

Human rights in Indonesia

by Corrie Douma

"We are like leaves on a tree, just waiting to fall to earth and become one with it. Help us to get our freedom back, to rejoin our unprotected families. Help us at the very least to be brought to trial so that this soul destroying uncertainty can end. Whatever they want, we are ready to sign, so long as we can be released". -statement of an Indonesian prisoner quoted by Yap Thiam Hien, defence lawyer and former political prisoner (Aug. 13, 1975).

Recently Amnesty International (Canada) via its Indonesian Coordination Group received a press statement from the Indonesian Embassy in Ottawa, made by the Chief of Kopkamtib, Indonesia's Security Police. The statement was dated December 1 1976 and announced the release of 2,500 detainees, most of them held since 1965 without charge or trial. They all belong to the B category, which comprises those prisoners, whom the government suspects of having been involved in a coup in 1965, but against whom no court case can be made by lack of evidence. -

There are 3 encouraging aspects here:

1. The fact that the Embassy sends this press statement to the Coordination group of Amnesty International and has recently become more responsive to Amnesty groups which have adopted Indonesian prisoners, is a major change. For several years groups have requested information from the Embassy, but never received a reply until

recently. Due to Canada's large aid program (\$200 million) and Amnesty's presentations to responsible cabinet ministers expressing concern that Canada was in fact supporting a repressive government, the Indonesian government has been forced to take the objections of many Canadians seriously.

2. It seems that finally, after many years of adverse publicity about the human rights situation in Indonesia, the government is planning the release of prisoners in stages. It is clear acknowledgement that prisoners **can** be released and are not a threat to security as has been claimed all along.

3. The press statement coincided with a ceremony which was attended by charges d'affaires of several countries, and 150 of the 2,500 prisoners to be released were present and swore allegiance to the government. All this publicity seems to indicate a firm commitment by the government to release political prisoners.

However, Amnesty International's reaction has been cautious. First of all we would like to have lists of the names of released prisoners. Secondly Amnesty is well aware that many thousands are still being held in camps and prisons. According to the statement, the government will release 10,000 persons in 1977, 10,000 in 1978 and "the rest" in 1979. According to the government "the rest" would be about 11,000. The Indonesian government's statements on numbers has been most

confusing in the past and grossly understated. Thirdly, the press statement announces the establishment of resettlement centers for political prisoners in different places for people who originally came from these areas, except for those from Java. These people will, due to the density of the population, be transmigrated to the island of Buru and other islands. The budget would not allow the establishment of resettlement areas all at once. In very plain language, the government admits that it will force political prisoners to transmigrate, a policy which is totally unacceptable and contravenes internationally accepted norms of human rights.

Although it is probably sensible to encourage transmigration in Indonesia, it should be directed at free citizens, and not be forced upon unfortunate people who have already suffered so many years of imprisonment.

The island of Buru, mentioned in the press statement, has been the subject of a special Amnesty International campaign. At least 13,000 prisoners have been transported there. Families of prisoners have been 'offered' the possibility of joining their loved ones there, and in some cases reports of intimidation of families have reached Amnesty International's International Secretariat. The concerns of isolation, lack of educational facilities, and the atmosphere of imprisonment have naturally made people extremely reluctant to go to Buru voluntarily.

Nothing less than the immediate release of all political prisoners and the discontinuation of forced transmigration of political prisoners will satisfy human rights groups such as Amnesty International, and no amount of public relations efforts by the Indonesian government will pacify them.

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Suárez's mothballs; the three Francoist national days (October 1, April 1 and July 18) were removed from the official calendar; the King's portrait took Franco's place in all public offices; General Goded street in Barcelona was renamed Pau Casals'. And yet, even if a few inches were given, Spaniards still wanted their "mile":- **Amnistia** was a word painted on walls and printed on countless T-shirts, but when it was granted on August 4, freeing 400 political prisoners, the issue was still alive - about 160 persons (85% of them Basque) were not granted freedom. Neither was the legalization of all political parties granted; the official policy still being that the Socialist Party is illegal but could be legalized; on the other hand, the Communist Party is and will continue to be illegal as far as the Government is concerned.

It was obvious that Suárez didn't want to further alienate the Right, whose votes he needed to pass through Parliament his Law of Political Reform, a euphemism for doing away with the Francoist system from within the system. His strategy worked and, to everybody's surprise, Parliament approved the Law overwhelmingly and in doing so, the system committed political suicide, a possibility for which Franco was not prepared. At this point - and always within the system - all Suárez needed was the country's consent, and the third referendum in post-Civil War history was scheduled for December 15, 1976. By that day, as if they were needed, Suárez had taken measures to make sure that a strong "yes" for his reformist programme was forthcoming.

DESTROYING FRANCO'S SPAIN

The Right, of course, had asked for a "no" vote: Franco - their posters read - "would have voted No". Some of their leaders had been allowed to address the country through the government media, their own newspapers, and in public meetings. It was Suárez's policy to ban those channels to the illegal Socialist and Communist Parties, who advocated abstention on the grounds that a "no" vote would help the Right, and a "yes" vote would simply rubber-stamp a Government's programme that, to this date, remains good in principle but a mystery in its details and implications. The groups advocating abstention were denied access to radio and television, their meetings were broken up by the police, and their spokesmen arrested. It is indeed ironic that after almost 40 years without the right to vote, in December 1976 Spaniards were denied

the right **not** to vote.

On the 15th, Suárez got his "yes", but he also had to face the high percentage of abstentions: 74.4% of the eligible voters did cast their vote, while 25.6% abstained. In total, 17,614,895 votes were cast:

16,593,460 (or 94.2%) Yes

453,167 (or 2.6%) No

with the remaining 3.2% as "blank" votes.

Two main factors emerge from these figures: (1) The Francoist Right no longer exists as a political force; on October First, 1975 - according to official figures at the time - one million people cheered Franco at his Plaza de Oriente's last hurrah. A year later, half that number voted "no" - as Franco would have voted. (2) 45.7% of the eligible voters in the Basque country abstained; and if we consider that the Catalonian percentage of abstention was 22.9%, we should conclude that for Basque people the issue of a general amnesty was fundamental: both Catalonians and Basques



can now speak, print and teach in their language; their flags and anthems are no longer forbidden; but 85% of the remaining political prisoners are Basque, and more than 500 live in exile across the border. The hope that "by Christmas all Basques would be home" (such was the line from a song) never materialized; no further amnesty was granted. And there is no doubt that if the referendum were to be held today, Basque abstentionism would be even greater.

Santiago Carrillo was arrested on December 22. Given the choice of returning to France or facing the T.O.P. (Public Order Court), he chose to face the charges of illegal entry (no passport had been granted to him) and illegal association. On the 30th, though, he was freed on bail and the T.O.P. was dismantled by Government decree. The next step will be the legalization of the Communist Party before the May elections. This is what the opposition is asking Suárez to do, and the Premier - no longer politically concerned

about the Right - will probably respond favorably.

There will also be a general amnesty: Banning the inquisitorial T.O.P. amounts to declaring that it should never have existed in the first place; and its dismantlement should mean that amnesty is forthcoming: after all, it was the T.O.P. which put most of the political prisoners in jail in the first place, and it was up to T.O.P. to decide who should fall within the scope of the August amnesty. Only those who had "not by their actions brought about the risk of death and injury" were to be freed; and because of this decision, and its extremely loose interpretation, Ernesto Alajarin, for example, arrested in 1968 and condemned to 12 years for "complicity" in a group called the United Resistance Front, remains in jail.

Were the four members of the Intxausti family endangering life or limb when they harboured the men who killed a bus inspector - after, and not before, the crime? Was Diego Elorrieta causing a risk of death or injury when he gave the key of his cottage to an E.T.A. activist? None of them have been released, furthermore, about 60 political prisoners have never been tried at all, reports John Hooper of the **Manchester Guardian**. Some people were imprisoned for crimes which did cause or risk death or injury, but it should not be forgotten that their cases were tried under a system where accused and convicted were synonyms, and the sentences outrageously harsh: José Begiristain - reports John Hooper - was accused of burning down the mayor's house, the prosecution asked for the death sentence, but it was commuted to 40 years. Will Begiristain remain in prison until the year 2008 for an alleged crime?

Paradoxically, political prisoners may be freed without the Government granting a new amnesty: with T.O.P. out of the picture, a more generous interpretation of last summer's decree could empty the jails and send everybody home, most for good. A few might get out on bail and be reined under normal law procedure. If violence breeds violence, the period of Spanish History in which their actions (or reactions) were committed - if indeed they were - can't be overlooked by the law.

The day will come when all political prisoners will be freed and all political parties legalized, and my guess is that such a day is upon us: the May elections wouldn't have any meaning unless the last remnants of Franco's Spain have disappeared by the time they are held. And when the day comes, Don Quixote will tell his constant companion: "Come, Sancho, it is now time to move forward into the 20th century".