
amnesty international

£INDONESIA @Update on Student Prisoners of Conscience

JULY 1994

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Introduction

The prison terms imposed upon 21 student prisoners of conscience, sentenced in May 1994, have now been increased by the High Court in Jakarta. The students had been arrested in December 1993 for holding a demonstration to protest against human rights violations under the government of President Suharto. They were sentenced to six months' imprisonment in May 1994 on charges of "publicly insulting the head of state". Two other students, **Bambang Subono** and **Bambang Isti Nugroho**, sentenced to seven and eight years imprisonment respectively in 1989, were conditionally released from prison on 5 June 1994. Their release came at the recommendation of the Regional Military Commander for Central Java.¹

The 21 prisoners of conscience²

The 21 students were sentenced to six months imprisonment each for taking part in a demonstration in December 1993. At the demonstration, which was held outside Indonesia's national parliament (DPR), about 200 students called upon President Suharto to take responsibility for human rights violations committed by government forces during his nearly 30 years in power.

¹ For further details see *Indonesia: Student Prisoners of Conscience*, June 1994 (ASA 21/14/94).

² The names and sentences of the 21 students are listed in Appendix I.

Following the initial trial, at the Central Jakarta District Court, the students said they would not appeal because they lacked confidence in the country's judicial system and believed they would be treated unfairly during the appeals process. The state prosecutors did, however, submit an appeal for the sentences to be increased. In mid-June the High Court in Jakarta not only upheld the ruling but actually increased the sentences imposed on the students, by between two and 14 months. The court ruled that the increased sentences were warranted because the students had used the trials for purposes of "political propaganda". A court official said that the students had acted in contempt of court by clapping and shouting during the hearing.³

Lawyers from the Indonesian Legal Aid Foundation (LBH) said the organization was ready to represent the students if they wished to take the case to the Supreme Court. LBH said the students had a right to appeal to the Supreme Court because the procedures followed in submitting the appeal had breached Indonesia's Code of Criminal Procedure (KUHAP). The students were informed that an appeal had been filed by the state prosecutors only one day before the decision was handed down by the High Court. The students were thus denied the opportunity to read the prosecutors' appeal against the District Court's decision and were unable to submit a response. According to the KUHAP, all defendants must receive notification of such an appeal at least one week before the hearing.

Bambang Subono and Bambang Isti Nugroho

Bambang Subono and Bambang Isti Nugroho were both convicted under Indonesia's sweeping Anti-Subversion Law. They were accused of possessing banned literature - including novels by the renowned Indonesian author, Pramoedya Ananta Toer - and for participating in "illegal" discussion groups. After serving two thirds of their sentences both students submitted formal requests for conditional release. While the requests were approved by the relevant civilian officials, the Regional Military Commander for Central Java had not given clearance by May 1994, giving rise to concern at the possible arbitrary use of military power to impede their release. In June, the military commander approved the request and the two students were released from prison.

According to Ministry of Justice regulations all prisoners, including those convicted of subversion, are eligible for conditional release after having served at least two thirds of their sentence. The regulations stipulate that to be eligible for early release a prisoner's "conduct and attitude" must have improved and that they must have shown regret for the offence committed. After the request has been assessed by the prison authorities the final decision is taken by the Military Commander for the region in which the prisoners are held.

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

- expressing concern that the sentences imposed on the 21 students [please list their names] have now been increased (to Addresses Nos. 1 and 3 below);

³ *Tempo* 25 June 1994.

- noting that all 21 have been imprisoned solely for the expression of non-violent activity, and for expressing opinions critical of the government; urging their immediate and unconditional release (to Addresses Nos. 1 and 3 below);
- welcoming the conditional release of Bambang Subono and Bambang Isti Nugroho and urging the government to ensure that the legal procedures for conditional release are in future applied fairly and consistently to all prisoners (to Addresses 2 and 3 below).

APPEALS TO:

1. Maj. Gen. A.M. Hendro Priyono (Regional Military Commander for
Pangdam X/Jakarta Raya Greater Jakarta)
Markas Besar KODAM X Jaya
Jl. Mayjen Sutoyo
Jakarta
Indonesia

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

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

COPIES OF YOUR APPEALS TO:

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

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

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

KEYWORDS: PRISONERS OF CONSCIENCE / TRIALS / STUDENTS / WOMEN /
DEMONSTRATIONS / CONDITIONAL RELEASE / PRISONERS' LISTS / PHOTOGRAPHS /

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APPENDIX I: Student Prisoners of Conscience convicted in 1994

Name	Sentence	Sentence after appeal
A Yunus	Six months	Not known
Adi Kurniawan	" " "	14 months
Andi Harsono	" " "	8 months
Andrianto	" " "	8 months
Antony Leroy John Ratag	" " "	10 months
Farid Paskah	" " "	Not known
Ferry Haryono Machus	" " "	8 months
Gunardi Aswantoro	" " "	12 months
Hendrik Dikson Sirait	" " "	10 months
Munasir Hendra	" " "	8 months
M. Rifki	" " "	10 months
Mandri Sri Martiana	" " "	10 months
Masduki	" " "	10 months
Nuku Soleiman	" " "	5 years (after appeal)
Teddy Wibisana	" " "	12 months
Firyadi	" " "	8 months
Saef Lukman	" " "	8 months
Sunandar	" " "	8 months
Suwito	" " "	10 months
Toni Sinaga	" " "	8 months
Wandi Nicodemus Tuturoong	" " "	12 months
Yeni Rosa Damayanti	" " "	12 months