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# Tapol

British Campaign for the Release of Indonesian Political Prisoners

TAPOL Bulletin No 36

October 1979

Editorial

## SUHARTO TO VISIT BRITAIN!

At a time when we in Britain and people elsewhere in the West are being constantly reminded of the atrocities committed in Kampuchea and the Central African Empire, it has been announced that General Suharto, Indonesia's military ruler, will pay a State Visit to Britain from 13-16 November next.

Has it been forgotten that Suharto came to power by means of massacres which eliminated hundreds of thousands of people in little more than four months? Estimates range from half a million to one million killed; Admiral Sudomo, KOPKAMTIB's chief, himself gave a figure of 540,000.

Must we ignore the fact, hardly ever mentioned in the press, that Suharto's army invaded East Timor in December 1975 and has waged aggressive war there ever since? The current estimate of deaths is 100,000—one-sixth of the population. A Catholic priest who recently left East Timor after spending three years with the resistance has spoken of regions where one-third of the population was wiped out. One-half of the population is now in concentration camps; there are forty prisons, 20,000 political prisoners, and torture and executions are a daily occurrence.

And what of the murderous consequences of Suharto's military campaign in West Irian where 90,000 are estimated to have died since 1963 in an attempt to quell a movement for freedom from Indonesia? From Irianese sources we hear that there are now 1,500 political prisoners.

Undoubtedly, the publicity surrounding Suharto's visit will speak glowingly of the release of tens of thousands of political prisoners in the past few years, as if this marks the end of Indonesia's reputation as a human rights violator

described by Amnesty International as being 'without parallel'. We will not be told that these men and women were held without trial, most of them for over thirteen years, on the basis of nothing more than 'indications'; that untold thousands died or disappeared in detention; that those lucky enough to survive are now returning home to face harsh discrimination in a society where, to quote the words of one detainee who recently returned from Buru, "fists are clenched against us".

Why is the head of such a regime to be entertained in Buckingham Palace and toasted in the Guild Hall by a

*continued on page 10*

*From Smash the Yoke of Oppression of the Indonesian People, Defence Plea of Student Defendant, Heri Akmadi.*



**'Tapol' is an Indonesian contraction for 'tahanan politik' meaning political prisoner. It is still widely used although it was banned in 1974 because the military authorities said that all prisoners are 'criminals'.**

# 4,000 MORE RELEASED AS EX-TAPOLS

Four thousand tapols, all of whom have been held for 13 years or more without trial, were released in September from the Buru island penal colony. They were formally released towards the end of the month and were transported to Java in two batches. The first 2,000 reached Surabaya on 24 September. The second 2,000 reached Java two weeks later and were formally 'returned to society' at a ceremony in Semarang, Central Java on 10th October.

According to official figures, the total number of tapols following these releases from Buru now amounts to 4,154. The last figure given prior to this release of 4,000 was 8,303, the figure announced in April after the first 1979 releases took place. The two totals leave 149 tapols unaccounted for. No official clarification has been given regarding this discrepancy.

For purposes of comparison, we give below the official breakdown by categories of the two figures:

	April 1979	September 1979
A Category	527	475
B Category:		
on Buru island	5,920	1,915
elsewhere	1,598	1,723
Y Category	258	41
Total:	8,303	4,154

## 5 BURU PRISONERS DEAD SINCE APRIL?

The two Buru figures show a discrepancy of five. The only possible explanation is that they died in the five months since the end of April, giving a mortality rate of one death a month. From contacts in Central Java, it is also learnt that one of the tapols who arrived in Surabaya on 24th September was critically ill.

## EX-TAPOLS FEAR 'VOLUNTARY' TRANSMIGRATION

*Extract from an article by Wiecher Hulst in Haagse Post, 21 July 1979.*

There are released political prisoners everywhere in Java; Many of them are unemployed, and it is also a question whether they are really free because their freedom of movement is restricted as a result of many limitations. There is also fear among them—fear of being re-arrested, and fear of being forced into 'voluntary' transmigration.

I talked with an ex-political prisoner in a small town in East Java. He said: "There is no question of my being really free. If I want to go out of town, I must report to *Koramil* (Sub-district Military Command), both here as well as in the place where I go. Even if I could find employment in Jakarta, I would not be able to settle down there as I can only get a temporary resident permit. When I was released, I received an official letter which stated that I was 'being released from provisional detention', and so they can re-

## FORCED TO RE-REGISTER

Reports are coming in of the compulsory re-registration of ex-tapols. They are being required to complete questionnaires, an example of which we reproduce (see box). We also reproduce the "secret" covering instruction sent out by the West Jakarta *Kodim* (District Military Command).

The ex-tapols, including those released after serving sentences as well as the many thousands more who were never tried, are also required to submit five, and in some cases, ten recent passport photographs. This plus the travelling incurred has meant that in addition to the anxieties caused by the nature of the questions asked, the re-registration has been a financial burden especially for the vast number who have failed to find a job.

One of our contacts reports that ex-tapols fear the link being made between their current livelihoods and the renewed emphasis on "transmigration". In East Java, where re-registration took place in April and May this year, the questionnaire included a question on "willingness to transmigrate". (See also the extract from Wiecher Hulst's article below) In West Jakarta, the re-registration took place in August, and all ex-tapols were required to appear in person at the district military command, even if they had already moved to another part of the country. In other parts of Jakarta, the ex-tapols were allowed to report to government offices in their neighbourhood, but were there confronted by a representative of the district military command, and required, in addition to completing the questionnaire, to answer such questions as:

arrest me.

"Recently, hundreds of ex-prisoners in this area were summoned by military intelligence in Surabaya. They were required to answer a questionnaire consisting of 78 questions. This was said to be a survey because no names were put on the questionnaires. But in my opinion, it is very simple to know who answered each questionnaire because everyone had to give their age, address and profession. I fear that these questionnaires are a first step towards forced transmigration because one of the questions asked was about whether the person had found work yet.

"It is virtually impossible to find work. The government has said that non-involvement certificates are no longer necessary but this is nonsense. They are still required for so-called vital enterprises and for government service. And there are very many vital enterprises! They have so-called screening commissions consisting of military people to check up on whether a person's political past is clean. So, just forget about finding work."

- What things have you been doing in your kampung?
- How has the community received you back? What is the attitude towards you?
- What are your views on the present situation?
- What do you live on?
- Are you willing to be transmigrated?

**Letter from 0503 (W. Jakarta)**

**District Military Command**

**Translation**

- 1 Bearing in mind the importance of personal data for the needs of Census and in order to improve the existing administration of ex-G30S/PKI detainees.
  - 2 The person addressed above should immediately complete the accompanying form as a requirement and provide 10 (ten) recent passport photographs, 3 x4cms in size. These should be delivered in person to Kodim 0503, West Jakarta, not later than 31 August, 1979.
  - 3 The above must be properly implemented.  
(The accompanying questionnaire consists of the following questions:)
- 1 Full name
  - 2 Date and place of birth
  - 3 Education
  - 4 Position in organisation prior to arrest
  - 5 Category\*
  - 6 Employment prior to arrest
  - 7 Date of arrest
  - 8 Date of commencement of sentence served by ex-G30S/PKI *napi* ('political convicts') and length of sentence
  - 9 Date of release
  - 10 Employment since release
  - 11 Present address
  - 12 Names of members of family (wife and children)

\* i.e. A, B or C category.



Tapols returning home from Central Java September 1978

**SAVANA JAYA: Rp11,600,00;  
THE COST OF FREEDOM**

Some of the tapol families now living at the Savana Jaya unit on Buru island are reportedly going to be allowed to leave for Java before the end of October. But they have had to pay heavily for this.

According to reports just received, a group of about 500 people from Savana Jaya were required to collect Rp 11,600,000 (\$1.00 = Rp 615) as a condition for returning to Java. As they did not have anywhere near this amount of money, they were obliged to sell off virtually all their possessions—rice, animals, household goods and so on—at very low prices. This still left them about Rp 3,000,000 short, and they were compelled to turn to other tapols for help.

It is totally unjust for KOPKAMTIB to have imposed such onerous terms on these families. No other tapols from Buru have been subjected to such conditions. The only possible explanation is that KOPKAMTIB was acting out of spite because these families refused to collaborate with government plans to ensure a ready-made work force for the transmigration project now being set up on Buru. Certainly, the effect has been to compel whole families to return to Java in a state of destitution, to face difficulties even more daunting than those confronted by tapols who return home to a wife and family or other relatives.

It is disturbing to note too that the number of persons expected to return from Savana Jaya is only five hundred. There are 207 tapols with families at the unit, and it is safe to assume that they would have on average two children each. The total population of the unit is probably nearly one thousand.

*See STOP PRESS on page 12*

**PRISON CONDITIONS WORSEN**

Reports have been received in the past few months of a marked worsening of prison conditions where tapols are still being held. From Jakarta, it is reported that the shortage of food at Salemba Prison became so serious that two tapols asked for and were granted permission to request a special supply of rice from the Indonesian Council of Churches. The Council supplied two tons of rice.

Tapols at Koblen Prison, Surabaya are also suffering food shortages because the recently-appointed commander, described as a 'fanatical Moslem' has introduced regulations for even stricter isolation than formerly. As a result, tapols' families are not being permitted to supply food.

From other sources we have heard that after the completion of releases this year, the Army plans to integrate all remaining tapols with criminal prisoners thus creating the impression that there are no more tapols. It is felt however that many tapols will still remain in the prisons, and not only A-category tapols awaiting trial.

## CATHOLIC PRIEST CALLS FOR UN SANCTIONS

About a third of the people I knew in Soiboda have died of hunger and exhaustion. The war itself caused few victims among the Timorese.

This was stated by Father Leoneto Vieira do Rego, a Catholic priest who arrived in Lisbon earlier this year after spending three years with the people of East Timor resisting the Indonesian invasion. He had been in East Timor since 1950, and was teaching at a Seminary in Soiboda, a small town in the southern part of the country, when the Indonesian invasion was launched in December 1975. He is the first priest with direct experience of life in East Timor since the invasion to have spoken publicly, condemning Indonesia.

Father do Rego told the Dutch newspaper *Utrechts Nieuwsblad* (20 August 1979) that the estimate that 15% of the population had died since the invasion was too low. The overall situation, he said, was far worse than in Soiboda where he himself knew of the high death toll of one third.

Soiboda is situated in a fertile region where there has always been something to eat and where famine struck much later. In other regions, things were much worse, and people arrived at the camps looking like living skeletons.

He said that things remained peaceful in Soiboda for the first six months after the invasion, but when Indonesian troops appeared, the whole town was evacuated.

Conquests by Indonesian troops were only of geographical significance; the people were in the mountains protected by the Fretilin soldiers.

Speaking about conditions in the mountains, he said that up to 1978, the people succeeded in preserving communal life, beyond the reach of the Indonesians. "There were hospitals, schools, markets, and enough food was grown." But then, after 1977 when the Indonesians brought in more troops and military equipment, they tightened their encirclement, forcing the population onto the move. With food cultivation disrupted, famine quickly developed. "We manufactured anti-biotics and other tablets from local plants", he said in an interview with *Ost Timor Aktuell* (No 13/14, August 1979) "using sago flour as the matrix".

His own decision to leave the Fretilin-controlled areas was taken at the end of 1978 after his health deteriorated.

In the end, people had to carry me and I became a burden. I am too old for such exertions . . . and asked for permission to surrender . . . so that I could return home to Portugal.

After surrendering, he spent 17 days in an Indonesian prison in Baucau where he saw Fretilin prisoners being badly treated. There was a great deal of torture and beating. "I think more people died in the Indonesian camps than as a result of the war. There was food only for the soldiers."

### UN Sanctions Essential

"The UN must impose sanctions against the Indonesian invasion", Father Do Rego told *Ost-Timor Aktuell*. And in an interview with Jill Jolliffe (*Guardian*, London, 20 August 1979), he said that East Timor was under

# EAST

. . . military occupation exactly as Europe was occupied by Nazi Germany . . . The East Timorese will never accept the occupation and I think the resistance will grow again. There is no area where Indonesian control is secure.

### 20,000 Tapols, Hundreds of Thousands in Camps

According to recent information from East Timor, there are about 20,000 people now being held as political prisoners, while according to other information analysed by the Australian relief agency, ACFOA, hundreds of thousands of Timorese who were compelled to leave the mountain areas following saturation bombing by Indonesian forces have been herded into concentration camps. These are the camps to which Father do Rego refers in his interviews. For more information about these camps, please read TAPOL's recent publication, *An Act of Genocide: Indonesia's Invasion of East Timor*.

### HUMAN RIGHTS VIOLATIONS IN EAST TIMOR

A report compiled by the Australian organisation, *Action for World Development* in September this year provides the following information:

- \* The Indonesian Army now runs about forty prisons in East Timor. They include four prisons in Dili: the Military Police Prison, Vila Verde; the Intelligence Prison in Farol; the Army Prison in Colmera; and the Military Police Prison of Comarca, in Balide (the main gaol). There are three military prisons in each of the 12 administrative regions (*kabupaten*): a military police prison, an Army prison and a PTP (?) prison. (Another source estimates that there are now about 20,000 political prisoners in East Timor.)
- \* A number of people are reported to have disappeared, included those who surrendered to the Indonesians under the Presidential Amnesty which expired on 31 December 1977.
- \* Details are available about persons who have been executed without trial. One entire family consisting of the parents and four children were executed because one of the daughters was the wife of the Fretilin leader, Rogerio Lobato.
- \* Anyone refusing to give up Portuguese nationality and accept Indonesian nationality is severely discriminated against. This includes: loss of work, imprisonment, the obligation to pay a residential tax and refusal of permission to travel.
- \* Civil servants in Dili who have been trying to leave East

# TIMOR

Timor with the help of the Red Cross were all due to be dismissed on 1st August. They fear very much for their lives. Said one person facing this predicament, in a letter dated 14th July 1979:

The Indonesians do not look on us kindly. For a small thing you can be put in prison, if you don't disappear altogether. Many people have already disappeared. . .

## AN ACT OF GENOCIDE: INDONESIA'S INVASION OF EAST TIMOR

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## NON-BLOC CONFERENCE SUPPORT INDEPENDENCE

The conference of non-aligned countries has once again upheld the right of the people of East Timor to exercise their right to self-determination. This was stated in the Final Declaration adopted in Havana in September this year. It declared too that East Timor was still under foreign domination

The inclusion of East Timor in the Final Declaration represents a serious defeat for Indonesia which had lobbied hard since the time of the preparatory meeting of non-aligned foreign ministers in Colombo in June this year to keep the question off the Conference agenda. Only seven of the 93 countries attending the Havana conference supported Indonesia. These included Indonesia's closest allies, the four other countries of the ASEAN alliance: Malaysia,

the Philippines, Singapore and Thailand.

After the decision had been adopted, Indonesia's Vice-President Adam Malik left the Conference in protest. Indonesia's Foreign Minister Mochtar Kusumaatmaja returned home to a barrage of criticism for what was seen as a major defeat for Indonesian diplomacy. Some politicians and newspapers used the incident to launch a more generalised criticism on the "ineptitude" of Indonesia's Department of Foreign Affairs. But Adam Malik and Mochtar Kusumaatmaja took issue with their critics who, they claimed, knew nothing about the Conference procedures. The defeat, they alleged, had come about because Cuba "played a dirty trick" by bringing up the question of East Timor quite unexpectedly even though it had been decided in Colombo to exclude it. (*Tempo*, 22 September, 1979.)

More significantly, *Tempo* also quoted unnamed officials of the Foreign Department as claiming that their work was repeatedly being hampered because of "outside interference" from "another Department". In what was clearly a reference to the Defence Department which is still in full control of the areas of East Timor now occupied by Indonesia, *Tempo* quoted one Foreign Department official as saying:

The Department of Foreign Affairs would actually like to see East Timor opened up more so that the world can see the meaning of integration. But another department considers that the time has not yet come for this. This has been the card played by countries that do not like Indonesia.

The row reflects the embarrassment caused to Indonesian representatives abroad by the inability of Indonesia's security forces to allow foreign observers into East Timor even though they have repeatedly claimed that security has been "fully restored". The revelation made in *Tempo* only confirms the many reports still being received that there is widespread resistance to Indonesia's attempt to annex East Timor.

## 1,500 TAPOLS IN WEST IRIAN

According to Irianese sources, there are as many as 1,500 political prisoners now being held in West Irian for allegedly supporting the Papuan independence movement, the OPM. Most of them are held in prisons in Jayapura and Biak.

They include Gerrit Wayoi who, until his arrest in June this year, held a leading position in the OPM together with Jacob Prai, the OPM leader who sought sanctuary earlier this year in Papua New Guinea and has now been granted political asylum in Sweden. Wayoi is known to have been severely tortured during interrogation and it is feared that he died as a result of his injuries. Several others whose names have been received were arrested with Wayoi, whilst another three, also named, were arrested in 1976 after the appearance of a document known as the 'Serui Declaration'. Most tapols in West Irian are subjected to torture. Some are known to have been shot before firing squads or have disappeared without trace.

Seventeen women were arrested and tortured by soldiers after demanding the release of two of their menfolk who had been arrested in connection with a movement to resist attempts by the local Forestry Department to take over their land.

In statements to the press after their release, the men and the women described how they had been beaten, kicked, slapped and subjected to electric torture in an attempt to force them to give up their land. One of the women who was four months pregnant had a miscarriage after falling on her backside several times as the chair on which she was ordered to sit was suddenly removed from under her. The men were tortured by immersion in water and other cruelties.

The incident arose out of a conflict going back several years when the Forestry Department ordered the peasants to give up land used for the cultivation of coffee, for the purpose of 'reclamation' by means of re-forestation. The peasants refused because their livelihoods would be severely affected and because, they argued, there was plenty of wasteland, overgrown with *alang-alang*, suitable for reclamation whereas there was no need to reclaim land that was being used productively.

In an attempt to press their case, the peasants accepted the offer of a lawyer to act on their behalf, and raised



ARMAN NASUTION

Jamedan Siregar, one of the two brothers arrested in Siria-ria. (Tempo 11.8.79)

between them more than a million rupiahs for his fee. But far from protecting their interests, the lawyer concluded a deal which involved the complete surrender of their land.

Continued on page 9

# PEASANTS ARREST

The past few months have seen a sharp increase in cases thousands of peasants. We describe below the Indonesian press.

Some commentators believe that the conflicts that people are becoming more determined to deal with, agreeing with this, point out that there is renewed interest in their output of cash crops by controlling more land in November which sharply raised profits accruing to them.

Some commentators have also pointed out that the take is the result of the elimination of political action of the organisational means to protect their interests. However, a law introduced under Sukarno providing for a law was removed from the statute book by ministerial decree, totally autocratic, further intensifying feelings of uneasiness.

Finally, some commentators have made the claim that peasant protests have been engineered by the PKI (See box.)

"It is a general phenomenon these days that people everywhere are afraid of officials, just as journalists are afraid to write and I am afraid to speak too loudly."

Usep Ranuwijaya, Member of Parliament for the PDI (nationalist party), in Sinar Harapan, 30 July 1979.

\*\*\*\*\*

... there is clearly collaboration between political party elements to utilise this case for their political interests. Besides this, we must be vigilant of the role of G30S/PKI elements who are also utilising this case in the interests of their strategy of struggle. The role of G30S/PKI elements is clear because an ex-BTI\* member, who is required to report regularly, was active in this incident. One of the persons mobilising the masses was also an ex-BTI/PKI person, and the region where it occurred was indeed a BTI/PKI stronghold in former days. The kind of mass action employed is clearly similar to that employed by the PKI during the Old Order."

Major-General Witarmin, Commander of the East Java Military Command, in Kompas, 4 August 1979. (It was Major-General Witarmin who mobilised troops to quell the peasants on 25 July.)

\*\*\*\*\*

"Officials should not draw hasty conclusions that people's unrest over land is being engineered by ex-BTI/PKI members before thorough investigations have been made. And, as far as possible, people's representatives, including members of Parliament and the Regional People's Assemblies should be involved in this.

"If a verdict is passed that ex-PKI members are responsible, this can be harmful in two ways. (1) By making people whose land rights have been abused

# ED AND TORTURED

JENGGAWAH (Jember), East Java

the number of land disputes, involving in some of the more serious incidents widely reported in have existed for many years; the difference now is and their rights. Others, while not necessarily dis- pressure from state-owned plantations to increase land, particularly since the 50% devaluation last enterprises producing goods for export.

the spontaneous forms which peasant protest now vity in the villages which has deprived the peasants s. Moreover, in 1966, shortly after the Army took r the democratic election of lurah (village heads) l decision. As a result village government is now rest in the countryside.

point that Major-General Witarmin's charge that has only added to the complexity of the problem.

At least 35 peasants were arrested when six platoons of armed troops were used to quell a demonstration by thousands of peasants in the East Java sub-district of Jenggawah. Many more fled their homes to avoid arrest and brutalities; some remained in hiding for weeks.

The demonstration occurred on 25 July in an attempt to prevent the police from entering their region to arrest two peasants. A month earlier, the peasants had halted efforts by State Tobacco Plantation No 27 to plough up their crops. Tractors had been brought in for this purpose on two occasions, once on 2 June at the village of Cangkring-Baru and then on 4 June at the village of Klontogan, both in Jenggawah. Feelings of anger intensified soon afterwards when two peasants were arrested and subjected to torture. This led to a demonstration demanding the release of the two men, the restoration of 3,500 hectares of land to the peasants and the dismissal of the village chief.

The land in question had originally been concession land handed over to the plantation (then foreign-owned) but never cultivated by it. Early this century, plantation workers began to reclaim the land with the consent of the concessionaires and eventually came to treat it, with official approval, as their own. Labour ties with the plantation were eventually severed though the peasants were required to grow one crop of tobacco—which takes five months—every two years for sale to the plantation. For the rest of the time, they grew food crops for themselves, mainly rice.

In 1971, the plantation, now state-owned, began moves to 'regularise' the land's use in their own interest by limiting the tillers' rights to it to five years and requiring them to supply, free, a ton of paddy every year. This was said to be a contribution towards development projects though the peasants saw no evidence of any development. Then in 1975, the peasants were ordered to double tobacco production by growing a crop every year. Moreover, only part of the price due was actually paid, the rest going to 'development'.

As resistance to these onerous terms grew, Plantation No 27 decided to settle the problem once and for all by carrying out, with official approval, a re-distribution of the 3,500 hectares of land in question. The amount of land tilled by the peasants would be drastically cut and the rest given over to plantation personnel and local government officials. As the peasants sought to reverse this arbitrary decision, clashes broke out between the original tillers and those newly granted rights to the land. When the former sought to defend their land, arrests were made, leading to renewed protests and clashes with troops sent to make the arrests.

**Kompas** (8 August 1979) points out that tobacco from East Java sold at the Bremen (West Germany) auctions last year raised 32 million German marks. Eighty percent of this tobacco came from Jenggawah. (Sources: **Tempo**, 11 August and 18 August 1979; **Kompas**, 8 August 1979.



BUOHMAN S. HARTOYO

Major-General Witarmin, who blamed the PKI and called out the troops. (Tempo 18.8 79)

afraid to fight for their rights. (2) By making it difficult for former PKI detainees who have recently been released to restore themselves quickly into society. As a result of such allegations, society will certainly be afraid to receive them back properly."

Abdul Rachman Saleh, *Public Relations Officer of the Legal Aid Bureau, in Kompas, 7 August 1979.*

\*\*\*\*\*

"It is necessary for us to be somewhat cautious when discussing the Jenggawah incident, especially following the official statement made by the Brawijaya (East Java) Military Command to the effect that BTI elements were involved. With this, we are, as it were, placed before a formidable and impregnable wall."

**Kompas, 8 August 1979.**

\*BTI: **Barisan Tani Indonesia**, the nine-million strong peasants union banned together with the Communist Party and many other mass organisations after the military came to power.

## RAILWAYMEN'S LEADER ON TRIAL

Supardi, the chairman of the Railwaymen's Union, SBKA, has been brought for trial at the Jakarta North/East District Court. The trial commenced in June this year.

Supardi is being defended by a lawyer designated by the Legal Aid Bureau, LBH, who apparently was not present at the opening session of the trial (presumably because he had not yet been appointed) because at the second hearing, the lawyer asked that the prosecutor's Indictment be re-read, and then requested a two-week postpone to study the documents of the case.

Supardi is being tried under the notorious Anti-Subversion Act of 1963 for activities prior to the 1965 events, as well as for continuing with political action after his union had been banned in 1965. One of the charges regarding the pre-1965 activities relates to a meeting of the Central Council of the All-Indonesian Trade Union Federation, SOBSI, which he attended some time in August or September 1965 at which "decisions were taken relating to the tense political situation in the country".

## VISIT TO SUKARNO'S TOMB CALLED OFF

A Commemorative visit to the tomb of the late President Sukarno had to be called off at the last minute. When the group of 25 leading political figures and retired Army officers arrived at the recently-opened monument they were startled to see a notice announcing that it was closed to the public "for cleaning". Yet, one of the members of the group told **Tempo** later (**Tempo**, 14 July 1979), "that same morning it was still open". When another member tried to contact the Mayor of Blitar to obtain access to the tomb, he was told that the Mayor was "not available".

General Sugih Arto, formerly Attorney-General, a member of the frustrated group, said: "Such methods leave me speechless".

The date chosen for the visit, 5 July 1979, marked the twentieth anniversary of President Sukarno's Decree restoring the 1945 Constitution. The visiting group had intended to hold an open forum at the tomb with a discussion on the question of promoting the aspirations of Indonesia's first President. A charter drafted the previous evening was also to have been made public but the decision to close the tomb "for cleaning" meant that these plans had to be abandoned.

Another person connected with the group, Dr Yusuf Ismail, said that the planned visit was "an expression of feelings of unrest". These feelings exist in 'elitist' circles, he said, because of the lack of freedom to express opinions.

**Tempo** points out that although the 5 July 1959 Decree is of such historic importance, no other commemorations were planned anywhere in Indonesia.

(Editor's Note: The 1945 Constitution re-instated by Sukarno grants extensive powers to the Head of State, and has served the military well since Suharto came to power. Indeed, as **Tempo** points out, the idea of re-instating this Constitution originated with an official proposal to Sukarno made in August 1958 by the then Army Chief-of-Staff.)

## STUDENTS ON TRIAL THE VERDICT SO FAR

**Heri Akhmadi:** Chairman of the Students' Union of Bandung Institute of Technology. **Two years**

**Maqdir Ismail:** Student leader at the Islamic University, Jogjakarta. **Two years**

**Harun al Rasyid:** Chairman of the Students' Union of the Surabaya Institute of Technology. **Two years**

**Mohammad Sholeh:** General Secretary of the Students' Union of the Surabaya Institute of Technology. **Eighteen months**

**Ismail Ghozali:** General Secretary of the Students' Union of the Institute of Pedagogy, Malang.

Shortly after being sentenced, Ghozali was killed in a road accident. **Fifteen months**

**Lala Mustafa:** Chairman of the Students' Union of the Islamic University, Bandung. **Fifteen months**

**Iskandar Chotib:** Chairman of the Students' Union of Pajajaran University, Bandung. **One year**

**A. Tarsono:** Chairman of the Students' Union of the Nusantara Islamic University, Bandung. **Eleven months**

**Drs A. R. Noor:** Chairman of the Students' Union of the Institute of Pedagogy, Bandung (1975-77). **Eleven months**

**Rosmel Djilil:** A Jakarta student. **Nine months**

**Indra Tjahaya Kadi:** A Jakarta student. **Eight months**

**Yoilas Rofli:** Deputy-Chairman of the Student Council of Sriwijaya University, Palembang. **Acquitted**

## ITS NICE TO BE INFORMATION OFFICER

"Information Minister Lt.-Gen. Ali Murtopo made the resounding statement to the local press that the inflation rate was now a 'state secret'. One day later Minister of Trade and Cooperatives Radius Prawiro calmed the initial outcry against Murtopo's gaff and put the January to August rise in the cost of living index at 19.3%." (**Far Eastern Economic Review**, October 5, 1979, p. 89).

## ANNOUNCEMENT TO SUBSCRIBERS

The next issue of **TAPOL Bulletin** will appear in January 1980, not December 1979. In future, **TAPOL Bulletin** will appear in the months of January, March, May, July, September and November.

The change is being made to avoid publication in the months of August and December when holidays interfere with printing and other processes.

## STUDENT JOURNALS BANNED

The Rector of Gaja Mada University, Jogjakarta, has banned **Gelora Mahasiswa**, a fortnightly journal published by the Students' Council. He took this decision after objecting strongly to a report carried in the journal about a heated debate between the Rector and the student leaders on the question of conforming with the government-imposed 'Normalisation' of Campus Life. The students continue to resist 'normalisation'.

The Rector, Professor Sukadji Ranuwihardjo, was quoted in another paper as saying that **Gelora** had behaved in an 'irresponsible' manner. The paper's editor Slamet Riyadi, retorted that **Gelora** "is an opposition newspaper, in particular regarding everything dishonest."

Another student paper not able to appear is **Derap**

Another student paper not able to appear is **Derap Mahasiswa**, the journal of the Jogjakarta Institute of Pedagogy. The ban was imposed two years ago and has still not been lifted. (**Tempo**, 13 October, 1979.)

Meanwhile in Bandung, 445 copies of **Integritas**, the journal published by students of the Bandung Institute of Technology, were confiscated by the Bandung Public Prose-

cutor's Office. The copies were part of the May 1979 issue, a special edition of the paper devoted to reports about the student trials. (**Merdeka**, 26 May 1979.)

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After attempts to contact the lawyer failed, the peasants had to resort to physical measures to keep forestry officials off their land while they sought to have the deal revoked.

Then two brothers from the village were arrested and accused of raising funds illegally to pay the lawyer. This was pure fabrication as the money had been raised collectively from voluntary contributions. Angered by the arrests, more than 200 women marched several miles to the military unit where the men had been taken, only to find they had been removed. After several fruitless attempts to locate the men, the women turned their wrath on the military office, destroying papers and furniture. When shots were fired into the air, they attacked the soldiers and seized a weapon. A few days later, after the women had returned home, soldiers came to arrest them and took them to a military post where they were tortured and maltreated.

(Sources: **Tempo**, 11 and 18 August 1979; **Merdeka**, 11 August 1979.)



Heri Akhadi, Chairman of the Students' Council of the Bandung Institute of Technology, at a court hearing.

(**Tempo** 22.9.79)

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# LEGAL COSMETIC SURGERY

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A long report in *Tempo* (8 September 1979) on the current debate among Indonesian lawyers about procedural law reveals not only that the present Code discriminates in favour of the rich but also that its implementation is arbitrary. The debate centres around a proposed new bill aimed at replacing the Code, known as the HIR (the *Herzien Inlandsch Reglement*). The HIR has been in force with only minor changes for the last 130 years.

It is now 12 years since the military government first promised to introduce a new Code. Further delay would now appear to be no longer tenable because of mounting concern among lawyers about abuses in legal procedures. An attempt by the government last year to silence critics by placing the responsibility of regulating treatment of detainees on KOPKAMTIB (Operational Command for the Restoration of Security and Order) only aroused more protest (see *TAPOL Bulletins* 31 and 32). Both President Suharto and Attorney-General Ali Said said recently that a new Code was 'imminent'; according to Ali Said, it would come 'after Lebaran' (the end of Ramadhan) which fell this year in August.

Increasingly lawyers are criticising the HIR as 'colonial' and out of keeping with present-day conditions. But hardly any, in their public statements at least, have pointed out that even its vaguely-worded safeguards have been completely ignored in the case of the hundreds of thousands of tapols, held for many years without trial. This omission highlights the degree to which the military government has succeeded in forcing society to accept the guilt of the Communist Party and its sympathisers in the 1965 'coup', even though this was done by means of show-trials in which the HIR was flagrantly violated. Lawyers, like everyone else, fear the consequences for their reform movement if they were to incorporate the injustices perpetrated against G30S tapols in their arguments in favour of change.

The most trenchant criticisms by lawyers have been confined to general complaints about several aspects of procedure:

## Detention

Preventative detention or detention for interrogation purposes is a common practice. Both police and prosecutors' offices are able to order prolonged detention for purposes of 'investigation'. In most cases the suspect is not informed what crime (s)he is supposed to have committed, and families are usually denied access to those detained on suspicion.

## Legal Assistance

Suspects have no legally defined right to demand the presence of a lawyer during interrogation before the trial, nor is the right of private consultation with a lawyer stipulated by law.

## Active Participation of the Judge

The HIR allows for the active participation of the judge in examining the accused and witnesses. *Tempo* comments that for the defence lawyer "the real opponent is not the prosecutor but the judge—who controls the rules of the game". Such intervention played a significant part in the trials which followed the 'coup'. In many cases the defendant was bullied and wearied by relentless questioning but it was made clear that an 'uncooperative' attitude would be penalised. More importantly such intervention is very significant, especially in political trials, as the judge as a state employee can hardly be impartial.

## The Order of Questioning in Court

Although the HIR stipulates that the accused must be examined only after all the witnesses have appeared, in reality the accused is usually questioned first. This abuse has been widely and consistently protested by defence lawyers, but is upheld by judges on the grounds of 'custom' plus the argument that according to Emergency Law 1/1951 the HIR (procedural Code) is anyhow only a 'guide' to procedure. This explanation demonstrates the ease with which law may be cast aside when convenient.

## Compensation

There is no provision for compensation claims following wrongful arrest and detention. This is perhaps hardly surprising in view of the fact that after the 'coup' some 600,000 people were unlawfully arrested on suspicion of 'involvement'. This potential source of compensation claims alone suggests that the government is unlikely to contemplate such a reform.

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*Continued from page 1*

government that was so recently wringing its hands over the fate of Vietnam's boat people? The reasons are not hard to find. Indonesia under military rule means good business for the multinationals with many attractive conditions to offer, including a cheap labour force denied the right to strike and deprived of democratic trade unions to defend its rights. Its Armed Forces, stung by its inability to win a quick victory over East Timor with a population of less than a million, is now undergoing massive modernisation which has already brought an order to British Aerospace of eight Hawk ground-attack aircraft, with the prospect of more orders to come. A State Visit is just the way to get these orders for weapons and to secure deals for business whilst helping boost the morale of a regime that is facing more and more unrest at home.

We call upon our readers to protest against this visit in the strongest possible terms—to the Government, to Members of Parliament and to the press.

## NON-INVOLVEMENT CERTIFICATES FOR SCHOOL LEAVERS

Seeing the large number of people who have just left secondary school who still go to the police to apply for certificates of non-involvement in the G30S/PKI, many questions are being asked in society about whether these non-involvement certificates are still required for people wanting to continue with their education or to apply for jobs.

The G30S/PKI event occurred in 1965, fourteen years ago. School pupils who completed their education this year were only five years old fourteen years ago, that is to say, they were too young to understand anything.

I call upon the government or the competent authorities to make a clear statement on whether or not non-involvement certificates are required to continue schooling or to apply for jobs. This is (necessary) because money is collected by the police for the administrative costs of issuing non-involvement certificates and it takes at least two days to obtain such a certificate.

I express thanks to the authorities for their attention.

**Suryatmono, BC, HK**  
East Jakarta.

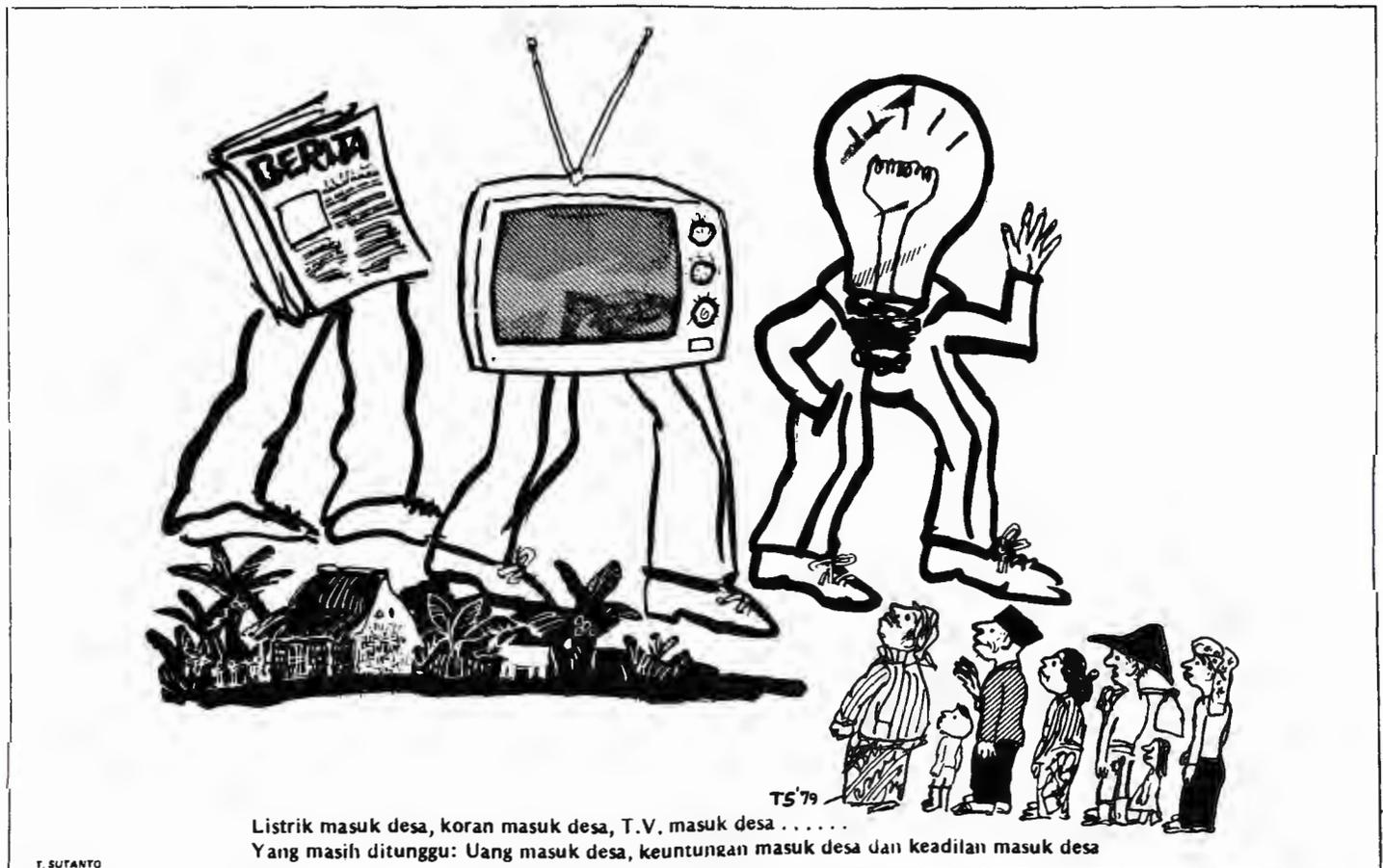
A training seminar for law students convened by the Legal Aid Bureau (LBH) in May had to be called off at the last minute because the Jakarta Police suddenly withdrew permission (*Kompas*, 22 May 1979).

The permit had been granted in April, and the LBH had requested participants to bring a letter from their faculty deans for purposes of identification. But just two days before the Seminar was due to begin, when thirty participants had already arrived in Jakarta from all parts of Java and Bali, the police announced that the seminar could not be held unless those attending had letters of approval from their university rectors.

This was out of the question, said LBH chairman, Adnan Buyung Nasution. Participants had come as individuals, not as representatives of their universities. "And anyhow, we were told at very short notice, only two days in advance."

The Seminar was originally to have been held in Jogjakarta, but the regional police refused permission for it to be held there or anywhere else in Central Java.

Buyung said the Seminar was part of LBH's programme to encourage law students to take up work which would protect the interests of ordinary people. "They should not think only of working for big business but should also pay attention to the fate of people without means."



Electricity comes to the village, newspapers come to the village, TV comes to the village . . . .  
Still awaited: Money coming to the village, profits coming to the village, justice coming to the village. (*Tempo* 15 September 1979)

## DEFENCE PLEA BAN ANGERS LAWYERS

A decision taken by the Attorney-General on 14 July to ban a book containing the defence plea of Her Akhmadi has been strongly condemned by lawyers in Jakarta. The book, bearing the same title as the defence plea, "Smash the Chains of Oppression of the Indonesian People", was jointly published by the Legal Aid Bureau and the Students' Union of the Bandung Institute of Technology.

Adnan Buyung Nasution who heads the Co-ordination Team for Student Defence said that the ban is a violation of basic juridical principles and a threat to the standing of the courts. It is, he said, "unprecedented in Indonesian legal history. No state based on law has ever made it impossible for a defence plea to be read by the general public."

Asked why the plea had been published in the form of a book, Mr Nasution said there had been a pressing need to do this as newspapers were not able to give adequate coverage partly because of lack of space but partly also because of a "system of making phone-calls" (by censorship officials, Ed) to prohibit the dissemination of certain news.

The lawyers defending Heri Akhmadi sought a ruling from the court about the ban but after a delay of several days, the court refused to make a ruling as it considered that the question did not fall within its jurisdiction. (Kompas, 25 July 1979.)

Haryono Tjitrosubono, a member of the Student Defence Co-ordinating Team said that the ban was improper because the contents of the books were identical with the words read out in court by the defendant. Even the cartoons—which the Attorney-General apparently used as grounds for the ban—were included in the plea document presented to court. Moreover, the cartoons were nothing more than a reflection of the points made in the plea.

Yap Thiam Hien, another member of the Team, said that the ban was related to the question of the freedom of speech and the freedom to write. It shows how afraid the government is of criticism, and it could only intensify the feelings of unrest in society. If such actions were continued, this unrest could eventually explode, he said. Speaking before the court's decision refusing to make a ruling, Mr Yap said that if the court failed to act, the Defence Team would take the Attorney-General to court over the ban. (Source: Sinar Harapan, 18 July 1979.)

A re-print of the Defence Plea is available from the Dutch-Indonesia Committee, Minahasastr. 1, Amsterdam, The Netherlands.

**TAPOL campaigns for the release of Indonesian political prisoners and is a humanitarian organisation. It is not associated with any political groups, either in Indonesia or abroad, and is supported by individuals and organisations of many shades of opinion.**

## SACKED FOR FORMING A UNION

An employee of the American Club in Kebayoran, Jakarta, Mr Sovietno Yono Atmojo was sacked in contravention of labour regulations because he took the initiative to set up a branch of the Union of Trading, Banking and Insurance Companies at the Club. In response to this dismissal, 40 other employees, comprising about 65% of the work force, called a lightning one-day strike.

The American Club is open exclusively to US businessmen in Indonesia. (Kompas, 14 May 1979.)

### STOP PRESS

In a letter to the *Far Eastern Economic Review* (19 October 1979), Jusuf Wanandi of the Centre for Strategic Studies states that 115 of the 208 (not 207) 'ex-tapols' at the Savana Jaya unit returned to Java at the end of September and that another 93 'ex-tapols' have opted to resettle in Savana Jaya, bringing the total number now there to 186.

The 115 ex-tapols are presumably part of the group of 500 persons referred to in our main item about Savana Jaya on page 3. Jusuf Wanandi did not of course mention that these families had been required to pay Rp 11,600,000 to secure their freedom. But he does make the preposterous claim that the ex-tapols "who had made use of the option to resettle at Savana Jaya with their families . . . (had) in fact gone home earlier and subsequently returned with their families". How can he possibly fabricate such nonsense when everyone knows that the wives and children who are or were at Savana Jaya went to Buru years ago to join their husbands at a time when there was no question about their ever being released or allowed to return to Java.

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