

INDONESIA

@Workers' rights still challenged

Introduction

It is not true to say that there is no freedom of association for workers in Indonesia since its implementation is made in accordance with prevailing conditions in the country.

Suwarto, Director-General of Manpower Supervision and Industrial Relations
(Jakarta Post, 5 April 1995)

From 6 to 23 June this year, the International Labour Organization (ILO), a specialized agency of the United Nations (UN), will meet in Geneva for its annual conference. Indonesia will again come under international scrutiny for its treatment of workers. While this international publicity maintains the pressure on Indonesia to improve the rights of workers, continuing violations against labour activists in the year since the labour riots and demonstrations in Medan, North Sumatra, suggest that much more needs to be done to protect defenders of workers' rights.

As many as 80 people, possibly more, were arrested in connection with the Medan riots in April 1994; three remain in detention. It is believed that up to 51 people may have been tried for their part in the demonstrations and that they received prison sentences ranging from three months to four years. The riots which took place in Medan in mid-April 1994 were the result of a week of strikes and demonstrations which were often violent and during these demonstrations, a businessman was killed. There was also widespread destruction of property.

Amnesty International does not condone the acts of violence committed during the demonstrations and recognizes the Indonesian Government's right to bring the perpetrators of such violence to justice. However, the organization considers that the authorities used the demonstrations as a pretext to intimidate and to imprison workers and others peacefully defending workers' rights.

The high level of international scrutiny which the Medan trials brought to Indonesia, in particular the trial and imprisonment of independent labour leader Muchtar Pakpahan, has not led to significant improvements in the rights of workers to demonstrate and organize. Since April 1994, advocates of workers' rights have continued to operate under threat of intimidation, arrest, imprisonment, torture and ill-treatment. Several recent demonstrations have been broken up violently by police.

In the year since the Medan riots, there have been a number of developments regarding workers' rights, including the release of Muchtar Pakpahan and the reopening of the investigation into the killing in May 1993 of the labour activist Marsinah. However, these moves are insufficient: the authorities still need to undertake concrete measures to ensure that workers' rights are protected.

This document provides an update on those arrested in connection with the Medan demonstrations, and recent developments in the case of Marsinah. The report also focuses on the continuing ill-treatment and detention of workers and those peacefully advocating workers' rights and concludes with recommendations to the Government of Indonesia to ensure the promotion and protection of workers' rights.

1. CONTROLS ON TRADE UNION ACTIVISTS

The Indonesian Government imposes heavy restrictions, both in law and in practice, on the right to strike and to organize. Only one trade union federation is recognized, the government-sponsored *Serikat Pekerja Seluruh Indonesia* (SPSI), the All Indonesia Workers' Union. Despite government assurances that restrictions on freedom to organize would be loosened, a Ministry of Manpower Decree (No.1/1994) continues to define SPSI as the sole recognized trade union.

Against this background, a number of independent unions and workers' organizations have emerged over the last four years, none of which has been given official recognition by the government. The most prominent is *Serikat Buruh Sejahtera Indonesia* (SBSI), the Indonesian Prosperous Workers' Union. SBSI, like other independent organizations in Indonesia, operates under severe restrictions and is subject to criticism by government officials. The Director-General of Manpower Supervision and Industrial Relations, Suwanto, was recently quoted as saying that the SBSI "*was not established by workers but by politicians*". This perception by the authorities of those engaging in labour advocacy outside the official labour organization has resulted in detention and trials of workers and officials of SBSI and other labour organizations.

¹ Reuters, 25 April 1995.

2. MEDAN - THE PRISONERS

As many as 80 people, possibly more, were arrested in connection with the Medan riots; three remain in detention. They are **Amosi Telaumbanua**, **Aries Hia** and **Maiyasyak Johan**. It is believed that up to 51 people may have been tried for their part in the demonstrations and they received prison sentences ranging from three months to four years.

Despite allegations by the authorities that SBSI and non-governmental organization (NGO) officials incited violence in Medan, Amnesty International believes that at least three of the SBSI officials, **Muchtar Pakpahan**, SBSI's National Chairman, Amosi Telaumbanua, SBSI's Chairman in Medan and **Hayati** (female), SBSI's Treasurer in Medan, are prisoners of conscience, held solely for their non-violent political activities. Two NGO workers, **Jannes Hutahean** and Maiyasyak Johan, may also have been detained as prisoners of conscience. The accusations against them relate to non-violent trade union activities, such as the organization of meetings to plan the April 1994 demonstrations and the preparation of pamphlets, banners and posters for the protest.

The charges brought against the SBSI officials were under Articles 160 and 161 of Indonesia's Criminal Code (KUHP), two of the so-called "Hate-Sowing" Articles (Haatzaai Artikelen)², and which are commonly employed by the government to suppress peaceful dissent. Article 160 carries a maximum of six years' imprisonment for "inciting" others to disobey a government order or to break the law. Article 161 carries a maximum of four years in jail for distributing written materials - such as pamphlets, posters or banners - which do the same. Other articles under which the remainder of those arrested in connection with the Medan demonstrations were charged include holding public gatherings, without prior permission from the police (Article 510) and public order offences, such as the destruction of property and violence against another person (Articles 170, 406 and 412).

As with most political trials in Indonesia, the Medan trials were unfair. Some defendants were denied access to their lawyers, guaranteed under Indonesia's own Code of Criminal Procedure (KUHAP), and some were pressured to withdraw power of attorney from independent lawyers whom they had chosen to represent them. Others claimed to have been threatened by the authorities with longer prison sentences if they chose independent legal representation.

² These articles were introduced by the Dutch colonial government and incorporated into Indonesia's Criminal Code. They are vaguely worded and contain sweeping provisions which have been used by the authorities to limit exercise of fundamental rights such as freedom of expression and peaceful political activities.

In response to appeals on behalf of the SBSI leadership, the government issued a booklet on the Medan demonstrations providing a chronology of events which put the blame squarely in the hands of the SBSI. The government also stated that there were no political motives for the arrests, but that the reason for the arrests was the detainees' involvement in violent activities. In a letter dated 16 February 1995 replying to appeals from Amnesty International members, the Second Secretary of the Indonesian Embassy in London stated:

"... the demonstration which is regularly quoted as being peaceful and legal [consisted of] ... illegal, bloody ... violent riots. It is a serious case of riots and illegal acts against citizens. A number of workers were injured and one man, an employer was tragically killed by the rioters, not to mention the destruction of properties, buildings, factories, shops and cars. Therefore, the competent authority considered to arrest Muchtar Pakpahan and other activists of the so called SBSI for investigation. The arrest is not because of their capacity as a chairman and member of the so called SBSI or as workers activists, but of their violation of the Indonesian law due to their involvement in brutal and destructive action in the violent riots".

However, inconsistencies in these allegations remain. The charges under which the SBSI leadership and other NGO activists were detained relate to non-violent activities, and at least in the case of Muchtar Pakpahan, there was no evidence of violence presented by the prosecution. Moreover, people accused of violence were given shorter prison sentences than activists who were not charged with violent offences. For example, Aries Hia, one of those accused of the murder which occurred during the riots, received a two-year prison sentence, whereas SBSI leaders Muchtar Pakpahan and Amosi Telaumbanua, were sentenced to three years and 15 months' imprisonment respectively.


On 16 January 1995, the High Court in Medan increased the jail sentences of two SBSI officials following an appeal. Muchtar Pakpahan had his sentence increased from three to four years and Amosi Telaumbanua had his sentence increased from 15 months to three years. On 19 May 1995, in a surprise move, the Supreme Court announced that Muchtar Pakpahan was to be released pending his appeal to the Supreme Court. His release is in accordance with Article 28 of the Code of Criminal Procedure (KUHAP), which states that a detainee must be released from detention if an appeal to the Supreme Court remains undecided after 110 days. If Muchtar Pakpahan loses his appeal, he could be returned to jail. The conviction against him remains. In a revealing interview, the Vice

Chief Justice of the Supreme Court, Adi Andojo Soetjipto, provided the following as a partial explanation for Muchtar Pakpahan's release :

*"... the case of Pakpahan had been highlighted by international labour organizations. If Muchtar Pakpahan had remained in detention, it was feared that Indonesia would receive attacks from the international community for not upholding the rule of law."*³

Amnesty International welcomes the release of Muchtar Pakpahan, but is still calling for all charges against him to be dropped. The organization is also calling for the immediate and unconditional release of Amosi Telaumbanua, Aries Hia, and Maiyasyak Johan.

Another of those recently released from Medan's prison is **Parlin Manihuruk**, the executive secretary of a non-governmental organization called *Yayasan Kelompok Pelita Sejahtera (YKPS)*, based in Medan. He had been charged with "incitement" under Article 160 of Indonesia's Criminal Code and tried in October 1994. On 8 December 1994, he was sentenced to 11 months' imprisonment. He was released on 11 May 1995, having served nine months of his sentence. Forty-eight out of a total of 51 people approximately arrested and tried in connection with the Medan demonstrations have now been released.



Parlin Manihuruk of YKPS in Medan. He was released on 11 May 1995, having served 9 months in prison for "incitement" .

Since April 1994, many of those detained as a result of the demonstrations have reported difficulties in obtaining employment after their release. Many believe this results from officially sanctioned discrimination. NGO activists and workers claim that employees have been provided with a list of those detained in

³ Kompas, 22 May 1995.

connection with the demonstrations. One SBSI member released from jail, was not able to secure a job once prospective employers were made aware of their identity. They also described the inability of their relative to secure a job in Medan, because of the employer's knowledge of their involvement with SBSI. Other workers claim to have been told by employers "you have been arrested". Known advocates of workers' rights also claim that since April 1994 they have been under surveillance by both military and police officials.

Amnesty International continues to urge that all those arrested for their peaceful activities on behalf of workers' rights be immediately and unconditionally released.

3. ILL-TREATMENT AND ARBITRARY DETENTION

The 1945 Constitution protects every citizen from detention or imprisonment on the basis of their political beliefs. People may be detained only if they express their ideas with physical violence.

Marzuki Darusman, member of Indonesia's National Human Rights Commission (Jakarta Post, 30 January 1995)

During 1994 and the first half of 1995 members of the security forces, including the army, continued to be involved in disputes between workers and management. According to the Legal Aid Foundation (LBH), in East Java alone, uniformed security officers were involved in 66% of a total of 314 industrial disputes, from January to December 1994. The result of this involvement is often torture and ill-treatment. The perception by the authorities that advocates of workers' rights are political dissidents often results in intimidation, short-term arbitrary detention, trial and imprisonment.

Pematang Siantar - torture and detention

Eleven workers, six women and five men, were arrested on 9 June 1994 as military police violently broke up a strike in Pematang Siantar, North Sumatra. They and two others were subsequently tried and imprisoned in connection with the dispute. While in military detention, the detainees were subjected to torture and ill-treatment, including sexual abuse, and were denied access to lawyers. Amnesty International is also concerned that a lawyer

and a labour advocate, detained in connection with the strike, were prisoners of conscience.

The arrests followed a period of unrest which began in April 1994, when workers from the Sumatra Tobacco Trading Company (STTC), a privately-owned cigarette company, attempted to negotiate wage demands with the Department of Manpower. Departmental officials refused to meet with the workers, who then decided to join workers from another company to press their demands.

On 3 June, a clash took place between the workers and company security guards during which a number of the workers were injured. Soldiers from the Sub-Regional Military Command (KOREM) then arrived and arrested one of those injured, **Abdul Iwan Siagian**, stating that they were taking him to the local hospital. In fact he was taken to the KOREM headquarters where he was questioned about his labour activities. Strikes followed his arrest as his colleagues tried to establish his whereabouts and to demand his release.

On 8 June, plainclothes police came to the company and arrested one of the workers' representatives, **Effendi Simbolon**. As a protest against the arrest, the workers then staged a sit-in at the company and refused to allow three foremen to leave until their colleagues were released. The following day, military police stormed the factory and released the three foremen. About 200 workers were reportedly then arrested and many were beaten and kicked by the military police as they were taken away by truck. The majority were subsequently released, but 11 were held in military detention and then charged and tried. They were sentenced on 7 October 1994 to one year's imprisonment but were all released in January 1995. The two other workers, Abdul Iwan Siagian and Effendi Simbolon were also tried, but the outcome of their trials is not known.

Despite claims by the Indonesian Government that military involvement in labour disputes is decreasing, the Pematang Siantar workers were all detained and interrogated by KOREM. During their detention, they were tortured, ill-treated and denied access to lawyers. One detainee described how he was subjected to electric shocks and beatings by a military intelligence officer during interrogation. "*We were beaten whether we answered their questions or not*", he said. Another detainee was forced to sit by a door and was beaten each time soldiers walked past. The men were forced to remove all their clothing except their underwear and were not allowed to sleep. During interrogation they were threatened with drowning, as their heads were plunged into water by soldiers.

The women were also beaten regularly during interrogation. One detainee described being hit in the face and kicked during a five-hour interrogation session. She was then woken up five hours later for more questioning. At 8am, the morning after their arrests, the women were taken from their cells and forced to sing and dance for the military officers. One woman was forced to raise her dress to her thighs and when she

refused to do this, she was held in solitary confinement. Another woman was kicked and hit and then forced to sing and dance for the military officers. The men too were subjected to sexual abuse. One male detainee described being forced to kiss and fondle the genitals of other male detainees.

During their week in KOREM detention, the group were denied access to lawyers and family. They were not able to meet with lawyers until 13 June after they were transferred to police custody, in contravention of Indonesia's Code of Criminal Procedure (KUHAP). Workers also told of relatives being subjected to questioning by KOREM officers when they visited the detainees in prison after they were sentenced.

Amnesty International is concerned at the use of violence against workers by military police and the subsequent torture and ill-treatment of the detainees by the military. In theory, all detainees are protected from the use of force to extract confessions or information under Article 117 (1) of Indonesia's own Code of Criminal Procedure, which states that:

"Information by a suspect and/or witness to an investigator shall be given without pressure from whomsoever and/or in any form whatsoever"

However, legal protection such as that offered by certain articles of the KUHAP is routinely ignored by the police and military. Amnesty International's continues to strongly recommend that all detainees should be accompanied at all stages of the interrogation by a lawyer of their choice. In addition, any evidence of ill-treatment in custody should be thoroughly investigated by the authorities and evidence extracted torture be considered inadmissible in court. All officials believed to have committed acts of torture should be held to account.

As a result of the demonstrations and the subsequent trials and imprisonment, worker activists in Pematang Siantar are operating in an environment of rigid controls and surveillance and those who were tried have not been able to seek re-employment. One worker described being visited by plainclothes officers who she suspected of being military intelligence in the month after she was released from prison. She has not tried to find work through the usual channels - believing that it would be virtually impossible. Another worker said that the monitoring by military intelligence of workers is now so severe that it is not possible for worker activities to be undertaken.

Amnesty International is also concerned that a lawyer and a labour activist, detained as a result of the Pematang Siantar strike, may have been imprisoned for their peaceful activities in support of workers' rights. **Ronsen Purba**, 28, a lawyer, was arrested on 2 July 1994 by 15 officers from KOREM and interrogated about the demonstration.

Exact details of the allegations against Ronsen are not clear. While under interrogation he was reportedly threatened that if he chose an independent lawyer for his defence, he would receive a longer jail sentence. The next day he was handed over to the police and subsequently charged under Article 160 and 155 of Indonesia's Criminal Code. Article 155, like Article 160, is also one of the "Hate-Sowing" Articles and prohibits the expression of feelings of hostility, hatred or contempt towards the government through publicity and carries a maximum punishment of four and a half years' imprisonment. Ronsen was released after three months and did not receive a trial.

Daulat Sihombing, a worker with a local non-governmental organization, *Forum Komunika Pembangunan Masyarakat (FKPM)*, was arrested on 1 January 1995. He had been away from Pematang Siantar in the six months since the demonstrations, but was arrested as he returned home for new year celebrations with his family. He was charged under Article 160 and received a six-month sentence. Daulat was accused of leading the demonstrations at Pematang Siantar and should be released shortly.

Amnesty International considers that both Ronsen Purba and Daulat Sihombing may have been detained and tried for their peaceful activities in support of workers' rights.

Police beatings and official intimidation in Surabaya

On 28 December 1994, employees at PT Multi Manao Indonesia (PT MMI) and PT Yosan Miky Sejahtera (PT YMS), in Surabaya, East Java, frustrated at the failure of wage negotiations with their employers, staged a joint demonstration at the offices of the Department of Manpower (Depnaker). The demonstration lasted for four days during which the workers refused to allow a company lawyer, sent to negotiate with them, to leave. The demonstrators were finally forcibly removed by police, who reportedly kicked and beat many of the workers. At least four people needed hospital treatment as a result of the beatings, although it is believed that up to 10, nine women and one man, were injured.

In addition to the beatings of those involved in the demonstration, one of the workers' representatives, continued to be under surveillance after December. Within a week of the demonstration he was visited by police and military intelligence officers, while at other times friends in his neighbourhood were asked questions about his activities. During a visit by Depnaker to his house he was warned: *"You should not encourage people to take such action"*.

Labour Day Arrests in Jakarta and Semarang

On 1 May 1995, 20 students and workers were arrested in the country's capital, Jakarta and in the central Java city of Semarang, during demonstrations to coincide with International Labour Day. The demonstrators were demanding that the government raise the minimum daily wage from \$2.10 to \$3.10 and end military interferences in labour disputes.

In Jakarta, five protesters were arrested by police in front of the Ministry of Manpower. About 80 demonstrators had gathered to demand an increase in the minimum wage, an end to military interference in labour disputes and the right to organize independent trade unions. Those arrested included **Dita Sari** (female) and **Wilson** from the Centre for Indonesian Workers' Struggle (PPBI). They were released one day after their arrest. The five now intend lodging a complaint with Indonesia's National Human Rights Commission about their arrests.

In Semarang, 14 protesters, including students and workers, were held for questioning by the police after a demonstration attended by about 400 demanding an increase in the daily minimum wage and freedom of association. They were released two days later. Among those arrested were **Petrus Hariyanto, Kolap Yokom, Bimo Petrus, Lukman, Lalu Sutrisno** and one woman, whose name is not known. According to LBH in Java, some of the protestors were beaten by the police who broke up the demonstration.

While the protesters had not been charged with any offence by the end of May, Amnesty International is concerned that individuals peacefully protesting for workers' rights do so at the risk of being detained and beaten.

Women activists questioned in Surakarta

Dyah Karyati and **Sulistayani**, two female labour activists from the central Java city of Surakarta have recently been victims of intimidation by military authorities for their peaceful activities in defence of workers' rights. They are part of a group which is supporting a female worker, dismissed after making accusations about sexual harassment by her employer. Both women have been summoned for questioning by the Surakarta police although they have not yet been formally charged.

Dyah was first called to the police station (POLSEK) for questioning on 16 May 1995 under Article 155 of the Indonesian Criminal Code. She was accused of distributing a leaflet which is critical of the government. Dyah appeared again on 19 May, this time with her lawyers, who argued that the summons used to call her for questioning had not followed proper procedures by specifying whether she is a suspect or a witness - a person may be charged if summoned as a suspect, but not as a witness. The next day, another summons was delivered to Dyah which did follow the proper procedures, this time specifying her as a suspect. This summons required that Dyah appear for questioning on

23 May. Dyah complied with the summons and was questioned for two hours. It is not clear whether she will now be charged. Sulistayani was summoned for questioning by police on 2 June, although the precise charges under which she has been called is not clear.

Amnesty International is concerned that the two women were threatened with imprisonment for engaging in peaceful activities in support of workers' rights. The organization is also concerned that Dyah, who is pregnant, is vulnerable to ill-treatment if detained. Amnesty International called on the Indonesian authorities to ensure that the two women, as well as other activists, are protected from all forms of torture and ill-treatment.

5. MARSINAH - REINVESTIGATION BEGINS

The case of **Marsinah**, a female factory worker murdered in May 1993 following her involvement in a demonstration at the watch factory where she worked, has been reopened. The announcement follows the release by the Supreme Court of nine people earlier convicted of her murder.

Marsinah "disappeared" early in May 1993 and her body was later found some 200 kilometres from her home in East Java, showing signs of rape and torture. Her death caused strong protests from domestic and international labour and human rights organizations, including Indonesia's National Human Rights Commission (NHRC).

Just prior to her death, Marsinah had been actively involved in a strike at the factory where she worked. Initially the authorities strenuously denied that her death was in any way related to her labour activities and attempted to play down all evidence of military involvement. In November 1993, nine civilians and one military officer were charged in connection with her murder. Serious irregularities in the arrest, investigation and trial procedures, which violated Indonesia's own criminal procedures, suggested that the trials were intended to obscure military involvement in the killing. During the trials all nine civilian suspects retracted their testimonies, alleging that they had been extracted under duress, some of them under torture.

In March 1994, the National Human Rights Commission confirmed that some of the defendants had been tortured and that the basic rights of all of them had been violated by the military authorities. The Commission further stated that "other parties" may have been involved in Marsinah's murder. LBH concluded, after an independent investigation, that there was a strong possibility that Marsinah had been killed at the District Military Command (KODIM) headquarters and that ultimate responsibility for the

murder rested with high ranking military authorities. The findings of both the NHRC and the LBH were ignored.

Now released from prison, those accused of Marsinah's murder have provided further confirmation of the allegations that they were tortured under interrogation. Suprpto, a security guard at the factory where Marsinah worked, was beaten and forced to drink an officer's urine when he was detained at the Brawijaya Military Area Intelligence Headquarters in Surabaya. He then claims that he was threatened with death if he was not able to recite a testimony prepared for him in which he was implicated. Another detainee claims to have been beaten by members of the army and the police⁴.

The new inquiry appears to consist of two police teams, one from Jakarta and a regional one from East Java, headed by Major General (pol) Roesmanhadi. In a recent press interview, Roesmanhadi was quoted as saying that those originally accused may be accused again and disagrees that the original investigations and trials were engineered.⁵ While welcoming the re-opening of the trial and the announcement that the new investigation will take the NHRC's findings into account, Amnesty International is urging the Indonesian Government to ensure that the investigation and any subsequent trial be conducted in accordance with international human rights standards, and above all that any member of the armed forces believed to be responsible for Marsinah's death be brought to justice. The organization also calls on the Indonesian government to instigate an additional, independent and impartial investigation into the murder of Marsinah. The enquiry should be carried out by people independent of the police, and its findings be made public.

⁴Forum Keadilan, 8 June 1995.

⁵ Tiras, 25 May 1995.

6. INTERNATIONAL SCRUTINY OF INDONESIA'S LABOUR RECORD

Everyone has the right to form and join trade unions for the protection of his/her interests.

Article 23, Universal Declaration of Human Rights

Indonesia's labour record has come under increasing international scrutiny in recent years. While the government has taken some measures, such as publicly attempting to reduce the army's involvement in labour demonstrations and increasing the minimum wage, it has so far failed to reassure some members of the international community that labour rights are protected in Indonesia.

In April 1994, the International Confederation of Free Trade Unions (ICFTU), an international body of trade unions, lodged an official complaint with the ILO's Committee on Freedom of Association to express criticism of Indonesia's record with regard to trade union rights. It had previously done so in December 1987, and noted in its 1994 complaint that there had been little improvement since then. In January 1994 alone, the ICFTU noted 22 cases of military involvement in industrial disputes.

In November 1994, the ILO considered a complaint brought against Indonesia by the SBSI for the government's treatment of workers. In its conclusions to the complaint, the ILO Committee made a number of recommendations to the Government of Indonesia, among which were that the authorities should:

- i) refrain from showing favouritism towards, or discriminating against, any given trade union, and invites it to adopt a neutral attitude in its dealings with all workers' and employers' organizations, so that they all be placed on an equal footing.*
- ii) adopt the required measures and give the necessary instructions so that, in the future, workers' organizations may schedule and hold their congresses and other meetings in full freedom.*

The Committee also:

iii)urges the Government to adopt the required measures and give the necessary instructions to prevent the arrest and detention of trade union leaders and trade unionists for exercising legitimate union activities.

More recently, at the end of its latest session, which concluded in April 1995, the ILO Committee expressed *"its deepest concern over the extreme seriousness of the allegations which refer to the murder, disappearance, arrest and detention of trade union leaders and workers, as well as persistent and continuous violations of trade union rights in Indonesia"*. The Committee also said it *"deeply deplores and re-emphasizes the seriousness of the allegations which lead it to believe that the general situation of workers in Indonesia has not evolved, but is still characterized by serious and worsening infringements of basic human rights"*.

Conclusions and Recommendations

Amnesty International believes that peaceful protest and the right to freedom of assembly and association is a fundamental right to be respected by all governments. The ILO Declaration of Philadelphia states that *"all members of the United Nations should protect the basic rights of workers, including freedom of expression and freedom of association"*. The organization call on the Government of Indonesia, as a member of the UN, to show its commitment to the Philadelphia Declaration and other internationally recognised standards which protect the rights of workers and labour activists.

In order to ensure the protection of workers' rights, Amnesty International recommends that the Government of Indonesia:

- implements the recommendations of the ILO's Committee on Freedom of Association of November 1994, particularly recommendations relating to the protection of freedom of association;
- ratifies ILO Convention 87 regarding Freedom of Association and Protection of the Right to Organize;
- ensures that workers and those who engage in peaceful activities be free to do so without the fear of intimidation and imprisonment;
- prohibits explicitly by law all forms of torture and other cruel, inhuman or degrading treatment or punishment, and ensure that all such acts are***

recognized as criminal offences, punishable by penalties which reflect the seriousness of the crime;

➤establishes clear guidelines regarding the use of lethal force by government and government-backed troops in accordance with the UN Code of Conduct for Law Enforcement Officials;

➤ensures that any individual detained as a result of his or her labour activities be accompanied at all stages of investigation by a lawyer of their choice, as guaranteed by the Indonesian Code of Criminal Procedure;

➤establishes and maintains centralized public registers of all detainees in all parts of the country, to be updated on a frequent and regular basis and made available to detainees' relatives, lawyers and the National Human Rights Commission;

➤releases immediately and conditionally any individual detained solely for their peaceful activities;

➤ensures that an independent and impartial investigation be carried out into the circumstances of Marsinah's death, and its findings be made public.

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