

## **Indonesia: Prisoners of Conscience Action 2004**

### **Case sheet: Ignatius Mahendra Kusuma Wardhana and Yoyok Eko Widodo**

*“With all repression that I get in here, my spirit to fight for democracy and human rights  
are still burning”*

Ignatius Mahendra Kusuma Wardhana

#### **Case information**

**Ignatius Mahendra Kusuma Wardhana** (m, aged 21), the Chairperson of the Yogyakarta branch of the National Democratic Student’s League (*Liga Mahasiswa Nasional untuk Demokrasi*, LMND) and **Yoyok Eko Widodo** (m, aged 24), a member of the Street Buskers Union (*Serikat Pengamen Indonesia*, SPI), were found guilty of “insulting the President or Vice-president” after participating in a peaceful demonstration and sentenced to three years’ imprisonment each. Amnesty International considers them to be prisoners of conscience who have been imprisoned purely for the peaceful and legitimate exercise of their right to freedom of expression and is calling for their immediate and unconditional release.

On 7 January 2003, Ignatius Mahendra Kusuma Wardhana and Yoyok Eko Widodo participated in a demonstration against fuel price increases in Yogyakarta town. The protest in Yogyakarta was part of a wave of demonstrations that had broken out across Indonesia in response to the government’s announcement of increases in fuel and electricity prices.

Yoyok Eko Widodo was detained by police immediately after the demonstration ended. He was reportedly taken into a car where he was blindfolded and a plastic bag put over his head. While being driven to Sleman Police Resort (*Kepolisian Resort*, Polres) in Yogyakarta, he was reportedly hit in the stomach and threatened that he would be shot in his head and his body thrown into the ocean. Ignatius Mahendra Kusuma Wardhana was detained later the same day, when he went to search for Yoyok Eko Widodo at Sleman Polres.

The two were initially held with other prisoners in Sleman Polres where they are reported to have been intimidated and beaten by police officers. On the night of 13 January 2003, three civilian-clad police officers ordered the prisoners to wake up. Ignatius Mahendra Kusuma Wardhana was reportedly ordered to hit another prisoner. When he refused, he was beaten repeatedly in the head by a police officer.

Ignatius Mahendra Kusuma Wardhana and Yoyok Eko Widodo were denied access to lawyers during initial questioning by police at Sleman Polres. They were reportedly only able to meet with their lawyer on 17 January 2003 – ten days after their arrest, following a hunger strike during which they demanded to be given access to lawyers. On 17 February 2003, following completion of the police investigation they were moved to Wirogunan Prison in Yogyakarta.

The trial of Ignatius Mahendra Kusuma Wardhana and Yoyok Eko Widodo started on 26 February 2003. They were accused of “insulting the President or Vice-president” under Article 134 of the Indonesian Criminal Code (*Kitab Undang-undang Hukum Pidana*, KUHP). The charges against them focused on the burning of photographs of the President and Vice-president during the demonstration on 7 January 2003. In this case, the burning of the

portraits was clearly a symbolic action in which violence was neither directly nor indirectly threatened.

The trial is reported to have taken place in an intimidating atmosphere, due to the behaviour of a large number of sympathisers of President Megawati Sukarnoputri in the public gallery. On one occasion in April 2003, a group of people reported to be sympathisers of the President kicked and hit Ignatius Mahendra Kusuma Wardhana and Yoyok Eko Widodo as they left the court-room. It is reported that their lawyer resigned while the trial was ongoing, as a result of intimidation. At the time of their sentencing, on 28 April 2003, the two were not represented by a lawyer.

### **Other Prisoners of Conscience in Indonesia**

Following the forced resignation of former President Suharto in 1998, over 230 prisoners of conscience and political prisoners were released in a series of presidential amnesties. Repressive legislation which limits freedom of expression, under which many of them had been imprisoned, fell out of use for a brief period of time.

However, since early 2001, repressive legislation has once again been used with increasing frequency against government critics, including labour and political activists, journalists, and independence activists in Nanggroe Aceh Darussalam (NAD) and Papua Provinces. A number of human rights organizations and journalists have also been charged with “defamation”, in what appears to be an attempt by the authorities to discredit them and disrupt their legitimate work.

At least 58 prisoners of conscience have been sentenced to prison terms since 1998. Ten of them are currently imprisoned. In addition, seven people who would be considered prisoners of conscience if convicted are currently facing trial. The imprisonment of prisoners of conscience in Indonesia indicates that the trend towards greater openness, which immediately followed the collapse of the Suharto regime in May 1998, is being reversed.

#### **Amnesty International is calling on the Indonesian government to:**

- Immediate and unconditionally release Ignatius Mahendra Kusuma Wardhana, Yoyok Eko Widodo, and all other prisoners of conscience in Indonesia.
- Make public commitments that there will be no further arrest of individuals purely for engaging in the peaceful exercise of their right to freedom of opinion, belief, expression and association.
- Repeal repressive legislation used to imprison prisoners of conscience including the “Hate-sowing Articles” (Articles 154, 155 and 156 KUHP) and articles which criminalize “insulting the President or Vice-president” (Articles 134, 136 and 137 KUHP).
- Ratify and implement the International Covenant on Civil and Political Rights (ICCPR).
- Carry out effective and independent investigations into the allegations of torture and ill-treatment of Ignatius Mahendra Kusuma Wardhana, Yoyok Eko Widodo at Sleman Polres.
- Issue standing invitations for United Nations Mechanisms to visit Indonesia. Priority should be given to the Special Rapporteur on Freedom of Expression, the Special Rapporteur on Torture and the Special Representative on Human Rights Defenders.