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INDONESIA: CRIMINAL CHARGES FOR POLITICAL CARICATURES

Indonesian authorities are about to bring at least two young men to trial on charges of insulting public officials for having distributed a calendar that caricatured government leaders. The 1991 calendar, in the form of a wall poster entitled "Land for the People", was produced by nine non-governmental organizations working with farmers whose land the government has expropriated for development or commercial projects.¹ The suppression of the calendar -- copies were confiscated by the government and at least 12 students involved in its distribution were interrogated -- is clearly a violation of freedom of expression, but academic freedom is at issue as well. Indonesian security forces appear to be using the case to warn outspoken students and lecturers at an innovative college in Central Java, Satya Wacana Christian University, to steer clear of any activism that touches on criticism of government policies.

Asia Watch calls on the Indonesian government to drop the charges against the two men, Bunthoni, 27, a journalist and Mathius, 26, a student in the agricultural faculty of Satya Wacana, and to cease the harassment of others involved in the distribution of the calendar.

The Interrogation Process

The calendar-poster was not subtle. It depicted President Suharto sitting on and crushing wailing peasants, while at his side, an overweight, bikini-clad Madam Tien Suharto swings a golf club. Admiral Sudomo, the Coordinating Minister for Politics and Security, lies on a hammock on a patch of grass surrounded by barbed wire while landless peasants raise protest posters nearby, and a soldier shoots a bullet into the mouth of a demonstrator. Interspersed throughout are farmers and their student supporters demanding justice.

Efforts to ban the calendar began in February 1991 when Hartono, a student newspaper editor from Diponegoro University in Semarang, Central Java, visited the office of the Geni Foundation in Salatiga, the town in Central Java where Satya Wacana University is based. (The Geni Foundation is a social action organization, composed of Satya Wacana students and lecturers, whose members hold discussions, conduct environmental research and offer free vocational courses to the poor in the area.) Hartono saw the calendar, liked it, and took three home. He gave two to a friend who in turn sold one to a member of the Resimen Mahasiswa or Menwa, the student militia trained on campuses throughout Indonesia by the military. The militia member immediately reported on the calendar to administrators at Diponegoro University who then turned it in to the district military command.

On Sunday, March 3, another student militia member met Hartono at the office of a women's magazine, *Kartika*, and told him to accompany him. Hartono refused. At 10:30 that evening, an officer from the Semarang police went to the *Kartika* offices and began asking Hartono questions about how the calendar came into being and how it had been distributed. Hartono said he had gotten copies from the Geni Foundation.

¹ The nine organizations are LPHAM (Lembaga Pembelaan Hak-Hak Asasi Manusia); SKEPHI (Jaringan Rakyat Untuk Pelestarian Hutan Indonesia); LEKHAT (Lembaga Kajian Hak-Hak Masyarakat); LBH-Bandung (Lembaga Bantuan Hukum-Bandung); KKPI (Kelompok Kebangkitan Perempuan Indonesia); Infight (Indonesian Front for the Defense of Human Rights); FDPY (Forum Diskusi Perempuan Yogyakarta); KPHURI (Komite Pergerakan Mahasiswa Untuk Rakyat Indonesia) and INSAN (Informasi dan Studi Hak-Hak Asasi Manusia).

The next day, Hartono's friend who had sold copies of the calendar to the student militia member was approached by two police officers. She was asked how she had obtained copies and to whom she had given them.

On March 5, about 5 p.m., a member of police intelligence, Lieutenant Agung Setyo and another officer went to the Geni Foundation's offices and delivered a summons to Bunthoni, the head of the Foundation. Bunthoni went with the two to the Salatiga police station where he found officers from the internal security forces (BAKORSTRANASDA), the provincial government political office, the district and regional military commands and the prosecutor's office. Bunthoni, asked how he got copies of the calendar, said the Geni Foundation had received 50 of them from the office of the Legal Aid Foundation in Bandung. Bunthoni had then appointed a student, Mathius, and a staff member of the Geni Foundation, Bu Rara, to handle sales of the calendar.

As Bunthoni was being questioned, Lieutenant Agung Setyo returned to the office of the Geni Foundation about 9 p.m. to pick up Bu Rara and Mathius but neither were there. At 11:30 p.m. Bunthoni was allowed to go home, on the condition that he return the next day with Mathius, and that he withdraw all calendars from circulation in Salatiga.

The next morning, at 9:30 a.m. Bunthoni, with Bu Rara and Mathius accompanying him, went back to the police station as directed. Bu Rara admitted under questioning that she had sold three copies of the calendar to a lecturer at Satya Wacana University, Ariel Heryanto, for a total of Rp.4,500 (about \$2.50). She was ordered to go to the Geni Foundation office and return with the money which was then formally confiscated by the police. She was allowed to return home at 2 p.m.

The interrogation of Mathius was more serious. He was asked about his family background, the activities of the Geni Foundation, his own involvement in the distribution of the calendars, and his opinion of the caricatures they contained. He named one Yanuar, a student of Satya Wacana, as one of those who had taken some of the calendars. Bunthoni was in the room throughout the questioning, and both were allowed to leave at 9 p.m.

At 10 p.m., summonses were delivered to both Yanuar and Ariel Heryanto at their homes, ordering them to be at the police station at 8 a.m. the next morning. The summonses said they were being ordered to appear as witnesses "in the criminal case of distributing a calendar containing caricatures and writing designed to discredit the government in accordance with Article 137 of the Criminal Code."

Ariel Heryanto was questioned from 10 a.m. until 1 p.m. and his answers were written down in a three-page interrogation deposition. He was asked what he did with the calendars after he bought them, what he thought of the caricatures, and what he knew of the Geni Foundation's activities. One of his calendars was formally confiscated and he was given a receipt. He was asked to return the next morning to answer further questions.

The following day, March 8, Ariel returned for a second stage of the questioning, this time by a different branch of police intelligence. Yanuar and two other students were also questioned, and they named a fourth student, Ery Sutrisno, as being the Geni Foundation member who had actually handled the calendars.

On Saturday, March 9, Lieutenant Agung Setyo together with some of his officers went to the Geni Foundation office to summon Ery Sutrisno and Bu Rara to his office for further questioning. Neither were there, and several staff members complained to the police about these on-the-spot summonses.

On March 12, Ery Sutrisno was picked up by police at the Geni Foundation office, while Bunthoni and Mathius were sent a summons for their second-stage interrogation, but unlike the earlier rounds, the summons was delivered politely and the date set for the questioning was two days away. When the two appeared at the police station on March 14, they were told not to take the investigation too seriously, and that the whole matter could be settled by discussion. Both young men were asked to sign receipts for more confiscated calendars but refused to do so. Nevertheless, they were allowed to return home without being questioned.

By this time, the non-governmental organizations which had produced the calendars were producing statements

protesting the questioning of the students. On March 8, Infight, a human rights coalition, issued a press release defending the publication of the calendar; SKEPHI, an environmental organization, followed with a similar statement four days later. The SKEPHI statement said that publication of the calendar had been a "constructive" effort to raise awareness about land issues, and that the drawings of officials reflected the reality of military repression against people expelled from their own land. SKEPHI said defiantly that the campaign against such expulsions would continue, even if it meant facing arrests and violence from the security forces.

On March 15, all nine organizations involved in the printing of the calendar issued a joint statement taking full responsibility for its distribution and protested the actions of the Semarang and Salatiga police in questioning those who circulated, sold or bought the calendar. On March 18, representatives of the nine organizations went to the Salatiga police station to explain how the calendar came about and to answer any questions the police might have. No one at the police station would meet them, and they were told the police chief and his deputy were both out of the office. The NGO delegation then read a prepared statement to the press and left. Shortly thereafter, the police chief appeared and told journalists that the offense in question only concerned the Geni Foundation and that the suspects in the case had already been identified.

On March 19, the head of the Legal Aid Institute in Semarang went to the Salatiga police on behalf of his two clients, Bunthoni and Mathius, and was told they were the suspects and would be brought to trial. (Four days earlier, when he asked what their status was, he had been told they were merely witnesses.) On March 20, Bunthoni and Mathius were formally summoned for interrogation as criminal suspects in a case involving the violation of Articles 137 and 155 of the Criminal Code (KUHP). Article 137 calls for a term of not more than 16 months for anyone who circulates or posts writings or pictures insulting the President. Article 155, which makes "spreading hatred" of the Indonesian government a criminal offense, carries a maximum penalty of four and a half years. The two men are expected to come to trial in the next few weeks.

The Two Men

Bunthoni (Oei Hian Bun), an Indonesian Muslim of Chinese descent, had been director of the Geni Foundation from 1989 until January 1991, when he resigned to look for work as a journalist. A native of Purwokerta and a graduate of Satya Wacana, Bunthoni is also affiliated with the environmental activist group, WALHI, in Indonesia and is doing research for them on energy.

Mathius is a Christian from Central Kalimantan whose relatives occupy key posts in the Indonesian civil service. He entered Satya Wacana as an agriculture student in 1985 and became associated with the Geni Foundation in 1989.

Academic Freedom at Satya Wacana

The focus on the Geni Foundation and the students in Salatiga may reflect the limits of official tolerance of activism at Satya Wacana University -- particularly since to Asia Watch's knowledge, no charges have been brought against anyone else in connection with the calendar. The college has become home to intellectual iconoclasts such as Arief Budiman, a social psychologist who wrote a Ph.D. dissertation for Harvard University on the fall of the Allende government in Chile. It may have a higher proportion of activist students and lecturers than any other university in Indonesia and is a nerve center for protests against the treatment of farmers affected by the Kedung Ombo dam, a World Bank-funded project that involved the expulsion of some 5,000 families.

Even before the calendar issue arose, Arief Budiman, who had been highly critical of policies leading to the land disputes that the calendar depicted, was placed on the blacklist of the immigration section of the provincial Justice

Ministry office in Central Java, meaning he could not get an exit permit to leave the country. After much international pressure, the ban was lifted in April to enable Arief to attend a conference in the United States. Asia Watch believes that denial of an exit permit violates the internationally-recognized right to enter and leave one's own country. It should be noted that some 15,000 Indonesians are reported by official sources to be on the central immigration blacklist.

Senior administrative officials of Satya Wacana have tried to prevent protests from taking place. On April 8, Satya Wacana students wanted to hold a meeting to discuss the calendar case in the auditorium, but they were denied permission to do so, on the grounds that only an officially-recognized campus organization could use the facility. The students decided to go ahead with the meeting anyway and asked two lecturers to speak. Between 800 and 1,000 people showed up, so many that the university employee in charge of the auditorium did not dare evict them. The student militia, Menwa, was out in force, but they too apparently felt too outnumbered by those attending the meeting to take any action.

The next day, the Deputy Rector issued a statement that the meeting had been illegal because it violated university procedures, and the official Student Senate wrote a letter to the Rector, with copies to the military and police, disassociating itself from any connection with the meeting and deploring the fact that it had taken place. Ariel Heryanto, the lecturer who had been questioned by police the month before over his purchase of a calendar, wrote an article for the local newspaper, *Suara Merdeka*, noting how Satya Wacana "radicals" been marginalized by the university administration. He said the number of people who turned out for the meeting on the calendar, however, showed conclusively that those in favor of greater freedoms were not a small minority. To its credit, the newspaper printed the article in full.

Conclusion

The "Land for the People" calendar case illustrates a number of characteristics of the Indonesian political system. First, freedom of expression remains severely restricted and criticism of the first family a particularly dangerous subject. "Openness", the political buzzword of 1990, seems already passé.

Second, application of laws and sanctions remains highly arbitrary. It is not just that Salatiga students were singled out for prosecution while others were not, but that the authorities chose to see the distribution, rather than the production of the calendar as a crime. As Arief Budiman has noted, when a newspaper called *Monitor* published a poll deemed offensive by readers, it was the editor, not the distributors, who was prosecuted and convicted.² If freedom of expression in Indonesia is to be respected no one involved in any stage of the calendar's publication should face criminal charges.

Third, the question of land disputes remains potentially one of the most divisive issues confronting the Indonesian government today. There is no question that grave human rights violations have been committed by the government in the course of these disputes, and the suppression of a poster illustrating those abuses is not going to make them go away.

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For Further Information

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² See Asia Watch, *Indonesia's Salman Rushdie*, April 1991

News From Asia Watch is a publication of Asia Watch, an independent organization created in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg, the Vice Chairs are Harriet Rabb and Orville Schell, and the Executive Director is Sidney Jones.

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