

INDONESIA: GOVERNMENT EFFORTS TO SILENCE STUDENTS

I. INTRODUCTION

Freedom of expression on campus in Indonesia became a major issue in mid-1993 with national attention focused on three court cases and the banning of a student newspaper. The verdict in one of those cases, involving two students from Semarang, Central Java, is expected in mid-October and will be a major test of President Suharto's willingness to allow the differences of opinion he extolled in his national day speech of August 17, 1993. All of the cases illustrate the tight limits that the Indonesian government places on written and spoken criticism. They also show the pettiness and arbitrariness of local officials and a surprising fear of public reaction to any form of protest.

Two of the trials were postponed for more than a year (in one case, more than two years) so the court sessions would not coincide with the March 1993 selection of President Suharto for a sixth term by the People's Consultative Assembly (MPR) -- an event the authorities apparently feared might lead to social unrest. Thus, the trial of Buntomi, an activist from Salatiga accused in 1991 of distributing a calendar with unflattering caricatures of the President and other political figures only opened in June 1993. On July 3, 1993, two students from Semarang were brought to trial for their participation in a rally on the campus of Diponegoro University in May 1992 to protest the parliamentary elections that year. Both of these trials were considered to have national security implications.

Another student, David Ramone, was accused of slandering the assistant rector of a private university in Yogyakarta in a demonstration in May 1992. He was brought to trial in February 1993 and sentenced to six months in prison in June, in clear violation of his rights to freedom of expression and assembly.

In addition to this backlog of cases from 1991 and 1992, two other cases suggest that the determination to punish differences of opinion is continuing. In late May 1993, the student magazine *Arena*, published by the students of the Sunan Kalijaga State Islamic Institute (IAIN) in Yogyakarta, was closed down, apparently because of articles on the links between big business and political power in Indonesia. (It has since been allowed to publish again.) About the same time, Arief Budiman, an activist professor at Satya Wacana Christian University in Salatiga, published an article in the national news weekly, *Editor*, questioning the suitability of Mrs. Suharto's brother-in-law, General Wismoyo Munandar, for his new role as chief of staff of the armed forces. Budiman's house was surrounded by intelligence agents, his property vandalized and his telephone line cut.

In none of these cases was anyone killed, disappeared or tortured. The arrested students appear to have been well-treated and none of the students were in detention at the time their cases came to trial. Six months may seem like a light sentence out of context,

although in David Ramone's case, it was appallingly heavy given the nature of the offense and the lack of evidence. *Arena* is back in publication, and the harassment of Arief Budiman has ceased. But the students should never have been arrested or tried, *Arena* never banned and Budiman and his family never terrorized. These incidents amount to a pattern of systematic government violation of freedom of expression. There is no question that in Indonesia today, there is greater freedom than there was five years ago to call publicly for more political openness. There are few signs, however, that that call is being heeded.

II. TWO STUDENTS FROM SEMARANG

On July 3, 1993, the trial of two students opened in Semarang, provincial capital of Central Java. Lukas Luwarso and Poltak Ike Wibowo, both 25 years old, were accused of "spreading hatred" towards the government for their role in staging a satirical protest of the government's 1992 election campaign. The protest took place on May 20, 1992 on the campus of Diponegoro University in Semarang. The two were arrested the same day and detained for one month; they were then released and were still free when their trial opened over a year later. The verdict is expected in mid-October.

The case is particularly interesting for what it demonstrates about the government's sensitivity on freedom of expression issues as well as about the liveliness of the student movement in Indonesia. It also is a classic case study of arbitrariness and procedural irregularities in the application of the law. One of the two students, Poltak Ike Wibowo, played a relatively minor role in the protest, but because he spoke about a major agricultural monopoly in which one of President Suharto's sons is involved, he was treated as a more serious offender than the protest's organizers. (He was initially arrested on subversion charges.) The prosecution appeared to be as much concerned by the fact that Poltak invited a journalist from the local paper to cover the event -- and therefore made it public -- as it was by the substance of his speech. The "expert testimony" of local officials asked by the prosecution to assess the degree to which the students exceeded norms of acceptable speech illustrates the rigidity with which directives from Jakarta are interpreted at the local level. And the testimony of the students and their friends, both during initial interrogation immediately after arrest and their subsequent appearance in court, illustrates how a vibrant, even exuberant student community is systematically stifled by government control.

Background

Indonesia holds elections for its parliament, the People's Representative Assembly or *Dewan Perwakilan Rakyat* (DPR) every five years, and a parliamentary election was scheduled for June 9, 1992. Campaigning is strictly limited to a month, and three government-sanctioned parties compete, but 100 seats in the 500-seat DPR are appointed. The government party, GOLKAR, routinely receives over 60 percent of the vote.

The 1992 election was expected to be somewhat livelier than usual because tension between President Suharto and some members of the army led many observers to predict quiet army backing for the "opposition" parties and more political space for genuine differences of opinion. In addition, restrictions on freedom of expression had eased perceptibly on many subjects since the last election in 1987. Presidential succession, for example, had ceased to be a taboo topic; the strength of non-governmental organizations had increased; and students, particularly those in Central Java, were vocal in their criticism of government development projects. Taken together, these factors promised a campaign

in which candidates and voters could be frank and outspoken as never before.

That promise was not realized, and if anything, restrictions were tighter than ever. As the campaign opened, the Ministry of Home Affairs sent a cable to all universities forbidding students to participate in campaigns, to wear any clothing that would identify them with one of the contending parties, or to organize discussions or invite outside speakers on any topic that could be construed as political.¹

A national holiday, National Resurgence Day, fell in the middle of the last weeks of the campaign on May 20. On May 19, several students, including Lukas Luwarso, a literature major at Diponegoro University, (but not Poltak) met at a food stall in Semarang and decided to hold a mock commemoration of the holiday the next day for the purpose of urging their colleagues to cast a blank ballot or *golput*. The *golput* campaign was a way of protesting what the students perceived as an unfair electoral system. By turning their protest into a kind of topical street theater, using a Javanese form of wordplay called *pelesetan*, they intended to entertain their friends while indirectly satirizing the political process. (Even *pelesetan*, however, has become dangerous since two students, also in Central Java, were convicted in October 1992 of punning on phrases of the Qu'ran and sentenced to heavy terms.)² It is clear from the interrogation depositions that they also intended to send a message to the government that not everyone was satisfied with the political system as it was.

Lukas and several friends from the literature faculty at Diponegoro University (who were neither arrested nor charged) drew up a program that was to be a take-off on the standard format for a public event: welcoming statements; opening prayer; recitation of Pancasila, the five principles that constitute Indonesia's state ideology; raising the flag; presentation of statements; and the benediction. They then called a number of students from other local universities including the Walisongo State Islamic Institute (IAIN) and the Sultan Agung Islamic University, both to ask their participation and to borrow megaphones. Poltak came over to join the students toward the end of their meeting.

Lukas went home to type up a speech called "The Attitude of the Semarang Student Forum Toward the 1992 Election" (the contents of which had been discussed and agreed on at the meeting) which he then photocopied the next morning to distribute as a flyer. He also typed up the verses to the "Golput March", a parody of a song played on state television during the campaign called "Election March."

The next morning about thirty students gathered at Diponegoro University outside the literature faculty which faces Hayamwuruk Avenue, a city street. The campus was separated from the street by a metal fence, but passersby could clearly both see and hear the students. The organizers called the event "Readiness Rally for National Resurgence (*Apel Siaga Kebangkitan Nasional*)."³ The rally took place on a raised part of the pavement which made a perfect stage. By the end of the program, it had attracted an audience of about 200 -- mostly students and intelligence agents, according to Bustanil Arifin, a student,

¹ See interrogation deposition of Drs. Anhari Basuki, a lecturer at Diponegoro University's literature faculty, May 29, 1992, in *Sampul Berkas Perkara* No. Pol.:BP.12-K/BAP/VI/1992, Indonesian Police, Central Java, City of Semarang, June 3, 1992.

² See Asia Watch, "Indonesia: Students Jailed For Puns", Vol.5, No.5, March 16, 1993.

in his court testimony on July 20, 1993.

Lukas was the master of ceremonies. He opened the 13-point program with some preliminaries, then turned the program over to Bustanil Arifin for the recitation of Pancasila (belief in one supreme God, national unity, just and civilized humanity, democracy led by the wisdom of deliberations among representatives and social justice for all of the people of Indonesia). Instead of a straightforward recitation, however, Arifin shouted, "No.1, have you memorized it or not?" ("Memorized!" the students shouted back.) "No.2, of course you've memorized it?" ("Memorized!") "No.3, you must have memorized it because it's so short.." ("Memorized!") "You must have memorized No.4 but it's too long to read..." ("Memorized!") "And you've put No.5 on `memory'..."

Next, a student named Ardiansyah, a law student from Sultan Agung Islamic University, read a wordplay on Pancasila called "Five Verses":

1. An supreme Authority
2. Humanity oppressed and crushed
3. Indonesian primordialism
4. Populism led by hypocrisy
5. Social suffering for all of the people of Indonesia

Next, a student with guitar led the singing of the "Golput March." The lyrics, distributed on a song-sheet, were as follows:

The general election trips us up
While all the officials welcome it gladly
Our democratic rights are castrated
We the people are not yet free

Members of parliament cannot be trusted
Because they are the choice of the one in power
Under the laws of the one in power
We boycott the general election.³

After the march was over, a white flag symbolizing the blank ballot was raised. This was followed by a student who read aloud the statement prepared by Lukas the night before on the attitude of the Semarang students toward the election.

According to the statement,

- the election only serves to legitimize the political elite and solidify the status quo

³ *Pemilihan umum telah menjegal kita/Seluruh pejabat menyambut gembira/Hak demokrasi dikediri/Kita rakyat belum merdeka Wakil-wakil rakyat tak dapat dipercaya/Karena mereka pilihan penguasa/Dibawah undang-undang dasar penguasa/Kita memboikot pemilihan umum.*

- the executive [branch] is too dominant; however people vote, the executive always wins. Sixty percent of the MPR, the country's highest body, is chosen by the executive and enslaved by it.

- members of parliament may officially be the representatives of the people but they are actually the long arm of the executive.

- the election is useless, a waste of funds and energy. If it is to go ahead, at least repeal the law authorizing the appointment of members of parliament. If the law is not repealed, the phrase should not be "general election" but "general appointment."

- since we students are not allowed to get involved in politics, let us stay neutral in this election and function as a just and impartial jury in monitoring how the election is carried out.⁴

Next on the program was the "Democracy Pulpit" where anyone who wished to speak about the elections or National Resurgence Day could come forward. One student went up on the stage, only to collapse in a pretended faint. He then got up and said he had fainted to symbolize the misery and suffering of the people.

Poltak then stepped up. A law student, he was a veteran student and pro-democracy activist. In 1990, as a member of the Muslim Student Committee of Semarang, he had sent a letter to the national parliament urging that an editor arrested for blasphemy be given the full benefit of the law.⁵ In 1991, he had been active in student protests against a World Bank-funded dam and had taken part in several dialogues with Central Javanese governor Ismail to discuss student concerns. This time, he focused on the lack of democracy in Indonesia, touching on concerns over the clove monopoly in which Suharto's son, Tommy, has a controlling interest, and a television tax in which another company linked to a Suharto son, P.T. Mekatama Raya, was involved.

His presentation was followed by a poetry reading by Basabasuki, another Diponegoro student.

An hour into the program, around 11 a.m. several branches of the military had arrived in force and gathered on the road just outside the fence. Included were the district military command (KODIM) and the State Security Artillery (Arhanut) as well as the police. A special unit of the police formed to provide security for the election campaign was also present; two of its members were involved in the subsequent arrests of the students. As soldiers and police got out of their vehicles, Poltak led the students in shouting over his megaphone, "Long live the armed forces!" (*Hidup ABRI!*)

By 11:30, the poems, songs and speeches were over, and the crowd joined in a final prayer. About a half hour later, Lukas went into the building housing the literature faculty to get something to

⁴ "Sikap Forum Mahasiswa Semarang Terhadap Pemilu 1992" (two pages, typewritten), Semarang, May 20, 1992.

⁵ This was a courageous stance, given that many Muslims were demanding that the editor be given the death penalty for insulting Islam. See Asia Watch, "Indonesia's Salman Rushdie," April 10, 1991.

drink. When he came out, he saw some of his friends being seized by police. He saw an intelligence agent taking a megaphone used during the rally and said, "Hey, that belongs to us." At that point, he was seized by two officers, a uniformed police lieutenant and an army major in civilian clothes whom he knew to be an intelligence agent. Lukas was taken off to a military truck. He asked for a warrant, and one of the officers replied, "I'm not arresting you. I just want an explanation."

Two other Diponegoro students, Dwi Sugiyono and Hari Susanto, were arrested at the same time. They had no role in the program and were just onlookers. Both were released the next day, May 21, but told to report to the police twice a week.

Poltak was also arrested by the same men. When he asked about a warrant, he was told, "There's no need for a warrant -- we got you red-handed!" He said the district military commander struck him on the legs with a rattan stick three times as he was carried to the truck, shouting at him that he was being insolent.

Arrest warrants and notifications of detention were prepared after Lukas and Poltak were already in custody. Both warrants were dated May 20, 1993 and signed by the head of the Political Security Intelligence Unit of the Semarang municipal police (Kasat Intel Pengamanan Politik). The warrant for Lukas states that he is accused of violating Article 154 of the Criminal Code ("spreading hatred toward the government"); Poltak's warrant cites subversion (Presidential Decree 11 of 1963).

The two students were put in a cell with seven youths who had been campaigning for the Indonesian Democratic Party, one of the "opposition" parties in the election. Both were repeatedly interrogated. During the questioning, they were threatened with subversion charges unless they admitted that they had incited the demonstration. Poltak was accused of links to the banned Indonesian Communist Party. Lukas was asked about his links to Forum Demokrasi, a Jakarta-based group advocating more political openness.

The Interrogation Depositions

The interrogation depositions (*berita acara pemeriksaan* or BAP) taken of suspects and witnesses immediately after an arrest are often the most revealing documents in a trial dossier, because to the extent they represent an accurate and undoctored record of the questioning, the attitudes of interrogator and suspect emerge more clearly than they sometimes do in court.⁶

The police brought 17 people in for questioning between May 20 and June 4, 1992: the two suspects; three officers involved in their arrest; a police intelligence officer who was present throughout the rally; the journalist who covered the event for the local paper, *Kedaulatan Rakyat*; two government officials invited to answer questions as "experts"; a lecturer in the literature faculty at Diponegoro University in charge of student affairs; and seven students.

It is clear from the questioning that the most offensive actions as far as the police were concerned

⁶ When interrogation depositions are taken during or after torture as often occurs in political cases, they can amount to forced confessions, although the pattern of questioning by the interrogator is still revealing. In this case, neither student was subject to physical abuse.

were the parodies of Pancasila and the "Golput March"; the effort to disseminate criticism more widely through the photocopying of the student statement and the invitation to the journalist from *Kedaulatan Rakyat* to cover the event; and Poltak's references to activities of the Suharto children, such as the clove monopoly.

Lukas and Poltak, however, had no apologies. When his interrogator asked him what his feelings were when he sang the Golput March, Lukas responded, "Deep in my heart, I felt refreshed. Making this joke was a kind of catharsis because I could finally get a burden off my chest." When he was asked what prompted him to produce written criticism of the government, he replied, "I have the right and duty to express my own opinion as guaranteed in Article 28 of the Constitution."

A clear view of the government determination to restrict that right was presented by one of the government officials called in as an "expert witness" during the initial investigation. Soeseno R. was the head of the social and political affairs department of the Semarang city government, tasked, as he put it, "To safeguard political ideology, ensure national unity and provide guidance to the public."

He said that the student program on National Resurgence Day "is unacceptable and violates the law because May 20 must be commemorated by all citizens in accordance with existing regulations." The wordplay on Pancasila "violates the philosophy and outlook on life of the Indonesian people because Pancasila is the state ideology and sole basis of national unity and cannot therefore be altered. Such misreading [as the students undertook] will only confuse the public, shatter national unity and undermine the authority of the government."

Asked to analyze the student statement on the elections, Soeseno concluded that it "discredits and undermines the authority of the government and constitutes hatred and enmity toward the government." The Golput March "can create conditions of instability and divisions of pro and contra. It shows enmity toward the government..."

Aftermath of the Arrests

The arrests sparked a series of student protests, in the form of written statements and demonstrations in the name of the Independent Students Communication Forum (FORKOMM), and reactions from the authorities. In one statement, the students pointed out that a similar rally in Yogyakarta was allowed to proceed unhindered, and that the intervention of the military and police in Semarang was a violation of academic freedom and campus autonomy as guaranteed in Law 22/1989 on the National Education System.

Lukas and Poltak were able to receive visitors for the first time on May 25 at the police station; both appeared to have been well-treated. Poltak had access to lawyers from the Indonesian Legal Aid Foundation, the country's largest human rights organization, within four days of his arrest. (Lukas did not see a lawyer for two weeks but not because of obstruction by officials.)

On May 27, the provincial governor, Ismail, was quoted in the press as saying that the two students had been troublemakers in the case of Kedung Ombo (the Central Java dam project that became the focus of much student criticism), implying that they therefore deserved what was coming to them, and in any case, non-governmental organizations had masterminded the whole rally. About 3 p.m. that same day, a member of FORKOMM was reportedly beaten up by someone described by other students as the

head of intelligence for the Student Regiment (Menwa), a government-organized student militia, on the campus of Diponegoro University. At the same time, police intelligence entered the office of the student newspaper and confiscated various items linked to the students' arrest, including a typewriter.

On June 1, representatives of FORKOMM from all over Java and Bali held a lively meeting with the chief of police in Semarang, Colonel Gunawan. Colonel Gunawan assured the students that the case would be given high priority but they should let the legal process take its course. The students released a transcript of the meeting shortly thereafter.

After 18 days' detention in the police headquarters in Semarang, Lukas and Poltak were moved to the Mlaten prison where they were put in a cell with common criminals. After further student protests, they were moved to separate cells. They were released on bail on June 20 and allowed to return to classes, although both were under surveillance.

The Trial

The two students first learned they would be tried from reports in the Indonesian press in late 1992. They received copies of the formal charge-sheet three days before the trial opened on July 3, 1993. There was no explanation for the delay.

According to the charge-sheet, both students are accused of violating Article 154 of the Criminal Code ("spreading hatred toward the government"). Secondary charges are incitement to hatred (Article 160) and insulting government officials (Article 207).

III. ACCUSATIONS OF CORRUPTION ON CAMPUS

David Ramone, 33, a native of Waikabubak, West Sumba, was head of the Student Senate at Sarjana Wiyata Taman Siswa University, a private teacher training institute in Yogyakarta. He also taught English in the high school associated with the institute. In early 1992, he and other student leaders claimed to have discovered 16 cases of corruption on the part of the assistant rector of the university, Drs. Guntur Soedarsono.

The problem stemmed from a requirement instituted three years earlier that all the students in the English faculty pay a fee of Rp.10,000 (US\$5) each semester for use of a still-to-be-built language laboratory. Three years later, no laboratory existed, and the students demanded to know what happened to their fees which had been collected by Guntur. There was also concern about a professor fired by Guntur after questioning his collection of the language lab fees.

In February 1992, the students sent a letter to the head of the governing board of the university, the Sarjana Wiyata Foundation, asking that Guntur be dismissed. On April 23, after a meeting between the students and university administrators, the students understood from the rector that Guntur would be dismissed. But on May 7, the Foundation wrote to the students suggesting there had been miscommunication over the issue of Guntur's dismissal. On May 9 and 10, the student senate held an open meeting. The 20 student senators wanted to hold another dialogue with the administration, according to one participant, but the students present wanted to demonstrate against Guntur. Ramone, as senate head, gave the go-ahead for the demonstration, but told the students they were responsible for organizing it.

The demonstration began on May 11 in Pendopo Taman Siswa, an open hall, with students carrying posters with slogans such as:

"Guntur obstructs student activities!"

"Guntur, where is the money for student activities?"

"Guntur is an expert at firing people".

"Guntur stands in the way of student ideals."

"Guntur, don't focus exclusively on business."

"Guntur is a disgrace, if there's money, he says 'yes', if not, 'no'."

"Guntur, where is the transport money you promised to lecturers?"

"Hey Guntur, this university is not a business deal!"

Ramone in his defense plea, supported by witnesses, argued that he had had no role in the preparation of the posters or the organization of the demonstration. He arrived at the hall about two hours after the demonstration had begun and spoke briefly, telling the students not to be destructive or abusive and that he would convey their demands to the university rector. (This was interpreted by prosecution witnesses as "giving encouragement to the demonstrators.")

The demonstration was an entirely peaceful exercise of freedom of assembly. A student delegation including Ramone was able to meet with a deputy rector who promised, according to a delegation member, that the administration would dismiss Guntur on May 15. (In fact, the university declared Guntur "temporarily non-active" on May 15, although the rector claimed the dismissal had nothing to do with the student charges, and the action was being taken out of concern for campus stability.) The delegation returned to the hall, Ramone told the students what had transpired, and the demonstrators dispersed calmly.

The deputy commander of the Student Regiment (Menwa) at the university confiscated 11 posters and reported to the university rector about the demonstration. Guntur, who had received word about the planned demonstration, was advised to stay home when it actually took place, but on May 19, he went to the police and complained that he had been slandered. A police investigator summoned Ramone twice, but Ramone did not respond because, according to his lawyer, he felt that it was not a police matter. Finally, however, in June 1992, he went to the police and told them he refused to be investigated because it was an internal university problem. He was summoned again in September but did not respond.

In November 1992, the police sent him another summons, stating explicitly that he was being called for interrogation. He arrived at the police station and was questioned from 8 a.m. to 3 p.m., with the police investigator, Subagio, frequently shouting at him that he had better confess to being behind the May 11 demonstration. Three weeks later, he was called to the prosecutor's office and told that he was about to be tried for masterminding the demonstration and thereby slandering Guntur with accusations that he knew to be untrue, in violation of Article 311 of the Criminal Code. The maximum penalty under the Code is four years in prison.

The trial began on February 17, 1993. Because he was charged with a crime carrying a penalty of less than five years, he was not placed in pre-trial detention. Throughout the trial, the prosecution

referred to another student, Jamaludin, as having worked with Ramone, and said that he would be tried separately. (Jamaludin appeared as a witness in the trial; he had apparently told investigators that Ramone was responsible for the posters, but retracted that statement in court.)

On June 22, 1993, Ramone was sentenced to six months in prison. The judges, in convicting him, clearly found the demonstration itself objectionable, referring to the fact that because it took place in an open hall and made use of loudspeakers, it could be seen and heard by others. Moreover, they faulted Ramone for having spoken with a journalist from a local paper, *Bernas*, so that an article about the demonstration appeared the following day. They concluded that Ramone, as head of the student senate, had moral responsibility for the demonstration and posters because he had chaired the meeting at which the decision to demonstrate was taken.⁷ He is appealing the sentence. Since the verdict was announced, the school has not allowed him to resume his teaching responsibilities.

IV. LAND FOR THE PEOPLE CALENDAR

On June 23, 1993, the trial of a journalist and activist named Buntomi (Oei Hian Bun) opened at the district court in Salatiga, a town in Central Java that is home to Satya Wacana Christian University, known as much for its student activism as its academic excellence.

Buntomi, aged 29, who from 1989-91 was director of a non-governmental organization called Yayasan Geni, was charged in connection with the distribution in 1991 of a calendar of political caricatures which depicted President Suharto sitting on wailing peasants. The calendar, entitled "Land for the People," was produced by nine non-governmental and student organizations working with farmers whose land had been expropriated by the government for development or commercial projects.

None of those organizations faced criminal charges, but Buntomi and another member of Yayasan Geni, a Satya Wacana student named Mathius, then aged 26, were formally interrogated on March 20, 1991 about their distribution of the calendar. They were suspected of having violated Articles 137 and 155 of the Indonesian Criminal Code. Article 137 calls for a term of not more than 16 months for anyone who insults the President through writings or pictures. Article 155, "spreading hatred of the Indonesian government by words or pictures", carries a maximum penalty of four and a half years. At the time, the two men were expected to be tried within a few weeks. The trial did not take place, although the calendar itself was formally banned by the Attorney General on May 2, 1991.⁸ Asia Watch wrote at the time, "Indonesian security forces appear to be using the case to warn outspoken students at...Satya Wacana Christian University to steer clear of any activism that touches on criticism of government policies."⁹

In December 1992, the provincial prosecutor for Central Java told members of the national

⁷ Pengadilan Negeri Yogyakarta, *Putusan Nomor: 08/Pid/B/1993/Pn.Yk*, July 20, 1993.

⁸ Asia Watch, *Indonesia: Criminal Charges for Political Caricatures*, Vol.3, No. 14, May 13, 1991. Buntomi is referred to in the report as Bunthoni.

⁹ Asia Watch, *Indonesia: Criminal Charges for Political Caricatures*, Vol.3, No.14, May 13, 1991, p.1.

parliament that the cases of both the calendar and the "golput" rally of Lukas and Poltak would be brought to trial as soon as the MPR session to select the President was concluded in March 1993. His statement appeared in the national newspaper, *Suara Merdeka* on December 20. He acknowledged that the calendar case had been postponed twice, once for the 1992 elections and again for the MPR session.

At the end of March 1993, the Salatiga prosecutor said that both Buntomi and Mathius would be brought to trial in April if the defendants could be located. He formally received the dossiers from the police -- a sign of final preparations for a trial -- on March 31. On April 15, the newspaper *Wawasan* reported that the police chief of Salatiga had announced that 300 officers from the police, the district military command (KODIM 0714) and the regional command, KOREM, would provide security when the trial opened, an indication of how sensitive the government believed it would be.

By the end of April, the trial had yet to open. On April 20, the Yogyakarta newspaper, *Kedaulatan Rakyat*, announced that the calendar and "golput" trials were awaiting a decision from the Attorney General in Jakarta because "national interests" were at stake. Finally, in June, a journalist learned in a conversation with police in Semarang that the trial was scheduled to begin on June 23; the lawyers for the two defendants, the Semarang branch of the Indonesian Legal Aid Foundation, were told nothing. A summons for Buntomi to appear in court was sent to his parents' house on June 16 and on the same day, surveillance of the Yayasan Geni office in Salatiga was stepped up. On June 22, tanks manned by troops from KODIM 0714's "battle readiness" unit appeared in the streets, apparently as an exercise in preparation for the opening of the trial.

The trial of Buntomi opened as scheduled on June 23, but the defendant was not present, and the session lasted only a few minutes. (Apparently Mathius was to have a separate trial.) Buntomi did not appear for the next sessions on July 14, August 2 and August 19. After the August 19 session, police announced that a search was underway, and if necessary, Buntomi would be brought to the trial by force.

It was never clear why Buntomi and Mathius were singled out for prosecution, since the organizations involved in conceiving and printing the calendar issued a statement taking full responsibility for its distribution but were not charged. Banning the calendar and prosecuting Buntomi for "insulting the President" are both violations of the right to freedom of expression.

V. CONCLUSIONS

Asia Watch believes that all charges against Poltak Ike Wibowo, Lukas Luwarso and Buntomi should be dropped, as well as any pending charges against Mathius in Salatiga or Jamaludin, the colleague of David Ramone in Yogyakarta. These charges, as well as the wholly unwarranted conviction of David Ramone, are clear violations of the internationally recognized rights to freedom of expression and assembly.

They also have disturbing implications for academic freedom in Indonesia. Protecting the ability of students and teachers to say and write what they believe and to hold meetings free of government interference is critical to the spirit of inquiry and educational development. When basic freedoms are stifled, creativity and intellectual curiosity also suffer.

It is worth noting that the demand for protection of the basic rights of expression, association and

assembly is growing in Indonesia. Just prior to the World Conference on Human Rights in Vienna in June 1993, 56 Indonesian non-governmental organizations issued a *Joint Statement on Human Rights*. In a direct refutation of the position of their government, they stressed the need of all countries to uphold the Universal Declaration of Human Rights and stated that trying to focus on cultural, religious and historical differences among countries undermines the concept of universality. They said that respect for human rights is a vital aspect of development, and that freedom of association, freedom of expression and freedom of information must be guaranteed if people are to be able to participate fully in the development process.

"Now that development has been carried out for two decades," the statement notes, "it is time for priority to be given to the realization of political and civil rights, and democracy." Specifically, the 56 organizations cited the need to protect individuals against arbitrary arrest and detention and torture; to uphold the equality of women and men and recognize violence against women as violative of human rights; and to protect labor rights and prevent government interference in the exercise of those rights. The groups called for the establishment of an independent administrative court that can impose sanctions in response to violations of human rights.¹⁰

The statement was made against a backdrop of continuing violations in Indonesia and East Timor of precisely those rights that the NGOs say should be guaranteed. Freedom of association for Indonesian workers remains severely curtailed; a labor activist was killed in May 1993 and an independent union was prohibited from holding a national congress in July. Protest against military interference in the affairs of a Protestant congregation in Sumatra has led to widespread arrests. Criticism of the Indonesian government, whether in an East Timorese courtroom or a Central Javanese university town, can still result in censorship or detention.

The rash of serious abuses coincided with Indonesia's announcement on June 7, 1993 of the establishment, via presidential decree, of an "independent" National Human Rights Commission. The Commission has been consciously modelled after the National Commission of Inquiry (KNP) set up after the massacre in Dili, East Timor, in November 1991. That itself is worrisome. While the KNP was an unprecedented response to international criticism and while it did produce a mildly critical report that differed from the initial official version of events, it was not an independent body, and it did not do a thorough investigation.

It is troubling that none of the safeguards that would make the Commission truly independent and impartial are in place, and it is envisioned more as an agency to advise the government than to question its actions.¹¹ The test will be whether and how it responds to abuses such as those outlined in the

¹⁰ *Pernyataan Bersama tentang Hak Asasi Manusia*, issued in Jakarta, June 3, 1993. A full list of the signatories is attached as Appendix 1.

¹¹ For one thing, it is to be headed by Ali Said, a retired army general who has been, successively, head of the Extraordinary Military Tribunal that tried suspected supporters of the Indonesian Communist Party after a coup attempt in 1965; Attorney General (1971-81); Minister of Justice (1981-84) and Chief Justice of the Supreme Court (1984-92). Ali Said served in his various posts at the pleasure of the President and never publicly challenged any of the grave human rights abuses which took place during his tenure. Membership of the Commission is another problem. Presidential Decree No.50 states that all 25 members will be appointed by the President, virtually ensuring that genuinely critical voices will be excluded. (As of September 1993, the appointment process was still

Indonesians NGOs' *Joint Statement* and in this report.

For More Information

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Asia Watch is an independent organization created in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg, the Vice Chair is Orville Schell, the Executive Director is Sidney Jones and the Washington Director is Mike Jendrzeczyk.

Asia Watch is a division of Human Rights Watch, which also includes Africa Watch, Americas Watch, Helsinki Watch and Middle East Watch. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Kenneth Roth is Acting Executive Director; Holly Burkhalter, Washington Director; Susan Osnos, Press Director.

underway.) No mention is made of the right of individuals or NGOs to petition the Commission, the extent of the Commission's investigative powers or the way in which complaints will be adjudicated. It is clear, however, from the way the decree is worded that investigation is not seen as the Commission's paramount role.