Ramos
Jose Luis de Oliveira
Sergio Dias Quintao
Benevides Cabral
Ilidio da Costa
Antonio Soares
Jose Pompeia Saldanha Ribeiro
Clemente Soares
Antonio Matos

one other, reportedly transferred from Dili, early January 1992 and Antonio Goncalves, whereabouts unknown

Yogyakarta:

Several students (names unknown)

and new names held at Dili:

Bonifácio Magno*
Carlos dos Santos Lemos*
Filomeno da Silva Ferreira*
Francisco Miranda Branco*
Gregório da Cunha Saldanha*
Jacinto das Neves Raimundo Alves*
Juvêncio de Jesus Martins*
Saturnino da Costa Belo*

Bandung:

Nine students, including:

Agus Jaya
Asep
Novi
Daniel
Nurdin
Pius

* reported to be facing trial

The above East Timorese highlighted with asterisks, arrested after the Santa Cruz massacre and held either in Dili or Jakarta, are to be brought to trial imminently. It is understood that four, including Fernando de Araujo and Joao Freitas da Camara in Jakarta and Francisco Miranda Branco and Gregório da Cunha Saldanha in Dili, have been charged with subversion, which carries a maximum sentence of death. Agapito Cardoso, Domingos Barreto and Virgilio in Jakarta face charges of "expressing public opposition to the government" and all five Timorese in Jakarta were handed over to a district court there yesterday. The trials of Francisco Branco and Gregório da Cunha Saldanha in Dili are scheduled for 12 and 14 March respectively. Charges and trial dates for the remaining six prisoners in Dili have not been announced.

There is concern over possible interference by the authorities over legal arrangements for the defendants. Reports indicate that a team of lawyers sent by the Indonesian Legal Aid (LBH) Foundation, which has been authorized by the defendants to represent them, was denied access to the prisoners last week.

Of the 13 named as facing trial, two in Dili - Jacinto das Neves Raimundo Alves and Saturnino da Costa Belo - are new names that have not appeared either in earlier Urgent Actions or the report Santa Cruz: The Government Response (ASA 21/03/92) issued on 6 February 1992. Fernando de Araujo, facing subversion charges, had reportedly been held incommunicado while recovering from injuries sustained from beatings and torture during interrogation (see UA follow-up ASA 21/02/92, 9 January 1992).

Amnesty International is seeking clarification as to which of the Jakarta detainees listed above were among the 17 Timorese students released on 28 February. There is concern that these students were still being held several days later at the Wisma Jayakarta in Jatinegara, East Jakarta, awaiting a "lecture" from military and government officials. It is not known whether all charges have been dropped against them and there is concern that they may be subject to rearrest in future. It is believed that some will be summoned by the authorities as witnesses in the trials.

Amnesty International is concerned that, as past practice in subversion trials in Indonesia and East Timor has shown, the impending trials may fail to meet international standards of fairness. In particular, Amnesty International is concerned at reports that some of those facing trial have been subject to beatings and torture during interrogation.

Amnesty International believes that most if not all of those to be tried will, if convicted, be prisoners of conscience detained and imprisoned solely for the peaceful expression of protest against Indonesian rule in East Timor.

FURTHER RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters

- seeking confirmation that the prisoners named above are to face trial and clarification of the charges against each of them;
- expressing concern at reports that some of those facing trial were reportedly beaten and tortured during interrogation and at the effect this may have on the fairness of the trials;
- seeking clarification on names of students released on 28 February and calling for all persons remaining in custody in connection with the 12 and 19 November demonstrations either to be promptly charged with recognizably criminal offences or unconditionally released;
- seeking assurance that any trials that are carried out are conducted in a manner that meets international standards for fairness, including, among others, the right to legal counsel to prepare an adequate defense;
- urging the authorities, in the interests of ensuring that trials meet international standards for fairness, to permit independent observers to attend all trials.

APPEALS TO:

1. The President
President Suharto
Istana Negara
Jalan Veteran
Jakarta, Indonesia

**Telegrams: President Suharto, Jakarta
Indonesia**

Telexes: 44283 BIGRA IA; 44469 DEPLU IA

**Faxes: +62 21 36 7781; +62 21 36 7782;
+62 21 360517**

**(via Ministry of Foreign Affairs)
Salutation: Your Excellency**

3. Attorney General

Agung Singgih

Jaksa Agung, Jl Sultan Hasanuddin 1
Kebayoran Baru, Jakarta Selatan
Jakarta, Indonesia

**Telegrams: Attorney General, Jakarta,
Indonesia**

Telexes: 44404 DITJENIM IA
Faxes: + 62 21 32 1625
(Both via Ministry of Justice)
Salutation: Dear Attorney General

2. Minister of Justice
Ismail Saleh, SH
Jalan Rasuna Said, Kav 6-7
Kunlingan, Jakarta Selatan, Indonesia
Telegrams: Justice Minister, Jakarta
Indonesia
Telexes: 44404 DITJENIM IA
Faxes: + 62 21 32 1625
Salutation: Your Excellency

4. Minister of Foreign Affairs
Ali Alatas SH
Kementerian Luar Negeri
Jalan Taman Pejambon 6
Jakarta, Indonesia
Telegrams: Foreign Affairs Minister,
Jakarta Indonesia
Telexes: 44205; 44469 DEPLU JKT
Faxes: +62 21 36 7781; +62 21 36 7782;
+62 21 360517
Salutation: Your Excellency

COPIES OF YOUR APPEALS TO:

<u>Governor of East Timor</u>	<u>Jakarta Post</u>	<u>Indonesian Legal Aid</u>
Ir. Mario Carrascalao	PO Box 85	<u>Foundation</u>
Gubernur KDH Tk. 1 Timor	Jakarta 11001, Indonesia	Yayasan Lembaga Bantuan
Timur	Faxes: +62 21 549 2685	Hukum Indonesia
Jalan Inpantai D. Hendrikue		Jl. Diponegoro 74
Dili, East Timor		Jakarta 10320, Indonesia

and to diplomatic representatives of Indonesia in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 April 1992.