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## STATEMENT OF AMNESTY INTERNATIONAL'S CONCERNS IN INDONESIA

### I. Detention of Prisoners of Conscience and Possible Prisoners of Conscience

Amnesty International is concerned that many prisoners in Indonesia may be prisoners of conscience, that is, men and women detained for their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated the use of violence. Possible prisoners of conscience in Indonesia fall into three main categories: people arrested in connection with the abortive coup attempt of 1965, most of whom are alleged by the government to have been members of the Indonesian Communist Party (PKI); Muslim activists; and leaders of what is termed the "moderate opposition".

The first group is the most easily defined as it consists of about 200 people, mostly arrested between 1965 and 1968, who were tried in either special military courts or civilian courts on charges of subversion.

The second group is more heterogeneous. It includes people suspected of trying to establish an Islamic state or of wanting to replace the state ideology, Pancasila,\* with Islam; people involved in the publication of dissident Islamic newspapers; people accused of spreading false information through the distribution of cassette recordings or pamphlets relating to a riot in September 1984 allegedly sparked by the speeches of Islamic preachers; and youths who may have been falsely charged with having used force against security officials allegedly trying to halt the riot.

The third group, often referred to by journalists as the "moderate opposition," is also diverse. It consists of those whose detention may be due in part or wholly to their public criticism of government policies but who do not appear to belong to any definable political camp or to have any particular ideological orientation. In the late 1970's, the center of this opposition was said to have been in the major universities on Java, especially those in Jakarta, Yogyakarta and Bandung. Since 1980, the nucleus of the "moderate opposition" has reportedly been a group of retired military officers and elder statesmen who signed or have been linked to a petition sent to President Suharto in 1980 criticizing his use of authority and his interpretation of the role of the military in Indonesia. Members of this group, known as the "Petition of 50" group or the "Group of 50," have continued to take issue with the government ever since in a series of published statements.

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\* Pancasila, literally "the five principles", was conceived by Indonesia's first president, Sukarno, in 1945 as a means of bridging ideological differences within the nationalist elite. President Suharto, Sukarno's successor, has given Pancasila the stature of state ideology, and Pancasila courses are now required in all schools and special training courses in Pancasila are required of all government employees. The five principles are 1) belief in one God; 2) humanitarianism; 3) nationalism; 4) democracy; and 5) social justice.

In many cases, the division between the Muslim activists and the "moderate opposition" is blurred, because several senior Muslim politicians to whom the younger Muslim activists look for leadership are members of the "Petition of 50" group, and many of the retired military officers who signed or are associated with the "Petition of 50" have a strongly Islamic orientation. The distinction, however, remains a useful one, as Amnesty International believes that those members of the "moderate opposition" who have been arrested may have been detained more for their criticism of the government and military than for their involvement in Islamic activities.

(a) Prisoners Detained in Connection with the 1965 Attempted Coup

Amnesty International is concerned by the continued detention of approximately 200 so-called "Category A" prisoners who had been arrested and tried in connection with the attempted coup of 30 September 1965, for which Indonesian military leaders and the current government have held the Indonesian Communist Party (PKI) responsible. The prisoners are generally referred to by the Indonesian acronym for "Thirtieth of September Movement" or "G.30.S", sometimes written out as "Gestapu".

The thousands arrested after the abortive coup (those released from detention alone total some 1,479,000 according to a recent Ministry of Home Affairs estimate) were grouped into three categories. "Category A" prisoners were considered by the government to have been directly involved in the coup. "Category B" included those who allegedly supported the coup as well as those who were said to be leaders of the PKI and its affiliated mass organizations. "Category C" included alleged members of the mass organizations or other organizations "based on the same principles" as the PKI or those deemed to have "shown sympathy" for the PKI by their "attitudes and actions". By the end of 1979, most of the "B" and "C" prisoners had been released, many after having been detained without charge or trial for more than 13 years.

Many of the "A" prisoners still in detention reportedly had held positions in local branches of the PKI or its affiliates, or were alleged to have been involved in an underground organization in South Blitar in 1967, said to have established by remnants of the PKI after the aborted coup, and to have been planning an uprising against the government. Although sufficient information is not available to be able to say with certainty that these men and women are prisoners of conscience, Amnesty International believes that many may have been detained for their non-violent political beliefs rather than for any involvement in the coup. Details of who was responsible for the coup attempt remain unclear twenty years later, but most evidence points to a group of middle-ranking military officers at odds with the top army leadership, with some support from individual leading PKI officials. There is little evidence to indicate any involvement or support from the party as a whole.

Many of the "A" prisoners may not have received a fair trial. Many of the trials were held in camera without advance notice. In the case of those which were held in civilian courts and which were open to the public, observers reported that judges did not seem impartial. Little opportunity appears to have been available to the defendants to cross-examine witnesses or, in some cases, to consult with government-appointed lawyers.

In November 1979, "A" prisoners were made eligible for remission and parole on the same terms as ordinary criminal prisoners, but the application of rules regarding sentencing, parole and remission has reportedly been arbitrary (see Amnesty International Report 1984). Amnesty International has urged the Indonesian government to apply these rules in a consistent fashion.

Approximately 28 of the G.30.S prisoners are under sentence of death (see ASA 21/23/85, Indonesia: Prisoners Under Sentence of Death for Alleged Offences Relating to an Attempted Coup in 1965 or Membership of the Indonesian Communist Party). One prisoner, Mohammed Munir, the former head of the PKI-affiliated trade union SOBSI, was executed by firing squad on 14 May 1985 after his final appeal for clemency had been rejected by President Suharto. Three other prisoners, Gatot Lestario, Djoko Untung and Rustomo, were executed between 1 and 3 July 1985, reportedly in Madura. Their final appeals had been rejected in 1984. All four of the executed men had been accused of involvement in the South Blitar organization. Amnesty International is concerned that another prisoner arrested for involvement in the South Blitar affair, Ruslan Widjayasastra, may now be in danger of execution. It is believed that his final appeal has also been rejected. Appeals for the other PKI prisoners sentenced to death are believed to be still pending.

Amnesty International is also concerned that where G.30.S prisoners have been released, they may not enjoy the full rights of ordinary citizens and may be prevented from earning a satisfactory living. Amnesty International considers that most "B" and "C" prisoners were probably prisoners of conscience. Some 1,458,700 of them have been released, according to Ministry of Home Affairs figures, and face a wide range of restrictions. They cannot become teachers, university lecturers, journalists, lawyers or traditional puppeteers (all positions which have direct contact with large numbers of people), according to Home Affairs Instruction 32/1981. They may not vote in national elections and reportedly have difficulty obtaining permits to change place of residence; they are also reportedly subject to frequent calls from local military commands to report on their activities. They are prohibited from taking part in any mass social or political organizations and from speaking in public, and their identity cards have special marks signifying their ex-prisoner status.

b. Muslim Activitists

Amnesty International is concerned about a series of arrests and trials of Muslim activists relating to a violent confrontation which took place on 12 September 1984 in Tanjung Priok, north Jakarta. Government troops reportedly opened fire on a Muslim crowd which had started to march towards the local police station and district military command to try and free four men thought to be detained there (see ASA 21/12/84, Arrests of Muslim Activists and Opposition Figures in Indonesia and ASA 21/26/85, Arrests of Muslim Activists Relating to the Tanjung Priok Incident of 12 September 1984). An estimated 30 people were shot and killed, and over 200 arrested, including people charged with assaulting officials, destroying property and spreading false information, criminal offences under the Indonesian Criminal Code (KUHP). Several others were charged with subversion, a charge which carries a maximum sentence of death, under Presidential Decree 11/1963, the so-called "Anti-Subversion Law". While those charged under the Criminal Code are guaranteed certain rights under the Criminal Procedures Code (KUHP),

including the right to counsel and the right to compensation for unfair arrest and detention, the Procedures Code does not apply to those charged with subversion.

At least eight Muslim preachers or muballighs have been charged with subversion in connection with the events in Tanjung Priok. Specifically, they have been accused of "spreading hatred" and undermining the authority of the state through their lectures and writings. Two of the eight reportedly gave lectures highly critical of the government on the night of the confrontation in Tanjung Priok; others reportedly were not in the vicinity but were arrested on the basis of their activities over the preceding months. All have been in detention since mid-September 1984; they are believed to have been held incommunicado for about a month following their arrests. The trial of two of the preachers, Yayan Hendrayana and Salim Qadar, opened on 20 July 1985 in the North Jakarta District Court, and that of Abdul Qadir Djaelani on 7 August 1985 in Central Jakarta District Court. The trials of the other five are expected to begin shortly. Amnesty International is investigating the cases of all eight preachers in the belief that they may have been arrested for the non-violent expression of their beliefs and may thus be prisoners of conscience.

Amnesty International is investigating the cases of another group of prisoners arrested in connection with Tanjung Priok, those of 28 youths accused of having used force or threats against security officials (a criminal offence) on the night of the confrontation. Amnesty International is concerned that they may have been ill-treated following their arrest, and that the interrogation depositions later used against them during their trials may have been extracted by force. The reportedly inconclusive evidence used to convict the 28 suggests that the principle of presumption of innocence may have been violated.

Most of the 28 were detained prior to their trial for about 120 days, greatly in excess of the 50-day limit stipulated in the Criminal Procedures Code. Once the time limit has been passed, the Code requires that the accused should be released immediately; if they are not, they have the right to compensation according to law. It is not known whether the lawyers for the 28 have sought such compensation for their clients.

A third group of prisoners arrested in relation to the Tanjung Priok incident consists of dozens of people throughout Indonesia who have been arrested for the reproduction and distribution of pamphlets challenging the official interpretation of the confrontation and, in particular, the role of the security forces. The banned pamphlets generally offer an alternative explanation of events to that given by the Commander of the Armed Forces, Gen. Benny Murdani, the day after the confrontation took place, and tend to be highly critical of both government and military. Cassette recordings of speeches given by several Muslim preachers shortly before the confrontation occurred have also been banned.

Amnesty International knows of 24 persons arrested for the reproduction and distribution of pamphlets and cassettes but believes the total figure to be much higher. Arrests have been reported from Jakarta, Yogyakarta, Surabaya, Sukabumi, Bandung, Bogor, Tasikmalaya, Nganjuk, Kediri, Palu and Jombang. Amnesty International has adopted as prisoners of conscience four prisoners accused of distributing leaflets in Jakarta and Bogor and is investigating the cases of nine others in West Java, Central Java, East Java and Central Sulawesi. In the first four cases, Amnesty International has

obtained copies of the pamphlets which the accused are alleged to have possessed or distributed, and has been able to confirm that there is no advocacy of violence in them. The organization believes the other nine may also be prisoners of conscience, but has not had access to the pamphlets or cassettes they are said to have distributed.

In addition to the prohibition on pamphlets and cassettes, an Islamic newspaper, al-Ikhwan (The Brotherhood), has also been banned, and its editor, Irfan Suryahardi, arrested. The ban is not thought to have any connection with the Tanjung Priok incident. In a decision rendered on 28 May 1985 but not made public until 2 July 1985, the Indonesian Attorney-General, Hari Suharto, banned the publication and distribution of al-Ikhwan, published by the Communications Agency of Mosque Youth (Badan Komunikasi Pemuda Masjid or BKPM). The newspaper was said to be disruptive of public order. Anyone with a copy of it or any other publication of BKPM was ordered by the Attorney-General's decision to turn it in to the local district attorney's office, and anyone found in violation of this order was subject to prosecution. The editor was arrested on 4 July, reportedly as he was preparing to leave the country under a false passport. Via his writing, he was charged with having refused to accept Pancasila as the basis of the Indonesian state, attacked the national leadership, and challenged the family planning program.

Amnesty International is investigating the cases of several prisoners associated with al-Ikhwan to determine whether they were arrested merely for exercising their right to freedom of expression and opinion.

A predecessor of al-Ikhwan, ar-Risalah, was banned in October 1983 and seven people arrested, also on charges of having disturbed public order. Irfan Suryahardy was among those arrested at the time. The paper ar-Risalah was also a publication of BKPM.

There is a close government monitoring of the press in Indonesia, but although al-Ikhwan and ar-Risalah are not the only newspapers or magazines to have been banned in recent years, the other bans (of Pelita, a Muslim newspaper banned for six months in 1982 and allowed to reopen only under changed leadership; of Jurnal Ekuin, a daily economic newspaper banned in March 1983; and of Topik, a bimonthly banned in 1984) did not result in arrests.

Finally, another group of Muslim activists about whom Amnesty International is concerned consists of prisoners detained on charges of working to establish an Islamic state and of belonging to an organization variously termed Kommando Jihad, Teror Warman, or Tentara Islam Indonesia/Darul Islam (TTI/DI). The labels "Komando Jihad" or "Teror Warman" appear to have been applied both to members of organizations committed to terrorist activities, some of whom have been sentenced to death for murder and armed robbery (see below under "Death Penalty"), as well as to hundreds of people who may have been detained for non-violent expression of their religious beliefs.

It is widely believed in Jakarta that prior to the national parliamentary elections in 1977, key figures in the government were worried about the strength of the Muslim party, the United Development Party (PPP), and that former leaders or members of the Islamic extremist organizations were actively encouraged to

set up "commands" throughout Java and Sumatra. Just prior to the start of the 1977 election campaign, the then chief of the special security apparatus, Admiral Sudomo, announced a crackdown on Komando Jihad and the discovery of an Islamic conspiracy to overthrow the government, and over 700 people were reportedly arrested. The move was interpreted by Islamic politicians as a move to discredit the PPP. Arrests of alleged Komando Jihad activists continued through the early 1980's. It is believed that blanket accusation of involvement in Komando Jihad may have been used by the Indonesian government to detain many Muslim activists who merely had been critical of the government's policies and voiced their discontent without using or advocating violence.

Amnesty International is investigating the cases of two such men from Central Java. Nuri Sularsono and Purnomo were tried in 1982 on charges of belonging to Komando Jihad. Both were reportedly tortured. Nuri Sularsono was sentenced to four years by the Wates District Court, a sentence raised to five years on appeal. Amnesty International has no information on Purnomo's sentence.

Trials of other alleged Komando Jihad activists are now underway in Bojonegoro and Jember, East Java; in Sukabumi, West Java; and in Yogyakarta, Central Java.

c. The "Moderate Opposition"

Amnesty International is concerned by the arrest of three people associated with the "Petition of 50" group, Mohamad Sanusi, A M Fatwa, and Hartono Rekso Dharsono. The three had signed a "White Paper" on the Tanjung Priok incident five days after it occurred. The paper concluded: "The causes of unrest come back to one source, namely, deviations in the execution of authority by the national government from the letter and spirit of the 1945 Constitution..." The theme that the present government has violated the Constitution has run through virtually all of the "Petition of 50" group's statements since 1980.

When the three were arrested in October and November, no mention was made at the time of the "White Paper". Instead, the men were said to have been arrested on charges relating to a series of bomb explosions at branch offices of Bank Central Asia (BCA) on 4 October 1984, which were reportedly masterminded by a group of Muslim activists angered at the deaths of fellow Muslims in Tanjung Priok. Haji Mohamad Sanusi, a former Minister of Light Industry and official of the Muhammadiyah, one of the largest Muslim organizations in Indonesia, was charged with having financed the bombings. He was tried and sentenced to 19 years imprisonment in May 1985. Lt. Gen. H M Dharsono, 60, former commander of the West Java "Siliwangi" army command, former Indonesian ambassador to Thailand and Cambodia, and former Secretary-General of the Association of Southeast Asian Nations (ASEAN), was accused of having attended a meeting where the bombings were planned. The meeting took place at the house of Haji A M Fatwa, 46, a well-known Muslim leader, who was also arrested. When the trials of Dharsono and Fatwa began, however, on 19 and 12 August respectively, the prosecution reportedly accused them not just of "negligence to report a conspiracy", referring to the discussions that took place during the meeting, but of trying to overthrow the government and mobilize public opinion against the government. The "White Paper" was cited in regard to the latter. The prosecutor in the Dharsono trial also

announced that six members of the "Petition of 50" group, all of whom had signed the "White Paper" would have to stand trial, but the six men in question have not yet been arrested or charged.

Of the three men now in prison from the "moderate opposition", Fatwa and Sanusi signed the original "Petition of 50", and Dharsono is closely associated with the group, although he was not one of the 50 signatories. He is a member of another moderate opposition group, the National Communication Forum (Forum Komunikasi Nasional) which includes representatives of the "Petition of 50".

Amnesty International believes that Sanusi, Fatwa and Dharsono may in fact have been arrested for the non-violent expression of their political beliefs as expressed in the "White Paper". The reported weakness of the evidence presented against Sanusi during his trial would strengthen this belief. During the trial, four of the chief prosecution witnesses retracted their testimony which implicated Sanusi, saying they had been intimidated or tortured into making their statements. One witness for the prosecution, Hasnul Arifin, said he had been blindfolded and beaten during interrogation, leading him to make statements about Sanusi's involvement. There were also reportedly severe inconsistencies in the testimony of yet another witness, Amir Widjaya, who gave his testimony without first having had an interrogation deposition taken as required by Indonesian law. Amir Widjaya also reportedly aroused the suspicion of observers by testifying that he was detained at Salemba Prison when a check by journalists later showed that he was not an inmate.

Amnesty International is also disturbed at the trial and sentencing of one of Indonesia's most prominent human rights activists while he was serving as counsel to several of the defendants in the BCA bombings trials.

Yan Thiam Hien, 72, was brought to trial in mid-March 1985 on charges of having defamed a man of Indian descent named Eddie Vaswani. According to the prosecutor in the case, Yap had placed an announcement in a Jakarta newspaper in March 1979 which accused Vaswani of absconding with Rp. 55 million (about US \$84,000) belonging to Yap's client, Mohti Vaswani. Eddie Vaswani was eventually apprehended and brought to trial, but was later acquitted, whereupon he sued Yap and his client for defamation.

Many observers believe Yap was brought to trial in 1985 because of his defence of the BCA bombing suspects. These observers cite many peculiarities in the case. Eddie Vaswani has reportedly been dead for many years, and the client, Mohti Vaswani, no longer lives in Indonesia. The one-year statute of limitations on the lawsuit had expired by the time the suit was brought, so technically Yap could not be charged with defamation. He was found guilty on 30 April 1985 of the lesser charge of "causing annoyance" and was sentenced to three months in prison, which he immediately appealed.

## II. Torture and Ill-Treatment of Detainees

Reports of torture and ill-treatment of prisoners continue to be received by Amnesty International from throughout Indonesia. The reports generally fall into two categories: ill-treatment by police of suspects immediately following their arrest and particularly during their interrogation; and torture by members of the Indonesian military, particularly the Special Forces (Kopassus, formerly known as RPKAD and Kopassandha) and Army Intelligence (A-1), of suspected political opponents of the regime, particularly people thought to be supporters or members of separatist or resistance movements. Amnesty International is concerned that the reports suggest a consistent pattern of cruel, inhuman and degrading treatment of prisoners by police and military personnel.

a. Torture and Ill-Treatment by Police

Many of the reported cases of torture by police officials appear in the Indonesian press, and the reports occasionally include announcement of the investigation and prosecution of the security forces responsible. Torture is most frequently reported to occur during interrogation and may include threats against the suspect's life and beatings or other treatment designed to force admission of guilt. The admission is often reportedly subsequently recorded in the official interrogation deposition (Berita Acara Pemeriksaan or BAP.) Although there appear to be no explicit safeguards against torture and ill-treatment either in the Indonesian Constitution or in the Criminal Procedures Code, police and military officials can be brought to trial in military courts on charges of having violated their service oaths or the code of military discipline (KUHPT). Prison officials can also be charged with having violated ministerial regulations governing the administration of detention centres which prohibit torture. These regulations have the force of law. Military and police officials can also be sued by civilians for assault under the Indonesian Criminal Code.

In the trials of the 28 youths accused of assaulting security officers on the night of the incident in Tanjung Priok, defence lawyers alleged that their clients had been tortured during interrogation. The torture reportedly included beatings, denial of food, threats and submersion in water. Confessions were allegedly extracted while the ill-treatment was occurring, and these were later reportedly used against the defendants in court. All but one of the 28 defendants later retracted their interrogation depositions saying they were intimidated into saying whatever their interrogators asked them to say.

One prisoner, arrested in late 1983 on suspicion of having worked for the newspaper ar-Risalah (see above, "Muslim Activists") and since released, was quoted in a Yogyakarta newspaper in January 1985 as saying in reference to his detention:

"The saddest part was that when my family came to the prison, they weren't allowed to see me. Any questioning of me was always accompanied by sharp words, and it can't be said that torture never occurred... The 'council of confessions' still exists. Officials, it seems, are too lazy to look for data, so they beat you until you come up with their hypothesis." (Eksponen, 20-26 January 1985)

Ill-treatment, primarily in the form of beating, is reported to have occurred in the cases of at least one of the BCA bombing defendants and several of the muballighs. It is not restricted to political detainees, however. In a case reported in the Indonesian daily newspaper, Kompas (28 May 1985), a 14-year old boy named Mujamil was arrested in Tangerang and charged with stealing jewelry from a nearby house. The boy was taken to the Tangerang Police Station where he was reportedly "worked over" by a policeman from early morning until midday the following day when he was released, apparently for lack of evidence. (The real thief was reportedly caught three days later.) Mujamil's brother had to carry the boy home from the police station because he could not walk; an X-ray taken shortly after the release showed fractures in both legs. A month after the torture allegedly took place, Mujamil's body still showed welts from his having been beaten.



The policeman who allegedly inflicted the beating later offered the boy Rp.200,00 (about US \$200) in compensation.

In another case, a suspected smuggler from Simalungan, North Sumatra, was reportedly beaten by police on 26 March 1985 until he was paralyzed. The head of the North Sumatra Police, Brig. Gen. Achmad Djunaeni, promised, according to press accounts, that the police officer responsible for the beating would be punished.

While welcoming the fact that at least in some cases, those alleged to be responsible for the torture and ill-treatment of prisoners have been brought to justice, Amnesty International is concerned that safeguards during interrogation and custody appear to be inadequate to prevent torture and ill-treatment from occurring.

#### b. Torture by Military Personnel

Reports of torture by the Indonesian military's Special Forces unit have come from East Timor and Irian Jaya, where independence movements are active. Similar reports have come from Aceh, where members of the National Liberation Front of Aceh Sumatra are alleged to have been tortured, but it is not clear which military forces are thought to have been involved.

Both in Irian Jaya and East Timor, the Special Forces (Kopassus) are reported to have set up special interrogation centres, often in private houses or commercial establishments requisitioned for the purpose (see ASA 21/01/85, Current Situation in Irian Jaya and East Timor: Violations of Human Rights, 1985). The former Panorama Bar in Jayapura was reported to be used by the Special Forces as an interrogation and detention centre where, in late 1984, electrical shocks and severe beating were reported to be among the interrogation methods employed. In East Timor, such interrogation centres reportedly included a storehouse and a private house on the Rua Abilio Monteiro in Dili, both of which were reported to be in use in late 1984.

When private houses are so requisitioned by the Special Forces for use as interrogation centres, they may be only in use for a limited time. A house owned by a Chinese merchant in Dili, for example, was reportedly only used for a few months as an interrogation centre following an alleged Fretilin attack in Dili in June 1980. It was then reportedly converted to a military barracks.

To Amnesty International's knowledge, no investigation into reports of torture by military personnel leading to prosecution of members of the Special Forces of Army Intelligence has ever been carried out by the Indonesian authorities.

### III. Extrajudicial Executions

Amnesty International is concerned at continuing reports of extrajudicial killings of suspected criminals, many of them after having been apprehended by security forces. These killings are commonly referred to in Indonesia as the "mysterious killings" or by the Indonesian acronym for the latter, "petrus". Observers in Indonesia believe the killings to be a continuation of a government-sponsored campaign against crime that began in 1983 (see ASA 21/08/83 Extrajudicial Executions of Suspected Criminals, ASA 21/01/84, Extrajudicial Executions of Suspected Criminals and ASA 21/05/85, Recent Reports of Possible Extrajudicial Killings of Suspected Criminals). In the early stages of the campaign, security officials made little attempt to hide their involvement.

For example, the then Minister of Justice, Ali Said, said in May 1983 that the killings "could have been carried out by security officers" and described the campaign as "surgical operations [sic] necessary to save the life of the patient." By the beginning of 1984, when human rights organizations estimated that up to 4,000 people might have been killed, officials were denying any responsibility for the killings, and by the end of that year, when the killings seemed to have stopped, General Benny Murdani attributed them in retrospect to "gangland murders sparked by a police crackdown on the underworld" (Reuters, 28 December 1984).

The killings are said not to have stopped, however, and reports began to appear again in early 1985 of bodies being found which bore many of the characteristics of the "mysterious killings". Most of the victims were young men between the ages of 20 and 30; most were repeated offenders with criminal records for robbery and other crimes (the common term for them in Indonesia is the acronym for "undisciplined youth" or "gali"); most had tattoos, often a symbol of belonging to a gang; most had been shot; and most were found tied with plastic cord. In Medan, North Sumatra, 45 bodies were reported to have been found between October 1984 and early February 1985. In West Java, 68 bodies were said to have been found in the six-month period January to May 1985, many with the marks of the "mysterious killings".

While in the above cases, the victims' bodies were usually found by villagers alongside roads, in rivers, or in front of public buildings, Amnesty International has received several reports of suspected criminals dying in detention centers or in hospitals where they have been taken by police officials, under circumstances which suggest that security officials may have been responsible for their deaths. Where the victims have been shot dead, the common explanation is reportedly that they were trying to escape; where deaths are reported to have resulted from torture and ill-treatment, the official explanation is that the suspects were attacked by an angry mob that police were powerless to control.

In one case on 26 April 1985, a prisoner named Sudarto, 34, who had been arrested in connection with a robbery in the village of Mawur, Tangerang, was reportedly brought to a Jakarta hospital from the north Jakarta police station in a coma. He later died. His body reportedly bore marks of torture, according to the Indonesian daily, Sinar Harapan (10 July 1985). His fingernails had reportedly been pulled out and his neck was broken. The chief of north Jakarta police said in explanation of Sudarto's death that a mob who learned about the robbery attacked Sudarto - it is not clear where - but the victim's family reportedly believes that Sudarto died as a result of torture in the police station. Sudarto reportedly had a tattoo.

Amnesty International has also received reports that three members of the so-called "Kwini Group", a group of men suspected of having robbed and killed a woman gold-and-diamond merchant in the Kwini area of Jakarta on 29 June 1984, may have been killed while in the custody of security officials. The three were among a group of 32 inmates of Salemba Prison in Jakarta who escaped on 26 May 1985, and two of the three, Hendro Sucipto and Bambang Heru, were thought to have been the masterminds of the escape. The head of the Jakarta Police reportedly announced that anyone of the 32 who did not surrender within a week would be shot; the deadline was later extended to 12 June.

Hendro Sucipto was shot and killed on 3 June, Bambang Heru on 5 June, both reportedly while resisting arrest. But the Indonesian magazine Tempo

implied that they were killed while in police custody; it reported that the police had decided to take an "extra-firm" stance toward Hendro Sucipto, and it was believed that news of his death would lead other escapees to turn themselves in (Tempo, 8 June 1985).

A third member of the "Kwini Group", Supriyanto alias Tongo, 26, was shot and killed while being taken by police from Solo to Yogyakarta on 23 June after he had been apprehended along with the man sheltering him in the sub-district of Kadipuro, Solo. According to police accounts as reported in Sinar Harapan (25 June 1985), Supriyanto was in the police van with his hands bound when he and Santo, the man arrested with him, tried to throw themselves out of the vehicle. After they failed to heed a warning shot and were about to disappear into the darkness, according to the police, further shots were fired and both men were killed. Supriyanto was reportedly well-known as a "gali" in the Yogyakarta area before he moved to Jakarta.

#### IV. The Death Penalty in Indonesia

The death penalty may be imposed in Indonesia for subversion, murder, and since 1976, drug-trafficking, and may be imposed both by military and civilian courts. Executions are carried out by firing squad.

Both death sentences and executions appear to be more common now than in the past. During the first two decades of Indonesian independence, under the so-called "Old Order" of President Sukarno which ended in 1965, the death sentence was handed down by the courts in three cases, and implemented only once with respect to three convicted in the case of an attempted assassination of President Sukarno (the so-called "Cikini Affair") of 30 November 1957. Eleven people were killed when three men tossed hand grenades into a crowd near where the President was standing; the three men were executed on 28 May 1960.

Under the "New Order" of President Suharto, death sentences and executions have both been more numerous. Between 1965 and 1975, several hundred people were tried for their alleged involvement in the 1965 coup attempt. Of those tried, some 60 are believed to have been sentenced to death and some 10-15 executed. In May 1985, the first execution of a PKI prisoner since the early 1970s occurred; this execution was followed by three more in July, all of which were reportedly carried out in secret without informing the immediate family of the condemned men. To Amnesty International's knowledge, no official figures on the number of prisoners sentenced to death or executed in connection with the 1965 attempted coup have been made public.

In addition to imposing the death penalty on the alleged PKI prisoners, the government of President Suharto has also handed down death sentences for murder, subversion in connection with Islamic extremist activities, and drug-trafficking. Three convicted murderers reportedly have been executed in recent years, Oesin, Kusni Kasdut and Hengky Tupanwael. The latter two were executed in 1980. Two members of an Islamic extremist group have also been executed, Imron bin Zein in 1983 and Salman Hafidz in 1985. Imron was alleged to have led a terrorist group, of which Salman was a member, which carried out a raid on a police station on 11 March 1981 in Bandung, reportedly to obtain weapons to use in their efforts to establish an Islamic state. Three police officers were killed in the attack. Also in March 1981, other members of the same group were accused of hijacking an airplane on a domestic flight in Indonesia to Bangkok, Thailand where they demanded

\$1.5 million dollars and the release of 80 Muslim political prisoners. Indonesian commandos stormed the plane and all five hijackers were killed. Two other members of the Imron group, Maman Kusmayadi and Ashar bin Mohammad Syafar, have been sentenced to death but the state of their appeals is not known.

Two other Muslim activists have been sentenced to death and are in danger of execution after being convicted of involvement in an armed robbery from the State Islamic Institute in Yogyakarta on 1 February 1979 and the murder of two men the previous January. Abdullah Umar had been sentenced to life imprisonment by the Sleman District Court in Yogyakarta on 19 February 1985; he appealed to the High Court in Yogyakarta which raised the sentence to death in June 1985. Bambang Sisoyo was sentenced to death on charges of armed robbery, murder and subversion on 1 June 1985 and refused to appeal.

One other alleged Muslim activist, Timsar Zubail, remains under a death sentence although in 1985 he was granted a re-trial, and at least eight murderers and three drug traffickers are also under sentence of death.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights.

#### V Irian Jaya

Amnesty International is concerned at reports that alleged members or supporters of a separatist movement in Irian Jaya who sought refuge or were arrested across the border in Papua New Guinea and who were subsequently deported may have been tortured or killed in custody by Indonesian security officials. The reports raise fears that other deportees may become victims of torture, extrajudicial executions or "disappearances".

Irian Jaya is the easternmost province of Indonesia and comprises the western half of the island of New Guinea. Once a part of the Netherlands East Indies, it was ceded by Holland to Indonesia in 1962 and a United Nations supervised, but reportedly much disputed, "Act of Free Choice" took place in 1969 to determine whether the indigenous population wanted independence or integration with Indonesia. Despite the UN representative's conclusion that voters had decided in favor of integration, there has been scattered resistance to the Indonesian administration ever since, some of it organized in the Free Papua Movement (Organisasi Papua Merdeka or OPM), much of it not. Recent development initiatives by the Indonesian government, especially a transmigration program to move people from the overpopulated island of Java to more sparsely settled areas, have reportedly increased support for the resistance.

An alleged abortive uprising by members of the OPM in February 1984 and subsequent operations by the Indonesian military led to the exodus of more than 10,000 people across the border into Papua New Guinea. Refugees were continuing to arrive in border camps throughout 1985, although there was movement in the other direction as well under a "voluntary repatriation" program established by the Indonesian and Papua New Guinea governments. Amnesty International expressed concern in January 1985 that neither the United Nations High Commissioner for Refugees (UNHCR) nor any other impartial international

organization was permitted to monitor the return of over 100 refugees in December 1984 and that some of those returning might therefore be subject to ill-treatment by Indonesian security forces upon their arrival in Irian Jaya. The UNHCR, however, was reportedly permitted to interview three groups of refugees who departed later, in 1985, to ensure that their repatriation was indeed voluntary. UNHCR staff also were reportedly permitted to accompany the refugees to the point of embarkation.

Although fears for the returning refugees' safety have thus been somewhat alleviated, Amnesty International remains concerned about suspected members or supporters of the OPM who are deported to Indonesia by the Papuan New Guinea government. Amnesty International has received reports that of eight suspected OPM supporters deported in December, at least two, Jehezkiel Klafle and Christofel Misiren, died shortly after their arrival, and there are unconfirmed reports that their deaths were due to injuries suffered in detention. There are also reports that they died of natural causes. Amnesty International is concerned that no independent investigation of their deaths has taken place.

In June 1985, four other suspected OPM fighters were deported after reportedly having illegally left a refugee camp to join the resistance. They were reportedly captured on Papuan New Guinean territory, tried (the charge is not known but may have been illegal entry) and deported by plane to Jayapura, capital of Irian Jaya. They were reportedly arrested upon arrival and unconfirmed reports suggest they may have been tortured. Amnesty International is opposed to torture and to any cruel, inhuman or degrading treatment of any prisoner, whether or not they used or advocated violence.

In an earlier circular (ASA 21/01/85 Current Situation in Irian Jaya, January 1985) Amnesty International expressed concern to the Indonesian government about the fate of several persons who escaped from the Jayapura Police Headquarters in April 1984. Two, Edward Mofu and Arnold Ap, had later been found dead under circumstances which suggested they had been killed in custody following their recapture. Both were active in the cultural group Mambesak which the Indonesian authorities apparently suspected of being used for subversive purposes. One of the escapees safely reached Papua New Guinea. Amnesty International had asked the Indonesian government to clarify the situation or whereabouts of the remaining three, Pius Wanem, John Romainum and Augustinus Runtuboi. Amnesty International has recently learned that all three reportedly surrendered to Indonesian authorities and were tried and sentenced in Jayapura. Pius Wanem was sentenced in January 1985 to five years and six months in prison and is detained at Abepura prison. John Romainum and Augustinus Runtuboi testified for the prosecution at his trial; their sentences are not known.