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The need to protect journalists

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Introduction

Censorship, harassment, intimidation and imprisonment is nothing new to the media in Indonesia. In 1994 it was estimated that some 2,000 books and publications had been banned by the Indonesian authorities since 1965.¹ Many journalists and writers have been arrested and sentenced to terms of imprisonment for writings which are considered to have insulted the President or undermined the authority of the state. Most recently, Andi Syahputra was sentenced to two years' imprisonment in 1997 for publishing an independent magazine. July 1997 saw the beginning of the trial of the private secretary of a former politician, who is himself facing charges. Both men have been accused of insulting the government through the publication of a 22-page book by the former politician on the current government's record since coming to power.²

Amnesty International has repeatedly condemned the imprisonment of these and other journalists and writers for the peaceful expression of their views. Recently, however, the organization has become concerned that journalists and others who refuse to bow to pressure and accept censorship may be at risk of a potentially more lethal force. In the past year two journalists have died as a result of violent attacks. In both cases it has been alleged that their deaths were connected to their investigative reporting. In one of the cases, the police have all but ignored allegations of local government involvement in

¹International PEN figure, April 1994.

²For further information see Amnesty International Indonesia: Book Author Faces Prison Sentence, ASA 21/50/97, July 1997, and Indonesia: Update on arrests of printers of independent journal, ASA 21/12/97, 12 March 1997.

the killing and have put on trial for murder a man who claims that he was forced to confess to the killing. The conduct of this investigation into the journalist's killing has shown the authorities' failure in their duty to protect journalists against future attacks by ensuring rigorous and impartial investigation. Journalists have a legitimate role in objective investigative reporting and this role should be protected by the authorities.

FAUD MUHAMMAD SYAFRUDDIN

*"I write the truth and if I have to die for it, well so be it"*³

On 29 July 1997, the trial for the murder of an investigative journalist began almost one year after he died from injuries sustained during an attack by unidentified men. While other journalists and human rights groups have claimed that the journalist's death was linked to his reporting of local corruption, the police insist that he was killed by a jealous husband seeking revenge. Indonesia's National Commission on Human Rights (Komnas HAM) travelled twice to the Central Java city of Yogyakarta to investigate the death. In a preliminary statement Komnas HAM said that the death needed "further investigation". Komnas HAM has also said that the police committed human rights violations during the arrest of the main suspect.



Amnesty International is concerned that Faud Muhammad Syafruddin was killed because of his work as an investigative reporter and that accusations that local government officials were involved in his murder have not been properly investigated. Amnesty International is calling on the authorities to ensure that there is a full investigation into his death and that those believed responsible are held to account.

³The words of Udin in response to his wife's concerns about the risks his work entailed. Report of an investigation by the Alliance of Independent Journalists (AJI) into the death of Syafruddin, a journalist with Bernas daily newspaper, August 1996.

The killing of Faud Muhammad Syafruddin

Faud Muhammad Syafruddin, 33, also known as Udin, worked for 10 years as a journalist on Bernas, a daily newspaper in Yogyakarta, Central Java. In the months before he died, many of his articles had exposed corruption in the Regency - or local government - of Bantul, including in relation to land deals and the election of officials. His reports had focused particularly on the activities of the head - or Regent - of Bantul, Colonel Sri Roso Sudarmo, and had alleged that the Regent had bribed a foundation headed by Indonesian President Suharto, the Dharmais Foundation, to secure his reappointment as the Regent in 1996.

Prior to his death, Udin had complained of receiving anonymous threats and of being harassed apparently because of his articles. Observers noted that the harassment appeared to have intensified after he covered a particular issue of local corruption. District officials had apparently contacted him about his writing, and there are reports that a local government meeting in Bantul had recommended that Udin be taken to court for libel. He had also been asked on a number of occasions to come to the local military headquarters for an informal meeting with the local military commander. The day before he was attacked, there were also reports of unidentified men asking about Udin's whereabouts in the area where he lived. On several occasions, Udin had taken his complaints about harassment to the Yogyakarta branch of the Legal Aid Institute (LBH).

On 13 August 1996, around 10.30 pm, two men came to Udin's house in Bantul and he met with them outside his house. After a short time, Ny Marsiyem, Udin's wife, heard a noise and went outside and found her husband lying on the ground bleeding from his ears. Udin was rushed to hospital with head and internal injuries. He never regained consciousness and died on 16 August 1996.

The police investigation

An investigation into Udin's death began, involving the Bantul police, the Yogyakarta police and the police for Central Java. At an early stage in the investigation, the police ruled out the possibility of a political motive for the killing. Instead they concluded that Udin was involved in an extra-marital affair and that he was killed by the jealous husband. The police initially claimed that Udin had had an affair with a woman named Tri Sumaryani. However this scenario was discounted after Tri Sumaryani told the press that she had been offered financial inducements to confess the affair.⁴

On 21 October the police arrested Dwi Sumaji, 37, a driver for an advertising company, as he was getting on a bus in Sleman, Yogyakarta. Dwi Sumaji claimed he was driven around the city and forced to drink beer until he felt intoxicated. He was then

⁴Gerry van Klinken, "Elaborate constructions - death of an Indonesian journalist", The Sunday Age, 3 November 1996.

taken to a beach resort hotel at Parangtritis in Bantul where he was forced to drink more alcohol. He was then offered money, a better job and a prostitute if he confessed to killing Udin. He was taken into police custody and his family were formally informed of his arrest. The following day, the police announced the arrest. They also said that they had found a 35 centimetre iron bar, allegedly used in the murder, and some clothing at the suspect's house. Later the police claimed that the iron-bar and a t-shirt were stained with Udin's blood.

Dwi Sumaji was originally given a police appointed lawyer who was reported as saying that "*his client had admitted to killing Udin, but claimed that he did not do it intentionally*".⁵ Udin's wife, who had answered the door to the two men on the night of the attack, claimed that Dwi Sumaji was not one of the two men, and insisted that the police had not arrested the right man. In the week following his arrest, Dwi Sumaji was able to obtain independent legal counsel through whom he claimed that he did not kill Udin. Dwi Sumaji's wife maintained that he was with her on the night of the murder.

Another apparent irregularity in the investigation concerned a blood sample taken from Udin while he was still in hospital. When his wife demanded the return of the



blood, she was informed that some of it had been thrown out to sea in a Javanese tradition to seek divine intervention in resolving the case. It was initially claimed that the rest of the blood had been disposed of but Ny Marsiyem was later told that it had been sent to England for DNA testing. Ny Marsiyem took legal action against the police over the blood sample and in April 1997, the Bantul District Court found a police officer, Sergeant Major Edy Wuryanto, guilty of destroying evidence. During the case, Ny

⁵The Jakarta Post, 23 October 1996.

Marsiyem's lawyers raised concerns that the police may have used some of the blood to incriminate Dwi Sumaji. In November 1996, the head of police in Bantul, in charge of the local investigation into the murder, was unexpectedly transferred to Irian Jaya.

Largely because of the level of outrage surrounding the police handling of the murder investigation, Dwi Sumaji was released from police custody on 18 December 1996 but remained a suspect. On four separate occasions, the case was rejected by the prosecutors on the grounds that there was not sufficient evidence to bring Dwi Sumaji to trial for murder. However, the police refiled the case for a fifth time and on this occasion it was accepted. The trial of Dwi Sumaji began on 29 July 1997. Speaking in court on 5 August, Dwi Sumaji stated that he had been framed by the police; *"I have been sacrificed for a political business and to protect a political mafia"*.⁶ Dwi Sumaji also claimed in court that the man who arrested him, offered him bribes and forced him to sign a confession is Edy Wuryanto, the policeman from Bantul who was found guilty of destroying evidence.

Komnas HAM has criticised the police handling of the case and has repeatedly made statements questioning whether the police arrested the right man.⁷ In a statement released on 5 November 1996, Komnas HAM claimed that *"[t]he attitude of the investigative apparatus which did not pursue reports regarding a number of people who 'engineered' the solution of the Udin case, is a contravention of the principle of equality before the law and the principle of unbiased investigation in the framework of a fair trial"*. Komnas HAM also stated that *"human rights abuses"* took place during the arrest of Dwi Sumaji and that the *"investigators' charge of immorality between Udin and Mrs Sunarti [the wife of Dwi Sumaji] is not supported by sound evidence and constitutes a violation of the basic principle of justice for victims of crime."*

Other investigations

In addition to the police investigation into Udin's death, there are also believed to have been investigations by other official bodies, including by the Indonesian Armed Forces (ABRI) Intelligence Body (*Badan Intelijen ABRI, BIA*) and a team from Indonesia's Department of Home Affairs who were believed to have questioned the Regent of Bantul. The results of both of these investigations have never been made public.

Indonesia's officially recognised journalists association, the *Persatuan Wartawan Indonesia* (PWI) has also conducted an investigation into the case. Although better known for its support of the establishment, on this occasion the PWI rejected the police line and concluded that Udin did not die as a result of a personal dispute but rather because of his investigative reporting.⁸ Another investigation by the unofficial Independent Journalists' Alliance (*Aliansi Jurnalis Independen - AJI*) concluded that

⁶The Jakarta Post, 6 August 1997.

⁷The Jakarta Post, 8 November 1996.

⁸Antara, 20 November 1996.

there are indications that the Bantul Regency administration may have been involved in the attack on Udin.

The mental and physical health of Udin's wife, Marsiyem, has suffered considerably since his death. She has been subjected to at least seven sessions of police questioning about her husband's alleged love affair, whether he had ever blackmailed anyone and whether he had obtained his motorbike legitimately. She has also been frustrated in her attempts to ensure a thorough and impartial investigation into Udin's death.

Other attacks against journalists

The memory of Udin's death has been recently rekindled by the violent death of another Indonesian investigative reporter, who is also believed to have been murdered.⁹ On 25 July 1997, Naimullah, a reporter from Sinar Pagi, a Jakarta newspaper, was found in his car around the area of Mempawah, some 70 kilometres north of Pontianak, Kalimantan, with multiple stab wounds to his neck, and bruises on his head, temples, chest and wrists. The autopsy reportedly found that his cranium had been crushed. Naimullah had been investigating corruption in the timber industry. His recent reports had covered timber theft and, at the time of his death, he was believed to be investigating illegal logging in Kalimantan which allegedly involved local government officials.¹⁰ The PWI and a senior official from the Ministry of Information have publicly called for an independent investigation into Naimullah's death and for the results of the investigation to be made public. His case is still being investigated by the police. In September, it was reported that two policemen were being investigated by the Indonesian Military Police for their involvement in the alleged abduction and ill-treatment of Djafar bin Hasan who was reportedly forced to confess to the killing of Naimullah. Djafar bin Hasan claimed that he was abducted by five men, blindfolded and placed in a car, subjected to ill-treatment and forced to confess to the murder.¹¹

Amnesty International is concerned that Udin and Naimullah may have been killed because of their investigative reporting. In the case of Udin, the organization is also concerned that the police investigation into his death has relied on a forced confession, since retracted, of a suspect who was arbitrarily arrested, that evidence has been destroyed and possibly tampered with and that the police have not properly investigated the allegations of involvement of local government officials in Udin's death. Amnesty International is calling on the Indonesian Government to re-open the investigation into the death of Udin and for the investigation to be thorough and impartial. There should be

⁹ There has been speculation that another journalist, Muhammad Sayuti Haji Buchori, better known as Sanrego, who worked on the Pos Makassar in South Sulawesi, was also killed because of his investigative reporting of local corruption. However, the authorities claim that Sanrego died as a result of a motorbike accident and an eyewitness has been reported as confirming this.

¹⁰The Jakarta Post, 29 July 1997.

¹¹Kompas, 13 September 1997.

a full forensic investigation into the death. Amnesty International is also calling on the authorities to ensure that the death of Naimullah is also thoroughly and impartially investigated.

Please send letters in English or Bahasa Indonesia calling on the Indonesian authorities to:

- * reopen the investigation into the death of Faud Muhammad Syafruddin (known as Udin) and for the investigation to be thorough and impartial;
- * conduct a full forensic investigation into the death;
- * ensure that the death of Naimullah is thoroughly and impartially investigated.

Please send appeals to:

MINISTER OF JUSTICE

Haji Utoyo Usman S.H.
Menteri Kehakiman
Jl. H.R. Rasuna Said Kav. 6-7
Kuningan
Jakarta Selatan
Indonesia

Please send copies of your appeals to:

MINISTER OF INFORMATION

Lt. Gen. Hartono
Menteri Penerangan
Jl. Merdeka Barat 9
Jakarta
Indonesia

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