



VICTORIA UNIVERSITY
MELBOURNE AUSTRALIA

Tapol bulletin no, 33, April 1979

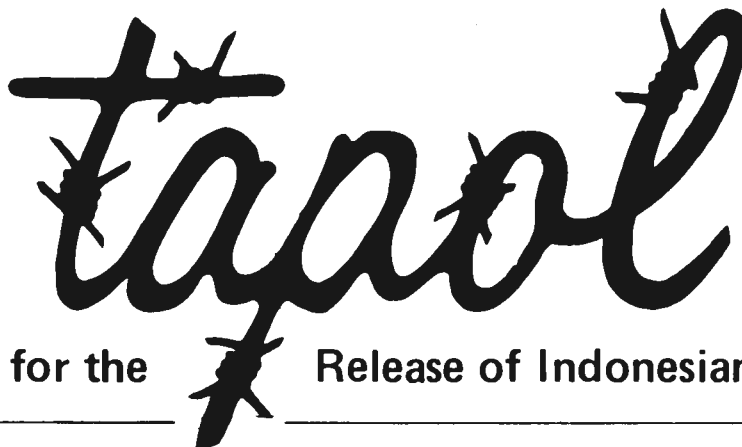
This is the Published version of the following publication

UNSPECIFIED (1979) Tapol bulletin no, 33, April 1979. Tapol bulletin (33). pp. 1-12. ISSN 1356-1154

The publisher's official version can be found at

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British Campaign for the Release of Indonesian Political Prisoners

TAPOL Bulletin No 33

April 1979

SUPPORT THE STUDENTS ON TRIAL!

Much of this issue is devoted to reporting the student trials now taking place in six Indonesian cities.

These trials are a major event in the campaign to expose the dictatorial methods being used by the military regime, and the flagrant and persistent abuse of legal procedures which have taken place in Indonesia's law-courts for many years.

The student leaders now on trial are clearly well prepared for the challenge they face. They have set themselves the task of using the trials to give public account of their

movement last year which they themselves call, the **Indonesian Student Movement 1977-1978**. Together with a large team of defence lawyers, they are determined to fight every violation in the conduct of their trials. And now that the authorities have made it impossible for the press to report the trials fully, they have created a new publication channel, the **Student Trials Bulletin** to reproduce verbatim the documents and proceedings in court.

We are publishing (page 4) the full text of a statement made in court by one of the defendants, Sukmaji Indro Tjahjono. Others have reached us too but we decided that a single text would give the best overall picture of the message which the student defendants hope to convey through the trials

As a matter of urgency, we call upon our readers and supporters to:



APPEAL FOR FUNDS

Far from diminishing our work, the release of tapols has raised new and urgent issues of human rights abuse in Indonesia. In our last issue, we discussed ways in which our work has expanded to a variety of tapol-related questions. One is the trials of A-category prisoners which will require a major campaign until all these prisoners are released. This will involve research on the trials themselves and on the more general aspects of how the rule of law—or lawlessness—operates. The current student trials also require special attention and research.

Again, our concern about E. Timor has convinced us of the need to publish a comprehensive report on human rights violations in that country which we hope to produce shortly.

Readers will have noticed that Bulletins now run constantly to twelve or sixteen pages. But we would prefer not to raise the subscription rate so as to ensure that the Bulletin reaches as wide an audience as possible.

The strains on our finances are inevitable. TAPOL has always depended for its general running costs on donations from supporters. You have kept us going before. We feel confident that you will do it again.

Please send your donations, large or small, to:
TAPOL, 8a Treport Street, London SW8 2BP.
(See back page for advice on ways of making payments.)

- * Write to the District Courts (**Pengadilan Negeri**) in Jakarta, Bandung, Medan, Surabaya, Palembang and Jogjakarta) demanding fair and open trials and urging that the students be acquitted in recognition of their democratic rights;
 - * Write to President Suharto (Istana Negara, Jalan Veteran, Jakarta) and Admiral Sudomo, Commander of KOPKAMTIB (KOPKAMTIB, Jalan Merdeka Barat, Jakarta) condemning the illegal practices at the trials and the stifling of press coverage.
 - * Call upon local student organisations to support their fellow students in Indonesia.
 - * Seek ways of publicising your efforts and the facts about trials which we publish in this issue.
- Please inform us of any action you take.

'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'.

STUDENT TRIALS-1979

More than thirty student leaders are now on trial in Indonesia in connection with the student protest movement which started in late 1977 and culminated with the publication of the students' **White Book** on 16 January 1978 strongly criticising the government and opposing Suharto's re-election as President.

As **Lukman Hakim**, Chairman of the Student Council of the University of Indonesia, Jakarta, declared in a statement on 21 February 1979 at his trial before the Jakarta District Court, the student trials are "unique in Indonesia's history. . . Together with me, my comrades-in-arms are being tried simultaneously in various parts of the country, each in their capacity as student leaders in their campuses. The actions they took were varied but the charges are uniform, insulting the Head of State".

The Charges

Four articles in the Criminal Code which are being used to prosecute the students, as well as "*lese majesty articles*", articles, are being used to prosecute the students, as well as Presidential Decision No 5/1959. The addition of the 1959 law is very significant as this law uses the same vague formulations of infringements as contained in the Anti-Subversion Law of 1963 and, even more important, also enables the imposition of sentences of extreme severity, including the death sentence. Like the 1963 law, the 1959 law also permits the authorities to hold a suspect in detention for up to one year without charge. Thus, although as we reported in **TAPOL Bulletin** No 31 (December-January, 1978), the authorities have this time avoided using the much-criticised Anti-Subversion Law, they have dug up another law of similar vagueness and severity to use in its stead. (see opposite for relevant laws)

Media Reporting Heavily Restricted

Press reporting of the trials has been severely restricted (see item on page 4). It is now quite possible that the decision to postpone the trials which were to have commenced last November was taken by the authorities in order to give them time to tighten their control on the press by means of the "code-of-ethics" month conducted in February.

In an effort to break through the press blackout, students in Jakarta have started publishing a special **Student Trials Bulletin (Berita Pengadilan Mahasiswa)** containing verbatim reports of the trials as well as complete texts of the indictments and defendant and defence lawyer statements. The Bulletin is published by the **Joint Indonesian Students Defence Coalition (Badan Kerja-Sama Pembalaan Mahasiswa Indonesia)**. For those readers wishing to express support and obtain copies of these important bulletins, the address of the Coalition is:

Student Centre UI, Salemba 4, Jakarta Pusat.

Atmosphere at the Trials

The trial hearings are heavily guarded by armed troops,

with 'intel' (intelligence) agents everywhere. Although the trials are declared to be "open", everything is being done to restrict the number of student supporters attending in the public galleries. One trick that is widely used is to issue visitors' tickets to 'intel' men and government officials, leaving hardly any seats for students. The loudspeakers being used to relay court proceedings to crowds outside the court-house, as evidence that the trials are "open", frequently break down. One issue of the **Trials Bulletin** reports: "The loudspeakers installed, perhaps deliberately, must surely be pre-war models because virtually nothing can be heard. Even hawkers selling medicines on the streets have better equipment".

All members of the public wishing to attend the trials are carefully searched. **Bulletin No 3** writes: "All the equipment brought in by the group (of friends wishing to attend the trial of Doddy Ch. Suriadiredja) was examined, with the result that the person carrying a tape recorder for these reports was not allowed to enter".

Several Defendants Unwell

One striking thing about the trials is the weak state of health of some of the defendants. So far, adjournments have had to be made in three Bandung trials because the defendants are ill, and **Tempo** (24 February 1979) reporting the trial of Lala Mustafa, also in Bandung, made the point that he had to be given permission to remain seated while the indictment was being read as "he would certainly have fainted had he remained standing".

In two Jakarta trials, the defendants fell ill as did also several of the witnesses.

INTERNATIONAL CONCERN FOR STUDENTS ON TRIAL

Lord Avebury, Chairman of the British Parliamentary Human Rights Group, has written to the Chairman of the Jakarta State Court, expressing a special interest in the student trials now under way. In view of the opinion that has been expressed by Indonesian lawyers that the laws being used to charge the students are inconsistent with several provisions of the Universal Declaration of Human Rights, Lord Avebury requested the Chairman of the Court to supply him with the names and ages of the accused and the charges made against so that he and his colleagues may consider the matter further.

Another British Member of Parliament, Mr William Wilson, has also written to Indonesian courts in connection with the student trials. In his letters, which are addressed to all six courts in Indonesia where trials are taking place, the MP says: "One important way of measuring a country's fairness is to consider the manner in which those brought before its courts are treated. I do hope in Indonesia the Universal Declaration of Human Rights will be respected."

Others who have written to the courts demanding that the students' democratic rights be respected include the British scholar and historian, Dorothy Needham, Australian lecturer, Peter Burns, and Gordon McLennan, General Secretary of the British Communist Party.

DEFENCE TAKE STRONG POSITION

Laws Being Used Are Colonial

In all the trials, formal complaints have been lodged (*excepsi*) against the use of "*lese majesty*" laws which are still part of Indonesia's Criminal Code. These laws formerly used the words "King" and "Governor General", which were replaced after 1945 with the words "President" and "Vice-President". The defending lawyers argue that such laws have no place in an independent Republic; they were introduced for the explicit purpose of protecting the colonial authorities against any form of opposition. The defendants have performed the acts of which they now stand accused in an independent country which has a Constitution based on the principles of democracy and the rule of law.

In all cases, the judges have turned down such complaints and have also rejected defence demands for an adjournment to give them the chance to appeal to a higher court against the judges' decision.

Judges Not Fit to Try

Another defence complaint is that the judges are not fit to hear these cases as they are themselves appointees of the President who receive their salaries from the Ministry of Justice and therefore cannot be expected to consider charges of "insulting the President" impartially.

Torture Used During Interrogation

The defending lawyers have also formally complained

against the use of torture during interrogation of their clients. In several of the trials, they have demanded that interrogators who practised torture should be ordered to appear before the court. Lukman Hakim stated in his opening statement before the Jakarta District Court that "almost all students detained together with me were subjected to beatings, electric torture and confinement to cells".

Procedures Criticised

The Courts are pursuing the practice of questioning the accused before calling witnesses despite the fact that this violates Article 289 of the Procedural Code. The judges and prosecutors argue that this method has become "accepted practice" and have turned down defence demands that the Procedural Code be implemented.

Every attempt by the defence to obtain photocopies of official trial documents is frustrated by the judges who insist that it is impermissible to reproduce these documents. In one case, the judge argued that to permit photocopying could result in the documents being used to "wrap up peanuts", a remark which caused the defence counsel to lodge a strong protest.

In one hearing, the defending lawyers complained that they had been given only three days to prepare for the trial, whereas the prosecution had had more than eight months.

* * * * *

THE "LESE MAJESTY" ARTICLES

ARTICLE 134 of the Criminal Code (KUHP)

Deliberate disrespect for the President or the Vice President shall be punishable by a term of imprisonment for a maximum of six years or a maximum fine of Rp. 4,500.

ARTICLE 137 (1) of the Criminal Code

Anyone who disseminates, displays or pastes up writings or photographs which are offensive to the President or the Vice President with the intention of making these offensive things known to the public shall be sentenced to prison for a maximum of one year and four months or shall be fined a maximum of Rp. 4,500.

ARTICLE 207 of the Criminal Code

Anyone who deliberately, in public, orally or in writing insults any of the authorities in the State of Indonesia or any general Council existing here shall be imprisoned for a maximum period of one year and six months or shall be fined a maximum of Rp. 4,500.

ARTICLE 208 of the Criminal Code

Anyone who prepares, displays or pastes up articles or photographs the contents of which are offensive to one of the authorities or one of the general Councils existing here with the intention that these offensive things shall be made known to the public shall be sentenced to prison for a maximum period of four months or shall be fined a maximum of Rp. 4,500.

PRESIDENTIAL DECREE No 5/1959

The operative article being used against the student-defendants reads as follows:

ARTICLE 2 Anyone who commits economic crimes as stipulated in Emergency Law No. 7, 1955, crimes as specified in the regulation on combating corruption, and crimes stipulated in Sections I and II of Book Two* of the Criminal Code, who knows or should be able to foresee that such a criminal action will obstruct the implementation of the government's programme, namely:

1. Supplying food and clothing for the people within the shortest possible time,
2. Establishing security for the people of the State,
3. Carrying out the struggle against the economic and political imperialism (West Irian),

shall be liable to a term of imprisonment of at least one year and at most twenty years or life imprisonment or the death sentence.

Decreed in Bogor on the 27th July 1959 by Sukarno, President of the Republic of Indonesia.

Note: Article 3 of this Presidential Decision grants powers to the public or military prosecutor to hold a suspect in detention for a maximum of one year without making a request for prolongation to the courts.

*Article 134, the "*lese majesty*" law, is part of this Book.

“THIS TRIAL A FARCE”-STUDENT DEFENDANT

The following is the text of the opening statement (excepsi) made by Sukmaji Indro Tjahjono, a student leader, on 22nd February 1979, at his trial before the Bandung District Court. An excepsi is a statement in which the defence may challenge the legality of the court and the laws being used to indict him.

Respected members of the court, ladies and gentlemen. For many months people have been waiting for these student trials to begin, and now at last, I am face to face with this event, seeing it with my own eyes. This is not a calamity for me; on the contrary it is a challenge which we must grapple with boldly. It is part of our victory which we may be able to enlarge upon, spreading it to all four corners of the land. It is but an episode in the unending struggle of the history of the Indonesian people. We must run very fast to keep up with the goddess of victory.

At first I was very reluctant to admit that there was an atmosphere of dictatorship and tyranny in our midst. I had my doubts whether it was correct to say that the spirit of Hitler and Mussolini had risen again, here in our country. But these doubts have now disappeared. It is quite clear that this impression was quite right. Not only have Hitler

‘the spirit of Hitler and Mussolini has risen again, here in our country.’

and Mussolini been re-born in our country, but a thousand blackmailers, a thousand repressors, a thousand other dictators are living in our midst. We are being deafened by phoney words about human rights in this country. We are expected to swallow promises and slogans of development; but it is a prosperity promised by none other than the devil. And behind that facade, society is required to display blind obedience, to heed everything said by those in power. We do not need to look far afield for examples. The student trials now being held in Bandung are evidence of this.

How many soldiers are on guard in this court-house? How many intelligence officers have been mobilised? Anti-riot troops are also at the ready. They behave as if they were dealing with terrorists or rebels. This courtroom is as oppressive as a weapons arsenal being guarded in a time of war. Where is the authority of this court? I feel as if I have entered a punishment cell with my executioner, with hundreds of soldiers ready to protect this execution from the anger of the people. It is no exaggeration to call these symbols of fascism.

But I shall greet all this with a smile as part of our victory which we must gratefully accept. Everything we said, everything which became the aspiration of the students’ struggle has been proven correct by the situation we are now witnessing. If we said that our country is a totalitarian country, it now proves to be even truer than we first imagined. If we said that there are a thousand oppressors, society can see this for itself. People can count for themselves the number of anti-riot troops hanging around

this court-house. They can see the large number of intelligence agents spying all over the place as if they were waiting to catch a thief among the many people gathered in front of this Bandung District Court.

Yes, watch this trial, follow the proceedings! The festering sores will become clearer than ever. Watch how the trial proceeds. We hope that the public attending the hearing will have the strength to see how the pillars of justice and basic human rights have been torn to shreds. One form of terror after another has occurred in this court-house and there is no knowing how long all this will go on.

Respected members of the court, ladies and gentlemen, However loudly I may shout, I realise that the reverberations of my voice will hit a thick wall, a wall thicker probably than the wall which kept the Mongols out of China. I am well aware that the authorities are so panic-stricken that they have plugged up every conceivable hole in this court-room to make sure that my voice is not heard outside. This is the cunning way in which the authorities treated Indonesian citizens who are actually fully entitled to watch and hear these court proceedings openly. With such things going on, what is the meaning of all the statements by officials that the law will be upheld? What about all the boasts that the New Order will uphold the law better than the Old Order? What of those grand promises that the New Order will set up free, open courts? What of the conclusions drawn by the Seminar held by the 1966 Generation to plot new tracks regarding Indonesia as a State of Law? I find myself face to face with the distortions and blemishes that now afflict the body of law in Indonesia. I can say that we have left the lion’s den only to enter the jaws of a crocodile, an even more ferocious and criminal beast. The true state of constitutional life in our country is being hidden by fabrications. The authorities are disingenuous when they announce that these student trials are open to the public. They shout like people possessed by the devil, in the hope that they will be heard by people here at home and throughout the world. They want to depict the situation as being very good.

There are indeed some loudspeakers in this court-room but what is the significance of Bandung for the one hundred and thirty million Indonesian people living from Sabang to Merauke? Is it possible to say that because of a few loudspeakers in front of the court room, we can tell the world that this is an open trial? Can we say that because the court-room doors are open 60 cms, this is an open hearing? Can we be proud and satisfied if all who attend are searched and have to go through formalities as if they were entering a royal palace. I feel a deep sense of

shame when I see all these devious methods. The authorities are, it is true, allowing voices from this court room to be heard outside a little; but more insidious is the fact that while our voices are not being stifled, the ears of virtually the entire Indonesian people have been plugged.

Newspapers have been prohibited from reporting these student trials. Any news that gets out is very bland and

‘Newspapers have been prohibited from reporting these student trials. ..Is this not a case of fabrication?’

trivial. Is this not a case of fabrication? Should we not feel a sense of deep shame towards our brothers and sisters in West Irian and East Timor who have only recently returned to the fold of the motherland, when they see all this. Such a situation is shameful and offensive. I fear that our brothers and sisters in West Irian will feel that they are being colonised for a second time by the Indonesian Government after having been freed from Dutch colonialism. How will our brothers and sisters in East Timor feel in face of such a situation? Will they not feel that they are being even more brutally colonised by the Indonesian Government than by Portuguese colonialism? I am afraid of what could happen if they discover that we are only making empty boasts at the United Nations about the restoration of East Timor to Indonesia, about basic human rights and other empty boasts that have been made about law in Indonesia. Of course we should tell these brothers and sisters of ours that all this is the work of a small clique. Some people in authority need to be made to realise their mistakes and to get back on to the rails of the true struggle of the Indonesian people. It is the responsibility of all Indonesian people from Sabang to Merauke including our brothers and sisters on that beautiful island of East Timor to make those in authority aware of unruly lawlessness now operating, which includes the way in which these trials are being conducted.

Respected members of the court, ladies and gentlemen. It is no exaggeration to speak about fascism, dictators and totalitarian methods in Indonesia today. As regards the doctrine of development, it is a fact that in the name of development and economic construction, criticism by the people has been stifled. Society must watch in silence as corrupt officials operate. Society must watch in silence as wives of officials go on spending sprees to Singapore. Land taken over by officials must be looked upon as development sites. These are all facts of life. They use development as the pretext for plundering the riches of the whole nation. What kind of development is this? Can the construction of villas for officials in the Puncak bring prosperity to people in Karawang who are suffering from malnutrition? These are examples of what I call fascist fabrications.

If you are not yet convinced, take a look at what President Sukarno had to say about the Fuhrer principle: “The people are required to obey . . . to obey without thinking . . . No criticism is allowed from below. No help is permitted from other people or other leaders. No free meetings

are allowed”. In what way does that differ from the present situation? From the atmosphere which surrounds this student trial? Yet, in one respect, my views about fascism and dictatorship should be corrected. The fascists pursued the ideal of glory for the nation. But I fail to see what type of revolution, what kind of glory will be achieved by such development? Is it not just construction of material goods? Things were far better before the New Order. In those days, there was corruption, it is true, but the idealism and aims of the revolution were clear. Today there is corruption everywhere whilst physical construction is in a state of disarray. Yes, things are far worse, far more debased than they were in fascist Germany or Italy. I am all the more convinced of this as I watch the way this trial is being conducted.

Respected members of the court, ladies and gentlemen, I want to speak about the standards being maintained in the court before which I now stand. I feel that I am in a very weak position. These trial proceedings are really disgraceful. Even though the actual hearings have not yet started, I find myself face to face with methods which undermine our hopes of being a truly free nation. What difference is there between today’s intelligence agents and

‘What difference is there between today’s intelligence agents and policemen and the colonial police..’

policemen and the colonial police, the political police of the Dutch colonial era!

I shall not be making any demands to reduce the number of intelligence agents and policemen. I do not ask for the doors of this court to be opened wide, neither do I request that the ban on press reports of this trial be lifted. But these circumstances should be taken into account when measuring the degree of justice applied at the end of the trial. As I said, we must greet this victory with a smile. As more intelligence agents and policemen are brought in to guard the court room, as more riot police are brought in to surround this court room, the clearer will it be that this trial is being conducted in a very unfair way. As conditions of law in Indonesia deteriorate even further, we shall score more victories. Formerly people doubted the truth of this, but now everybody realises what is going on because the evidence is there for all to see, now revealed without shame.

Respected members of the court, ladies and gentlemen. People will ask why it is that in order to uphold the law, the army must stand guard, our newspapers must be muzzled and judges must employ unfair procedures. They will ask why it is that this trial cannot be watched by a large number of people. Why will people feel so disgusted with the justice upheld during this trial? If the justice upheld here were to conform with what the people want, there would be no reason to conceal what is going on. This is only necessary if the type of justice used is farcicle, if it only benefits one of the two sides or if the innocent party is said to be guilty while the guilty party is declared innocent. If such things occur, it is certainly necessary to conceal the goings-on in this court, to surround it by steel

SUDOMO SPEAKS AGAIN

The following extracts are taken from an interview of Admiral Sudomo, Commander of KOPKAMTIB, with Dutch Journalist Wiecher Hulst (Haagse Pos, 10 February, 1979):

Trials

Hulst: How many of them (A-category prisoners, those awaiting trial, Ed.) are there still?

Sudomo: 1,391.

H: Will they all be tried?

S: No, not all, Some will get B-status.

H: And when will the remaining prisoners be tried?

S: As soon as possible. *It should have happened by the end of 1978, but as you know, the preparations take quite some time. We'll just have to postpone it to this year* (Our emphasis—TAPOL).

H: How many A-prisoners will be brought to trial?

S: That's hard to say. Maybe one or two hundred.

H: And the remaining prisoners will go to the B-category, and will subsequently be released this year?

S: Yes. They will be released this year.

H: So by the end of this year there will remain a maximum of 200 untried A-prisoners.

S: Yes. And then they will of course have to await the decision of the court. To give an example, a case may take at least three to four months. That's the situation. It is not easy.

Employment of Released Prisoners:

H: Can the released prisoners who have never been tried, take up their old trade or profession again?

S: Yes. Of course. Why not? Unless they were members of the government. Public service is out of the question. They can return to the private sector only. The problem is the following: directly or indirectly they were involved (in the 1965 affair—ed.) because they are members of the communist party. But we have not been able to find enough evi-

continued from page 5
walls and to mobilise panzers to guard this court room as is now happening.

I submitted a request for permission to photocopy the trial documents but this was not granted. Of course I cannot insist because the judges have absolute discretion. I do not need to repeat charges often made by others that judges are paid by the government. But the decisions they take will certainly reflect the true character of this court. I should like to remind the members of the court that the gavel in front of them is not a piece of firewood, a hammer used by a cobbler. It is a gavel that can put people in prison for years or pass down the death sentence. It should be used here in this court in a way that upholds justice. Let it not happen that the gavel is struck out of anger or because somebody feels groggy. The gavel has eyes, ears, thoughts and feelings and all these are in the hands of the members of this court.

For the reasons I have given, I consider this court un-

dence to take them to court.

H: So, although no evidence against them has been found, they are not allowed to return to public service?

S: No, because they are members of the communist party. That is enough.

H: That was not an offence when they were arrested. The PKI (communist party) existed openly and there were millions of members.

S: But now the PKI is banned. . .

Certificate of Non-Involvement

(This "surat bebas G30S/PKI", or certificate of non-involvement in the 1965 coup, issued by the army, has meant that released prisoners find it virtually impossible to find employment —ed., TAPOL)

H: Has the "surat bebas G30S/PKI" been abolished?

S: Yes. That has been abolished. When you want a job, especially in the public service, and you were not yet twelve years old in 1965, then you don't need a declaration. If you were older than twelve, then you do need a declaration. But that is a one-time thing only. It is necessary once. After that no more.

H: There are many companies that don't employ people when they don't have a "surat bebas". Has the government issued instructions about that?

S: No instruction has ever been sent out. Companies may employ them, but you can understand that they don't want to take risks.

Psychology tests

H: Is that psychology test for political prisoners, to which Dutch psychologists contributed, (see **TAPOL Bulletin 30**, p. 4) still in use?

S: Yes, it is still used. But I want to correct this. What is written in the papers, that we used Dutch psychologists, is not true. We only talked with them about a system to find out what a person's ideology is like.

H: But they helped to design the test.

S: No, that is not true. I myself was present at the designing

lawful; it has also violated all the normal procedures for upholding the law in a democratic, constitutional state. In particular I regard this court as being completely unfree because security forces, including members of the Armed Forces, are so heavily involved in and around the court-house. What is the reason for all these security measures? I think they are being conducted for a specific purpose, not simply to guard the court-house from the protests of the people. These methods are being used by the authorities in a plot against the members of the court and against the whole process of justice. They are intended as a show of force by the authorities. Although they flourish their weapons in the faces of people who have come here to watch the court proceedings, their real purpose is to intimidate the members of the court. The intelligence agents may be spying on members of the public here but one should realise that they also need to spy on the members of the court. I feel the close proximity of the weapons placed

of the test. They had nothing to do with that. It was an ordinary discussion (with Dutch psychologists—ed., TAPOL). The team of Indonesian psychologists have also been in England and America, where they spoke with a couple of professors. Well, with the results of these talks, a test was designed to be 80% reliable. For besides that, we also use the declaration the suspected person signs after interrogation. You have to compare the test with that. And then we get to know if someone is lying or not, and so we know the state of ideology of that person. But it is not true that we gave the Dutch psychologists the opportunity to draft the questionnaire. The Indonesian psychologists talked with other psychologists in the Netherlands, England and America, and returned after that. The questionnaire was composed later, and by KOPKAMTIB really, not by Indonesian psychologists. The problem is: what measures can we take to find out someone's ideology. I have said to the Americans, "Don't you have a computer that we can put in someone's head so that we can know exactly what

his ideology is?"

H: How are the results of the test used?

S: This test is carried out every six months. For instance you may have result A, and after 6 months, result B. Then we compare—has he changed or not, etc.?

H: And that continues after they are released?

S: No, no, during detention. When they are free, they are free.

H: So what it amounts to in fact is that people whose psychology tests have indicated that they cannot be trusted ideologically will be monitored carefully once they have been released.

S: Well, not exactly. In general these people will always be monitored. For us it is only a kind of documentation of all the prisoners. You should remember that we have had some bitter experiences: in 1948 we had the first communist coup, in 1965, the second. I don't think we can afford a third one. Therefore we have taken measures so that it won't happen again.

SUDOMO EXPELS HULST

Weicher Hulst, the Dutch journalist who filed the Sudomo interview published on this page, was expelled from Indonesia in March on the orders of Sudomo, more than a month before his visa expired. He has published two lengthy articles as well, analysing the "collapse of the bourgeois-military coalition which keeps the Suharto regime in power".

Writing about his expulsion, Hulst says (*Haagse Pos*, 31 March 1979) that it was the Dutch military attache, Colonel Jan Linzel, a close friend of Sudomo's who arranged the Sudomo interview for him. Linzel, who plays a prominent role in the expulsion saga, has held his post in Jakarta for eleven years and played a crucial role in securing the order of three corvettes for Dutch shipyards.

After the interview, Hulst submitted the text for Sudomo's approval. In the meantime he had moved from the hotel where he was staying to the home of Princen, chairman of Indonesia's Institute for Human Rights. When Linzel discovered this, he warned Hulst that he could "cause difficulties for himself if he stayed with a 'trouble-maker' like Princen". Linzel even told Hulst that he had informed Sudomo about this, which evoked a strong protest

from Hulst who told Linzel he had no right to inform the Indonesian security authorities about the private affairs of a Dutch journalist.

But the interview text was returned via Lintzel after a delay of six days with a few minor revisions, although Linzel did try unsuccessfully to convince Hulst to make other deletions. Then came a message, again through Linzel, that Sudomo was "requesting" Hulst to leave. Hulst's response was that he would ignore this unless it came from Sudomo or one of his subordinates. The very next day, Linzel again phoned Hulst with a different message: "Sudomo says you can go where you like, but he is shocked to read your first article and will be watching your next ones with interest", a point which he repeated several times during the conversation.

"IGGI Keeps The Regime In Power"

Puzzled by this change of heart, Hulst asked a retired general (a "prominent figure in the opposition movement") for an explanation. This man told him: "They can of course expel you, but it would be bad propaganda to expel a Dutch journalist. Don't forget that Holland chairs the IGGI

continued on page 8



Demonstrators protest against IGGI aid to Indonesia as IGGI meets in Amsterdam on 3rd April 1979. The slogans read: 'Free All Political Prisoners'; 'Down With Suharto, Restore Power to the Indonesian People' (in Indonesia); 'Freedom' (also in Indonesia). *De Volkskrant*, 4 April 1979

TOWN ARREST

Ex-tapols in all parts of Indonesia have recently been placed under severe restrictions limiting their freedom of movement, virtually restoring their status to town arrest. In addition, they have been warned against doing such things as writing letters to the press or publishing articles. This new development has led to widespread disquiet among ex-tapols and their families.

At the beginning of March, KOPKAMTIB cabled instructions to all military authorities to summon ex-tapols to their local KODIMs (District Military Commands). There, ex-tapols were told verbally that all journeys to other towns or regions, including short visits or even overnight stays with friends in the same town, were forbidden without an official *surat jalan* (travel permit). They were also prohibited from writing letters to the press or publishing any articles. While the instruction apparently only mentioned ex-prisoners from Buru in fact people released from all

places of detention have been affected by the new restrictions.

In the past few months, some Indonesian publications, including the scientific journal, PRISMA, have publicised interviews, letters or articles by or about ex-tapols, and in February, the Dutch weekly, *Haagse Pos* published a long interview given to Wiecher Hulst by an ex-tapol who described the torture he had experienced and the appalling treatment he suffered while in detention. Mr Hulst has since been expelled from Indonesia.

According to one source, ex-tapols summoned to KODIMs in Jakarta were also told that a mission from London* would shortly be visiting Indonesia to meet released prisoners. The ex-tapols were warned to speak "like good patriots" and not to cause trouble for the government. Some of the ex-tapols were ordered to remain behind and told that they would be expected to act as "spokesmen" when the mission came.

*Tapol has not been able to discover whether any such mission is planned.

continued from page 7

and without IGGI money the Suharto regime would have long since fallen. They are concerned about public opinion in Holland and its influence on Parliament. . ." The general advised Hulst to proceed with his trip as planned, but "keep a close watch on your luggage", he warned.

While travelling through Java, Hulst was questioned by an 'intell' agent and was subsequently stopped by military personnel wanting to see his passport. Then, when he was staying at a hotel in Bali, his room was ransacked and all his papers, including his passport and all his money, were stolen. Soon afterwards, a local immigration official called on him with orders that he return to Jakarta immediately, where he was required to report to the Criminal Investigation Bureau of the Immigration Department who accused him of being in Indonesia "on false pretences" because he had "carried out journalistic work with a tourist visa". This was quite untrue but Hulst had no way of proving it. He was further warned that he could be arrested for being in the country without a permit. This was a threat he could not fail to take seriously because Princen, his host, could be charged with providing accommodation to someone who was in the country illegally. So, he left the country on 24 March.

Although the reasons for Hulst's expulsion were never stated, they appeared to be twofold. Firstly, Hulst's decision to accept the hospitality of Princen, and secondly the embarrassment caused to Sudomo by the sequence of articles Hulst published. The fact that the interview of Sudomo appeared after publication of two very revealing articles about splits in the Suharto regime was seen by some of Sudomo's top-level colleagues, particularly General Benni Murdani as indicating that Sudomo approved of Hulst's analysis. One diplomat in Jakarta told Hulst that Sudomo had been greatly weakened by the incident.

Hulst concludes his article as follows: "I was lucky because I am a foreigner. Nothing much can happen to a

foreign journalist in Indonesia; at the most you can be thrown out. If I had been an Indonesian, I would have been much less gently handled. This is proven by the at least fifty thousand political prisoners still being held in appalling conditions, with new arrests still occurring every day. How long this situation will continue depends first and foremost on the club of IGGI countries, chaired by Holland, which funds the Suharto regime".

Deletion Restored

Hulst reports too that he had agreed to a request from Sudomo to delete an answer he gave in the interview, saying that some RMS supporters were arrested in Saparua, Maluku, last year and would soon be brought to trial. "If this were published," Sudomo said, "it could lead to more unrest among Moluccans in Holland.

"After what has happened", writes Hulst, "I now consider myself free to publish this."

HUMAN RIGHTS ABUSE CHRONOLOGY 1978/1979

For the second year running, TAPOL has published a Chronology on Human Rights Abuse in Indonesia. The period covered is April 1978 to March 1979.

Entries cover all aspects of human rights abuse, including press censorship, rule of law abuses and crackdowns on political activities, as well as more directly tapol-related issues. Human rights abuses in West Irian and East Timor are also reported.

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AMNESTY INTERNATIONAL

AT LEAST 30,000 TAPOLS STILL BEING HELD

In an updated Introduction to Amnesty International's **Report on Indonesia** (October, 1977) which was published with the Indonesian translation of the **Report** in October 1978, some important new facts have come to light regarding the number and composition of tapols held in connection with the 1965 affair.

On the **overall number** of prisoners, AI says that "tens of thousands of prisoners (remain) in detention, almost certainly still more than 30,000" who "are held in conditions of severe deprivation".

On the question of **C-category prisoners**, AI writes: "Despite the fact that the Indonesian Government has consistently stated that it released all Category C prisoners in 1972, it is clear from evidence that Amnesty International possesses that prisoners from this category remain in detention: among them are many ex-army and airforce personnel who were often detained merely because their commanding officers were considered left-wing, as is the case for example with the approximately 270 detainees still held in Ambarawa, Central Java."

On forced **resettlement**, the updated Introduction says: "... cases of forced resettlement, even of prisoners who are chronically sick, have come to Amnesty International's attention in the provinces of West Kalimantan, East Kalimantan, South Sulawesi and Southeast Sulawesi."

On the question of **forced labour**, AI writes: "Forced labour is still common in a number of detention centers, most notably in Buru... It remains the practice in a number of other Indonesian prisons to force detainees to carry out work for which they receive little or no remuneration."

The AI Updated Introduction also expresses grave concern that "arrests still continue to take place of people allegedly involved in the 1965 events... In a number of prisoners in Central Java, some 10 to 15 percent of detainees have been arrested in the last three years."

AI quotes reliable Moslem sources as indicating that there are at present "at least 700 Moslems in detention in Indonesia", that is to say Moslems arrested in connection with alleged Moslem political activity.

WHAT'S GOING ON IN SAVANA JAYA?

When Indonesia's Attorney-General, General Ali Said paid a visit on 9 December last to the Savana Jaya unit of the Buru detention camp (the unit where tapols who have been joined by their families are located), he was compelled, in the face of protesting wives and children, to announce that the families now at the unit, a total of 207 in all, or well over a thousand people, would be permitted to return home if they so wished. He said that they would be given a week "to think things over" and could then submit requests to return to Java.

That was nearly four months ago. Since that time, nothing has been reported about any Savana Jaya families returning to Java. A long article published in **Kompas Minggu** on 24 December 1978, by a reporter who visited Buru and Savana Jaya at the time of Ali Said's trip, said that of the 207 families in Savana Jaya, not more than 10 wanted to settle there. He described how these families were formally "released" on 15 November last only to find themselves still living under restrictions.

"For the first time", he writes, "on 15th November they were permitted to hear the radio; possibly because of lack of information beforehand, some of them fell ill (especially the wives) and had to be treated in hospital. It was only after things had been explained and they had been told that they could choose whether to stay or go home that things became calm again."

From another, private source, we have confirmation of the turmoil to which the **Kompas Minggu** reporter refers. This source says that the Savana Jaya families thought they were going to be allowed to leave when they were released

on 15th November but in fact the intention was that they should remain there. There was widespread dismay especially as other tapols began to leave and the whole camp was in a turmoil.

Pressure Needed For Families

The position of the Savana Jaya families should not be forgotten. Despite the promises made by Ali Said, it is clear that it would greatly benefit the government's plans to resettle a large number of families from Java if the majority of families now there were to decide to stay. Moreover, it should be pointed out that the Savana Jaya families were told that they would have to pay their own way back to Java which would be an enormous expense for a family with three or four children.

Jaya families who wish to return home. Please write to Members of Parliament in your country or direct to your Government, drawing attention to the problem of the Savana Jaya tapol-families and urging that pressure be brought to bear on the Indonesian Government to bring them home immediately.

Jill Jolliffe: EAST TIMOR

This book, reviewed in TAPOL Bulletin No. 32, was published in 1978 by the University of Queensland Press. Distributed outside Australia by Prentice-Hall International, 66 Wood Lane End, Hemel Hempstead, Herts, England. Price: (hardback) £12.95, (paperback) £7.25.

Apologies to readers for not including this information with the review.

TIGHT REPORTING RESTRICTIONS ON TRIALS

The Indonesian press has been banned from reporting anything but the bare facts about the student trials now taking place. The order was issued verbally, according to an AFP report filed on 11 February, and followed the launching of a campaign set in motion by the top security and information agencies to make February a "code-of-ethics" month for journalists.

All newspapers and periodicals have been required to publish the Journalists' Code of Ethics during the course of the month. The Code stipulates that Indonesian journalists will not write stories or articles which are of a destructive nature, which harm the state and the people, create trouble or hurt moral ethics, religion or belief. This formulation bears a notable resemblance to the Anti-Subversion Act.

According to the AFP report, KOPKAMTIB Chief-of-Staff, General Yoga Sugama told reporters that the restrictions on trial reports had been imposed "purely to prevent any possible trouble that might arise from such reports". At the same time, the KOPKAMTIB Commander, Admiral Sudomo told a meeting of editors from all parts of the country that it would be up to the journalists' association, the PWI, to impose sanctions on any of its members who violate the Code of Ethics. "The PWI", he said, "would help lighten the authorities' burden if it could act against its members guilty of violating the ethics." (AFP report, 11 February, 1979).

Censorship is conducted in Indonesia by means of direct pressure on newspapers which have become used to receiving phone-calls warning them against reporting certain stories. The phone-calls may not be all that frequent, perhaps once a month, writes **Tempo** (24th February, 1979) but such occurrences make journalists very wary and, moreover, sceptical about recent government assurances of the need for mutual trust between the press and the authorities. The real sanction which "haunts" the press, says **Tempo**, is the threat of withdrawal of a paper's publishing permit (SIT). Most newspapers' financial position is so shaky that even a temporary suspension would make it impossible to re-appear.

Now that the PWI Code of Ethics has, as it were, been installed as the means of exerting pressure on the press, journalists have been placed in the position of censoring themselves. According to the AFP report, "independent journalists say it is not that easy to determine that a reporter has made violations of the ethics and to be on the 'safe side' usually he just agrees to what he is told by the authorities."

That this system has been effective in the case of trial reporting is evident from press reports now appearing. Although some of these reports are quite long, they are remarkable for their avoidance of any reference to statements made by defendants about the reasons why the student movement took the position it did towards the government and President Suharto.

WEST IRIAN

PAPUAN REFUGEES BETRAYED

Following heavy Indonesian bombing of the Free Papua Movement (OPM) and its followers in the border areas of West Irian in the middle of last year, hundreds of refugees crossed the border into Papua New Guinea. Initially the PNG government gave them shelter and food, while saying that their cases would be considered. Villagers in the West Sepik area of PNG, many of whom had relatives among the refugees, offered them sanctuary and some were assisted in house building by the PNG Defence Force.

Apart from the immediate plight of the refugees, their situation is particularly tragic as many border groups have relatives on both sides of the border; for centuries people have moved freely as shifting cultivators, or to visit relatives. Now Indonesia has attempted to seal the border, and to force all West Irianese to remain on the western side, while the PNG government has been under strong pressure from Indonesia to seal its side of the border.

Most of last year's refugees were unable to prepare for their flight from the bombing, and few had brought anything with them. They told of bombings and harassment, and the burning of villages and food gardens by Indonesian troops. People from the West Irian village of Waris said that Indonesian planes had begun strafing attacks in June. Then ground troops moved in, burning houses and uprooting gardens. One refugee, Mr John Meho, a clerk from Kenandega village, said that as his group fled towards the border, they had been chased by soldiers who fired at

them. He said: "I don't want to go back. I am afraid of the Indonesians. We all feel the same way." Mr Robert Sampat-kumar, a representative of the United Nations High Commission for Refugees, who spoke with the refugees said that he was satisfied that Indonesians had carried out punitive raid against villagers, and that the lives of some would be in danger if they were sent back. Later he announced that the UN High Commission for refugees would give \$US 100,000 to build a new refugee camp at Oksapmin in the West Sepik District of PNG. Oksapmin is 145 km east of the border. (Source: various PNG press reports, June-November, 1978).

Meanwhile the PNG government has been under conflicting pressures. Within Papua New Guinea there has been considerable outcry on behalf of the refugees, especially in the cases of OPM leaders Prai, Ondawame, Messet, Indey and Maury who were detained as illegal immigrants in PNG last year, pending a decision by the government whether to grant them asylum. On the other hand the Indonesian government has demanded that all refugees be returned to Indonesian authorities. In March, 1979, the five OPM leaders were deported to Sweden. But the bulk of the refugees have received much less attention in the press. Last month the **Melbourne Age** (9 February, 1979) reported that the PNG government had yielded to Indonesian pressure and had undertaken to return more than 100 of the refugees to the Indonesian authorities, despite the fact that they are recognised as legitimate refugees by the United Nations.

LAND DISPUTES “RESOLVED” BY FORCE

Moves to expropriate land are a frequent occurrence in Indonesia. Sometimes, “development” projects are used as the excuse; in other cases, wealthy people from the towns buy up land as a safe and profitable investment.

Many such takeovers occur without the consent of peasants whose land is involved. But attempts to resist are met with threats of “PKI-involvement” charges and arrests.

The following story was published by Tempo (17 February, 1979) in a lengthy cover-story report on the extent of land disputes now affecting the Indonesian countryside in all parts of the archipelago.

Efforts to resolve land disputes through the courts do not always end satisfactorily for the people. The reason? People doubt the “cleanliness” of the judiciary. Peasants are indeed not always successful in resolving disputes through the courts. The land dispute in Mentul village, Cepu (Central Java) can be taken as an example.

In 1974, a committee suddenly turned up and started collecting land and rice-field deeds from 53 villagers through the Village Union. The reason, they said, was that the deeds were going to be renewed. The committee then proceeded to measure up the land. The owners became very bewildered. It was only later after dozens of trucks started arriving and unloading construction material on their land and ploughing up their crops that they realised what was behind it all.

Then, three days after this “attack”, the committee thought it was now time to announce their intentions. They were planning to use the land as the site for a Petroleum and Gas Training Centre. The peasants were herded together at the village head’s office. The committee announced its unilateral decision. Compensation of Rp 80 and Rp 90 per metre would be paid. Anyone refusing to cooperate would be branded as PKI and his land would be ploughed up in any case.

“Anyone daring to refuse should raise their hand,” the committee warned, according to one of the villagers, Aris, when reporting the affair to the Inspector-General of the Home Affairs Department. Of course, no-one wanted to be

branded as PKI.

The committee went ahead, forcing the villagers to put their finger prints on blank sheets of paper. It then used these to submit a declaration to the governor of Central Java that the villagers had voluntarily consented. Later, the villagers were again gathered together at the village-chief’s office. This time, they were handed envelopes containing their compensation. No detailed breakdowns were given of the amount of compensation per metre; the peasants were even forbidden to count up the amount they were receiving. Many did not want to accept and tried to refuse. The fate that befell them was even worse. They were arrested, detained and threatened in a number of ways.

Many of them escaped and ran away, some going into the jungle. With the help of Marhaben Zainun, a lawyer in Jogjakarta, the peasants filed a lawsuit at the Blora District Court. They sued the Director of the Petroleum and Gas Training Centre and the Blora District Chief.

On 24 January this year, the Blora District Court passed its verdict. On that day, security forces were brought out to keep guard, something which was quite unprecedented. The verdict? The claimants’ case was turned down flat and they were ordered to pay costs. That evening, there was a curfew at the village of Mentul, but the night passed without incident. The only thing to happen was that a villager, Nasran, tried to commit suicide but was prevented from doing so.

One thing is clear: the villagers are not satisfied. Some say that they intend to take this case to the Central Opstib (Anti-Corruption Command).



Three Mentul peasants with their lawyer, Marhaben Zainun. (Tempo 24 June 1978)



The disputed land, with Training Centre already being built. (Tempo 24 June 1978)

"LAW OF ANGER": SUDOMO'S NEW "LEGAL" MANOEUVRE

Forced labour in Indonesia has recently appeared in a new guise, that of labour 'service' as punishment for 'economic' offences, for example, hoarding. KOPKAMTIB (Operational Command for the Restoration of Security and Order) has been so keen to promote this form of punishment that Admiral Sudomo, the Commander of KOPKAMTIB himself, arranged in February a demonstration of the effectiveness of this measure. **Tempo** (17 February 1979) reports that a large audience of police and military officers from the North Sumatra Command were invited to observe Arifin, a prisoner accused of hoarding cement, performing his labour 'service' of cleaning up rubbish in Medan. At the end of a long, hot day's work Arifin reportedly looked sufficiently penitent and the officers were impressed.

The fact that Arifin has not yet been found guilty did not obstruct the demonstration and Police Colonel Darwo Soegondo said that if KOPKAMTIB required Arifin to work again, the order would certainly be carried out. "This is the first time forced labour such as this has existed in Indonesia", he said, adding that the punishment would be used in future for similar offenders. The officer had apparently forgotten the widespread practice of using political prisoners on forced labour projects.

Meanwhile the case of Arifin and its implications have attracted the attention of members of the legal profession. Dr T. Jafizham, Professor of Law at the university of North Sumatra and the Islamic Institute, pointed out that there is no provision in the Criminal Code for the use of forced labour, and furthermore that all punishments such as fines, imprisonment or the death sentence may only be imposed by legal means, thus implying that KOPKAMTIB's involvement is illegal. His observations were supported in a statement by senior advocate, Mr Tjiam Djoe Khiam. Mr Yap Thiam Hien, prominent civil rights lawyer said that while he

continued from page 6

near my defence lawyers and near me too. Is this the way in which justice can be upheld?

For all these reasons I have come here only to speak about the righteousness of the students' struggle. The members of the court should know that we Indonesian students look upon this as part of our efforts to give an account of our movement. I am not very much concerned about the verdict to be passed in a court which is so farcical. Society will make its own evaluation. History will pass judgement. And above all, God Almighty will know what to make of all these professions of justice in the world. This court is suitable only for an authoritarian military state, a dictatorial fascist state. If I were to recognise this court, I would be violating the very principles of the Indonesian State which would mean violating the spirit of the 1945 Constitution and the Panca Sila.

I stand here only as an individual who feels the need to give an account to society. I am here in order to reveal the nature of the court before which I now stand. It is better for me to do this than to run away from a challenge. This would be very harmful to our future struggle.

had some sympathy with the idea that forced labour was not too severe a punishment for hoarders and others who disrupt the economy, there was no legal basis for using prisoners for forced labour projects. Two judges also added their criticisms, but apparently to no avail. **Tempo** observes that there is no point in the lawyers confining their criticism to points of law for when Sudomo was asked about the legal basis of this imposition of forced labour, he merely replied: "The law of anger, the law of Indignation", and continued to say that its effects would be salutary in making offenders "live out the Pancasila principle of selflessness".

Arifin Acquitted of Hoarding Charges

It has since been reported (**Tempo**, 31 March 1979) that Arifin was recently tried and acquitted of the charge of hoarding. He was only found guilty of "administrative errors" and sentenced to a term equivalent to the time he has so far been detained, allowing him to leave the court a free man.

When his defending lawyer complained to the court about the forced labour punishment already imposed, the chairman of the court said it was not necessary to "make a fuss" about this. "The government had only been trying to uphold the law", he said.

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