

INDONESIA

SOEHARTO RETALIATES AGAINST CRITICS: Official Reactions to Demonstrations in Germany

President Soeharto continued to search for scapegoats to blame for demonstrations that greeted him on a trip to Germany in early April. Among those subjected to harassment were leading critics of his administration, including pro-democracy parliamentarian Sri Bintang Pamungkas, internationally known editor Goenawan Mohamad, and student activist Yeni Rosa Damayanti. The Indonesian government's reaction to the demonstrations underscores the weakness of the rule of law in Indonesia and the dangers to Indonesian citizens who challenge the arbitrary exercise of power and lack of accountability of senior officials.

President Soeharto called the Indonesians who took part in the demonstrations in Hanover on April 2 and in Dresden on April 5 "traitors" and also termed them "insane" and "irrational." Sri Bintang Pamungkas was formally declared a suspect on May 4 and was expected to be arrested on charges of defaming the head of state, under Indonesia's equivalent of a *lese majeste* law. Goenawan Mohamad and Yeni Rosa Damayanti were threatened with arrest, also in relation to the demonstrations. Indonesian students living in Germany were being summoned to Indonesian consulates and the embassy to inform on those who took part in the demonstrations. And the Indonesian government formally requested permission from the German foreign ministry to send a police team to Germany to collect "evidence" against Indonesian participants; on April 28, the German government rejected the request as "unreasonable." The hunt for alleged masterminds of the demonstrations also provided a pretext for increased surveillance and harassment of nongovernmental organizations (NGOs). In Medan, North Sumatra, thirteen activists from two local NGOs were detained briefly by police for questioning after sending a delegation to the provincial parliament to protest President Soeharto's comments on the demonstrators.

BACKGROUND TO THE HARSH REACTION

The Indonesian government's reaction to the demonstrations must be put in the context of twelve months of increasing controls on freedom of expression and association that began with the banning of three

news publications in June 1994, including *Tempo*, the weekly magazine edited by Goenawan Mohamad.¹

Goenawan sued Minister of Information Harmoko, who signed the ban, and on May 4, 1995, a panel of three judges in the Jakarta administrative court ruled that the 1984 press law on which the ban was based was unlawful, and ordered *Tempo's* press license restored. The delight over the decision among Indonesians desirous of greater openness in the country was tempered by a recognition of reality: the administrative court has very little influence, Minister Harmoko announced that he would appeal, and most people assumed that higher courts would play by the political rules and rule against *Tempo*. Moreover, the ruling was likely to have little impact on the larger problem of senior officials of the Indonesian government taking personal umbrage at criticism and using the legal system to impose their punishment of choice. *Tempo* was closed in part because of articles critical of the minister of research and technology, B.J. Habibie. Its closure led dismissed reporters and editors, including Goenawan Mohamad, to form a professional association called the Alliance of Independent Journalists (AJI) which in turn began publishing a bulletin called *Independen*, with trenchant political commentary critical of the government. One of those whose views frequently appeared in *Independen* was Sri Bintang Pamungkas, the parliamentarian now in danger of arrest in connection with the demonstrations. The closure of the newspapers also led to demonstrations in Indonesia's major cities; taking an active role in these demonstrations was a largely student organization called the Pijar Foundation (*Yayasan Pijar*) whose publication, *Kabar Dari Pijar* (News from Pijar), called among other things for Minister Harmoko to be hung in effigy for the press ban. One of the Pijar activists was Yeni Rosa Damayanti, the third person to be named in the context of the demonstrations.

On March 9, Tri Agus Susanto, the editor of *Kabar Dari Pijar*, was arrested and charged under Article 154 of the Criminal Code, with spreading hatred against the government. On March 16 and 17, three members of AJI were arrested, ostensibly for publishing *Independen* without a license, a violation of the same press law that the Jakarta administrative court declared unlawful in May, and for spreading hatred. The three were Ahmed Taufik, 29, head of the presidium of AJI; Eko Maryadi, its secretary-general; and Danang Kukuh Wardoyo, an office helper. Police finished their investigation of the three in early May 1995 and their trials were expected to start shortly thereafter. On March 29, thirteen of the founding members of AJI were expelled from the Jakarta chapter of the official Indonesian Journalists Association (*Persatuan Wartawan Indonesia* or PWI), including the editors of the publications banned in June 1994. In addition, two journalists from the leading Jakarta daily *Kompas* and two from the English-language *Jakarta Post* were told they had to resign from AJI or leave their respective papers. Pressure on editors from the Ministry of Information to sack AJI members was reportedly intense. The expulsion from PWI-Jakarta was formerly endorsed by the central office of PWI on April 17.

On April 26, Dr. George Aditjondro, a lecturer at Satya Wacana Christian University, who has run afoul of the government because of his research and advocacy on East Timor, was formally charged with insulting a government body in public for a lecture he gave in August 1994 in Yogyakarta. In the lecture, he made jokes about Soeharto and three men considered his cronies in a discussion of presidential succession. When the charges were filed, Dr. Aditjondro was in Perth, Australia, where he was expected to remain, but local military authorities were reportedly putting pressure on the university to call him back to face the charges.

The determination of the Soeharto government to punish criticism, whether voiced or written, was thus evident long before the demonstrations in Germany took place. When it became clear that someone was going to have to take the blame for the demonstrations, those who were courageous enough to speak out during the post-June 1994 crackdown made obvious targets.

¹ See Human Rights Watch/Asia, *The Limits of Openness: Human Rights in Indonesia and East Timor* (New York: Human Rights Watch, 1994).

THE DEMONSTRATIONS

President Soeharto's visit to Germany had been planned for many months, giving activists in Europe ample time to prepare for it. The president was due to attend a trade fair in Hanover on April 2, stop in Bonn and Dusseldorf, then travel to Dresden and finally stop in Weimar. The mayor of Weimar refused to receive him because of concerns over human rights violations.

In Hanover, about twenty German NGOs decided to hold a parallel event to the trade fair, lasting from March 30 to April 2. They invited a range of groups, from East Timorese in Lisbon to well-known critics of the Soeharto government in Jakarta. Sri Bintang Pamungkas and Yeni Rosa Damayanti were two of the latter; it is not clear that the two were aware of the extent to which their presence would fit into the parallel program. Sri Bintang gave a series of lectures on the Indonesian economy at Hanover University on March 31 and Humboldt University on April 4 where he touched on the problem of conglomerates, an increasing gap between the rich and poor and other aspects of the Indonesian political economy.

In addition to the program, activists held a small, peaceful demonstration in Hanover on the night of April 1, before President Soeharto arrived, and a larger one on April 2, involving about one hundred people. Security was so tight, however, that the demonstrators could not get near the president.

The demonstrations in Dresden on April 5 were a different matter. They were organized by two German organizations opposed on human rights grounds to German economic and military cooperation with Indonesia. The two, *Wolfspetz* and *Timor und kein Trupp*, were not in touch with any groups in Indonesia, according to the head of *Wolfspetz*, Johanna Kalex. When the two groups learned of President Soeharto's plan to visit Dresden, they first sent an open letter of protest to the mayor of Dresden and the prime minister of Saxony, demanding that the invitation be revoked. The letter was signed by thirty-three organizations. Members of these organizations decided to "welcome" Soeharto at 10:30 a.m. when he was to visit the Zwinger castle and art museum complex. One group, pretending to be students on a school tour of the museum, waited until his entourage approached, then unfurled banners, shouted rude epithets, banged pans and blew alarm whistles. They also blocked one exit of the castle and got near enough to slap a rolled-up newspaper against President Soeharto's umbrella. President Soeharto was forced to break off his tour after only twenty minutes and return to his hotel. He remained in his hotel until it was time to depart for dinner with his host, the Saxony prime minister. The demonstrators were lying in wait again, and they surrounded the special bus in which Soeharto was riding and rocked it back and forth for a few minutes. The bus had to take a detour to the restaurant, and demonstrators kept up a din outside throughout the evening.

SOEHARTO'S REACTION

The protests infuriated Soeharto. When he returned to Indonesia, after a trip through Central Asia, he set the stage for a virtual witch hunt with a series of remarks to the press. "We have to be more vigilant now toward those who give materials or money from inside the country -- because according to reports, there were people from here who went there and provided materials -- and for this alone, we need to watch out," he told reporters on April 13. "These people are insane, irrational. They are selling their own nation to another country." He said it was "sick" to use foreigners to fight internal challenges.

He further noted that the German government had been aware that Amnesty International was planning

demonstrations, and in Hanover, Bonn and Dusseldorf, it was able to keep the demonstrations under control. But in Dresden, because it was formerly part of a Communist country, security forces had no experience in putting down demonstrations because demonstrations had never been allowed.²

One observer remarked, it was impossible for the President to imagine that a demonstration could take place without an Indonesian mastermind, or that people could take part without having been paid to do so. The Indonesian embassy in Berlin reportedly spread the news that demonstrators were DM8 per head per hour.

On the same day that Soeharto vented his rage against the demonstrators, Lt. Gen. Soeyono, chief of staff for general affairs for the Indonesian armed forces, said the government had proof that three well-known critics of Indonesian authoritarianism were involved in the demonstrations. The three were Goenawan Mohamad, former editor of *Tempo*; Sri Bintang Pamungkas, aged fifty, the parliamentarian from the United Development Party (*Partai Persatuan Pembangunan* or PPP), whose fellow party members were in the process of trying to expel him from the party because of his pro-democracy activities; and Yeni Rosa Damayanti, twenty-seven, a student activist who was released from prison in December 1994 after serving a one year on charges of insulting the head of state in a 1993 demonstration. None of the three was in Dresden when the demonstrations took place. Nevertheless, said Soeyono, all three could be charged with subversion -- a capital offense -- because in addition to blackening Indonesia's good name abroad, the three had put the president in danger.³

Goenawan had been in Germany with his wife between March 3 and March 18 but was in Singapore at the time of the demonstrations. While in Germany, he gave several interviews about the muzzling of the Indonesian press but said, "I was just explaining what happened. If I'm later accused of tarnishing Indonesia's good name, that's a matter of interpretation." When asked whether he supplied the demonstrators with materials, he retorted, "Do demonstrators abroad really need to be supplied with materials in the age of information when they can use e-mail and news services?"⁴ Goenawan was not formally interrogated, although as of May 1, the possibility that he would eventually be charged remained a real one.

² "Presiden Soeharto: Tindakan Tegas Pengkianat Bangsa -- Mereka Orang Edan, Sinting, Tidak Rasional," *Kompas*, April 15, 1995.

³ "Goenawan, Bintang deny involvement in German protest," *The Jakarta Post*, April 15, 1995.

⁴ "Besok Sri Bintang Diperiksa Polisi, Goenawan Mohamad Bantah Terlibat," *Kompas*, April 17, 1995.

Sri Bintang Pamungkas was the subject of more intensive investigation. First, his passport was revoked after he returned to Indonesia from Germany on April 12, effectively preventing him from traveling overseas. He received no formal answer to his question about how such restrictions could be placed on him when he had not even been formally charged. Then he was formally summoned for interrogation on April 16, on suspicion of having violated Article 134 of the Indonesian Criminal Code, insulting or undermining the dignity of the head of state. The summons, still short of a formal indictment, was based on a police report dated April 10, written by an officer who had not been in Germany and had no first-hand knowledge of the demonstration. But according to Indonesian Law No.13/1970, Bintang, as a member of parliament, can only be interrogated with the explicit authorization of the President of Indonesia. He therefore requested, but could not obtain a copy of this authorization. Instead, he was shown a letter authorizing the investigation signed by the State Secretary, Moerdiono, not by Soeharto. Bintang was questioned for three consecutive days beginning April 18 at the intelligence subdirectorates of the national police headquarters in Jakarta and was accompanied throughout by his lawyer from the Legal Aid Institute, Luhut Pangaribuan. Questions focused on his family background, his activities in Germany, and his meetings with other Indonesians during the course of his stay there.⁵

On April 19, one day after Sri Bintang's interrogation had begun, his house was stoned by men on motorcycles, and the rear window of his car was smashed; he was given police protection at his request thereafter, but the suspected culprits were members of Pemuda Pancasila, a goon squad that has worked closely with the government in the past, particularly during election campaigns. On May 7, Sri Bintang received a police summons to appear for interrogation as a suspect for "endangering President Soeharto's security and insulting the head of state." He was ordered to appear by May 11 but said he would not obey the summons until he could see copies of the police report used as the basis for the case against him and the authorization from President Soeharto approving his being questioned as a suspect.

Yeni Damayanti, who had been in Germany during Soeharto's visit and was in Hanover on April 2, remained in Europe as of May 1, and many believed it was unsafe for her to return.

⁵ See the report Sri Bintang Pamungkas prepared on the interrogation, "Keterangan Sri Bintang Pamungkas Kepada Polri", Jakarta, April 24, 1995.

As presidential fury became the news of the moment, those who wished to stay in good favor with the government rushed to jump on the bandwagon. The board of the government-sponsored youth organization, KNPI, issued a statement urging that strong actions be taken against the "anti-Indonesian" demonstrators in Dresden.⁶ The leaders of PPP, in a particularly craven gesture, apologized to President Soeharto for Sri Bintang Pamungkas's behavior, even though there was no evidence that he had done anything wrong and there were no charges against him. ("I'm not yet found guilty, and they're already apologizing? They should be ashamed of themselves," Bintang told the press.⁷) The Coordinating Minister for Political and Security Affairs, Soesilo Soedarman, said the demonstrations were evidence that NGO activists were trying to undermine Pancasila, the Indonesian state ideology. Professor Suhardiman, a leading light in Golkar, the ruling party, and former military police officer, said that the demonstrations represented the "politics of revenge" against the New Order government of President Soeharto, perpetrated by groups, including NGOs, who were out to undermine national stability, both openly and covertly.⁸ The newsweekly *Gatra*, the magazine that replaced the banned *Tempo* which is owned by a close associate of President Soeharto, Bob Hasan, became the medium for airing governmental accusations against suspected demonstrators. It quoted an unnamed source from the Indonesian embassy in Germany, for example, that Sri Bintang Pamungkas had been goading young demonstrators into shouting at the moment when Soeharto arrived in Germany, and listed various East Timorese it termed "fanatic Fretilin followers" and others who it said had taken part; the source again was clearly the Indonesian embassy.⁹ These remarks presaged increased trouble for NGOs from the government, and indeed, the arrests in Medan on April 28, described in more detail below, may a harbinger of things to come.

NONGOVERNMENTAL REACTIONS IN INDONESIA

Indonesian NGOs, especially human rights organizations, were quick to protest government reactions to the demonstrations. A statement released by the Legal Aid Institute said that the government's accusations against Goenawan Mohamad, Sri Bintang Pamungkas, and Yeni Damayanti, before any charges had been brought against them, violated their right to presumption of innocence, and they were effectively being convicted in the press. They were also being denied their right to equal protection under the law. Second, the organization said, any state visit is the responsibility of the two states involved, and in this case, the Indonesian embassy in Bonn had particular responsibility for ensuring the visit went smoothly; it should not be using Indonesian activists as scapegoats for its own shortcomings. Third, it noted with approval President Soeharto's statement that the solution to internal problems should be sought within the country, and said if controls on freedom of expression and association were relaxed in Indonesia, there might be less cause for demonstrations abroad. And finally, it said that if Indonesia was going to take an increasingly high profile role internationally, with its chairmanship of the Non-Aligned Movement and its role in APEC, it had to expect greater scrutiny of its human rights record abroad.¹⁰

⁶ "Besok Sri Bintang Diperiksa., *Kompas*, April 17, 1995.

⁷ "Goenawan, Bintang deny involvement in German protest," *Jakarta Post*, April 15, 1995.

⁸ "Ada Pendendam Politik dan Penggugat Orde Baru," *Suara Merdeka*, April 17, 1995.

⁹ "Berdemonstrasi di Negeri Orang," *Gatra*, April 15, 1995. *Gatra* was accused by some of those it interviewed of distorted reporting and manipulation of facts. See exchange between Pipit Rochiat, an Indonesian living in Germany, and Linda Djalal, a *Gatra* correspondent.

¹⁰ Yayasan Lembaga Bantuan Hukum Indonesia," Siaran Pers No. 008/SP/YLBHI/IV/1995 tentang Aksi

The protests were not restricted to Jakarta. On April 17, students in Ujung Pandang wrote a letter of protest to Minister Soesilo Soedarman for his remarks about NGOs, mentioned above. Also on April 17, ten student and NGO activists from a discussion forum called Forsolima appeared before the provincial parliament in Medan, North Sumatra to protest the accusation made against Sri Bintang Pamungkas, Yeni Rosa Damayanti, and Goenawan Mohamad and to urge the government to respect the rule of law and the principle of presumption of innocence. On April 20, a team of eight police officers came to the Forsolima office, looking for the ten delegation members. One of the ten, a man named Tonggam Siregar, was arrested. Another man, Herwin, from a land rights NGO called Bitra, was also arrested, apparently in order to press him to reveal where the other nine members of the April 17 delegation were. Using Herwin and Tonggam as guides, the police raided a house where other Bitra members were staying and arrested four. While the delegation to the provincial parliament was the pretext for the raid, local police seemed less interested in the demonstrations than in the role Bitra and Forsolima had played in the defense of farmers in a local land dispute. Two farmers involved in the dispute were also arrested. To the press, however, police said all were being questioned about the demonstrations. Three other NGO activists were arrested later the same day, but by April 21, all had been released. On April 24, students from Medan marched on the provincial parliament to protest the wave of arrests, and on April 25, the director of Bitra, Job Rahmat Purba, was summoned for questioning by North Sumatra police. As of May 3, ten students and three Bitra members had been extensively questioned, not about their involvement in the demonstrations but about their work with local farmers. A student group in the Central Javanese city of Yogyakarta, called Student Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia Untuk Demokrasi*), issued a statement in support of their Medan colleagues, saying that calling the demonstrators insane was not appropriate for a head of state. Using the government's own words, the group said such statements tarnish the good name of the Indonesia abroad and were a violation of freedom of expression.

CONCLUSIONS

The *Tempo* victory notwithstanding, the outlook for freedom of expression and association in Indonesia remains bleak. President Soeharto's reaction to what was unquestionably an unnerving and humiliating series of events has been to look for scapegoats and for someone, anyone who can be held personally responsible for the demonstrations. Any government commitment to the rule of law, as Indonesian NGOs have been quick to point out, seems to vanish with a perceived affront to presidential or ministerial dignity. As with its efforts to prevent an East Timor conference from taking place in Manila in May 1994, the Indonesian government is again trying to stifle the legitimate exercise of freedom of expression beyond its own borders. Sri Bintang Pamungkas should be free to give lectures critical of President Soeharto's economic policies without being subject to interrogation and arrest or attacks on his house by government-linked thugs. Goenawan Mohamad should be free to give interviews to the European press on controls on freedom of the press without having to fear being called in for questioning by military intelligence. Yeni Rosa Damayanti should not have to be afraid of being arrested on her return home because of her peaceful dissident activities, in Germany or anywhere else. Ahmad Taufik, Eko Maryadi and Danang Kukuh Wardoyo, the AJI members, should be immediately released from prison and the charges against them for publishing *Independen* and "spreading hatred" should be dropped. Tri Agus from *Pijar* should be likewise released. The charges against outspoken academic George Aditjondro should be dropped, and the threats and harassment of NGOs by senior government officials, in violation of the right to freedom of expression and association, should cease.

On April 15, in a speech at Gajah Mada University, one of Indonesia's most prestigious academic

institutions, Ginandjar Kartasasmita, minister of state and the head of the state planning agency BAPPENAS, said government policies should be preceded by open debate, because such debate improved the quality of the policies and helped ensure public support. He decried the lack of transparency in government which he said was often used to cover up incompetence and reluctance to accept criticism. President Soeharto should heed his words.

Human Rights Watch/Asia

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