

INTERNAL (for AI members only)

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To: Coordinators on Indonesia/East Timor  
PIRAN Coordinators

From: Asia and Pacific Research Department

Date: May 1987

ASEP SURYAMAN: AN INDONESIAN PRISONER UNDER SENTENCE OF DEATH

Summary

Amnesty International has been concerned that 16 prisoners under sentence of death in Indonesia for alleged involvement in an attempted coup in 1965 may be executed. (See Indonesia: Prisoners Under Sentence of Death for Alleged Offences Relating to an Attempted Coup in 1965 or Membership of the Indonesian Communist Party (PKI) ASA 21/23/85). Its concern for their safety has been heightened following the executions by firing squad of three such prisoners in 1985 and nine in 1986; all had been in prison for over 15 years at the time of their deaths.

Amnesty International is unconditionally opposed to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment. In the case of the prisoners sentenced to death for involvement in the 1965 coup attempt, Amnesty International believes that all were sentenced after unfair trials and that the long period of awaiting execution has exacerbated the cruelty inherent in the sentence itself.

Many people have asked for specific information which could strengthen AI's allegations that the trials were unfair. In the attached INTERNAL paper, AI outlines some of the irregularities of the trial of one prisoner, Asep Suryaman, who was tried in 1975 and sentenced to death. The paper is based on press reports at the time, statements by his defence counsel and some trial documents. These irregularities may be summarized as follows:

- limited access to counsel
- evidence illegally obtained
- violations of existing procedural regulations, such as examining the defendant before any witnesses testified and using written testimony of certain witnesses who did not appear in court as evidence against the accused
- apparent inability of defendant to obtain witnesses on the same terms as the prosecution
- reported lack of impartiality of the judges



### Distribution

As above

### Recommended Actions

1. Coordinators need not take any action at this time. The paper is primarily for information to enable coordinators to respond to questions on unfair trials if they arise. It is INTERNAL because we feel it might be counterproductive to make appeals on behalf of one prisoner rather than all those under sentence of death or to take any action which could be interpreted as singling out Asep Suryaman for particular attention. The information the paper contains, however, can be used in the following ways:
2. In writing to or talking with government officials or target sector contacts in your own country about Indonesian prisoners under sentence of death or about those sentenced to death specifically in connection with the 1965 coup attempt, the material on Asep Suryaman may be cited as an example. In other words, you may use the information in the context of a more general concern.
3. If you are asked for specific examples of why AI believes the trials of PKI prisoners were unfair, you may cite the information in this paper, again in the general context of unfair trials.
4. Do not make any specific appeals on behalf of Asep Suryaman alone.



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## ASEP SURYAMAN: AN INDONESIAN PRISONER UNDER SENTENCE OF DEATH

### Introduction

Amnesty International has been concerned that 16 prisoners under sentence of death in Indonesia for alleged involvement in an attempted coup in 1965 may be executed. (See Indonesia: Prisoners Under Sentence of Death for Alleged Offences Relating to an Attempted Coup in 1965 or Membership of the Indonesian Communist Party (PKI) ASA 21/23/85). Its concern has been heightened following the executions by firing squad of three such prisoners in 1985 and nine in 1986; all had been in prison for over 15 years at the time of their deaths. Amnesty International is unconditionally opposed to the death penalty as a violation of the right to life and the right to not be subjected to cruel, inhuman or degrading treatment or punishment. In the case of the prisoners sentenced to death for involvement in the 1965 coup attempt, Amnesty International believes that all were sentenced after unfair trials and that the long period of awaiting execution has exacerbated the cruelty inherent in the sentence itself. The experience of Asep Suryaman, a PKI member convicted of plotting to overthrow the government, is a case in point.

### The Case of Asep Suryaman

As of May 1987, Asep Suryaman alias Hamim, 61, had been under sentence of death for almost 12 years and had been in prison for over 15. When his trial began on 3 July 1975 in Central Jakarta District Court, he was charged with plotting to carry out an attack with the intention of overthrowing the government and with armed rebellion against the state (articles 107 and 108 of the Criminal Code). It was on the basis of these charges that he was sentenced to death on 27 August 1975. The prosecutor had also accused him of subversion under Presidential Decree 11/1963, but the judges found him not guilty of that charge.

In the course of his trial, Asep Suryaman accepted almost all of the witness testimony against him although he rejected the prosecutor's interpretation of the facts. According to that testimony, Asep in 1965 was a member of the "Special Bureau" of the PKI, a secret apparatus charged with cultivating contacts within the armed forces. The Indonesian army in a published analysis of the events of 1965 sets forth a thesis that the "Special Bureau" planned the entire coup and drew in sympathetic officers from the military, the so-called "progressive officers", who then acted under its instructions.

(It is important to recognize that details on precisely who was responsible for planning the coup attempt of 30 September/1 October 1965, known as the 30 September Movement or, in its Indonesian abbreviation,



G/30/S, remain unclear over twenty years later. Most evidence points to a group of middle-ranking military officers, mainly from the army and air force, who were unhappy with the top army leadership and fearful that a CIA-supported "Council of Generals" within the army was about to stage a coup against the then-President Sukarno. Some of these officers were known to have leftwing sympathies, but many appear to have joined the movement because of economic or professional grievances against their superiors. The top leadership of the Partai Komunis Indonesia (PKI), Indonesian Communist Party, appears to have supported the initiative out of concern for the deteriorating health of then President Sukarno, under whose protection the PKI had been able to make major gains, and the prospect of a takeover by the avowedly anti-communist army leaders. For additional background, see ASA 21/23/85).

Asep Suryaman was said to be responsible for education in the Special Bureau and for being the liaison between its central office in Jakarta and its provincial contacts. He does not appear to have been a particularly influential figure in the Bureau, the three key figures of which were Sjam Kamaruzaman, Bono Waluyo and Pono. All were executed in September 1986.

According to press accounts of witness testimony at the trial, Asep Suryaman took part in regular Saturday meetings of the Special Bureau throughout August and September 1965. He thus appears to have been aware of communication between "progressive officers" and the PKI leadership about moves to pre-empt what they believed to be an imminent coup against President Sukarno by the "Council of Generals". Asep Suryaman's own role in the unsuccessful "coup-to-preempt-a-coup" seems to have been minor. The prosecution charged him with setting up a PKI command post near a key intersection in Jakarta to monitor the progress of the coup, but witnesses described his role as largely confined to transmitting messages back and forth to other PKI leaders.

On 4 October 1965 after the coup had failed, witnesses said Asep Suryaman met with leading members of the Special Bureau in which they decided to each take responsibility for a region, presumably to inform local cadres of what had happened and to figure out what to do next. One person went to West Java, one to Central Java and Asep Suryaman initially stayed in Jakarta. He appears to have been arrested briefly sometime in late 1965 in a wave of arrests of PKI members and supporters. He escaped, however, and made his way to Central Java, where he became involved in efforts to protect and revive the PKI, then under assault by the Indonesian army and by civilians encouraged by the military which eventually led to the killing of an estimated 500,000 suspected Communist supporters.

Many of the witnesses at his trial had met Asep Suryaman during his activities with the PKI underground in Central and East Java in the period 1967-69. The prosecution charged that during this period, Asep Suryaman was a member of the executive council of the "New Style" PKI's Central Java regional committee and head of its Agitprop section. He was also said to have been responsible for building up PKI strongholds on the slopes of the twin volcanoes, Merapi and Merbabu, outside Yogyakarta.

In 1967, according to witness testimony, he attended a 10-day course in guerilla warfare held in South Blitar by the PKI where he met three men, Ruslan Widjajastra, Soekatno and Mohamad Munir, all of whom were later arrested and sentenced to death. (Ruslan Widjajastra and Soekatno are awaiting execution; Mohammad Munir was executed in 1985). Participants in the course were told how to get weapons by conducting raids on the Armed



Forces. Mohamad Munir met Asep Suryaman again in 1968 when the latter visited him in his hiding place on Gunung Lawu, a mountain near Solo, to discuss reviving the PKI in Central Java.

Another witness testified that in 1968 in Klaten, a town between Yogyakarta and Solo, Asep Suryaman had been involved in an effort to recruit a young man in the air force to steal arms for the PKI. The man was told that the arms would be used to avenge the deaths of members of his fiancée's family who had been killed as suspected Communist sympathizers.

The prosecution charged that on 13 February 1969, Asep Suryaman's followers had led an armed attack on the house of an army general in Central Java and that clashes with the armed forces took place on 14 November and 4 December 1969. In his defence plea, Asep Suryaman acknowledged that the PKI had taken up arms against the army but said it was in self-defence in the light of the massacres then going on of suspected communists.

On 10 June 1970, army intelligence raided Asep Suryaman's hiding place in Cangkringan, Sleman, Central Java. At his trial, the prosecution displayed several weapons which it maintained were confiscated from the house, but Asep Suryaman denied knowing anything about them, and the required legal documents certifying they had been confiscated were not presented.

After the raid, Asep Suryaman fled to Bandung, West Java, where he was arrested on 28 September 1971.

### The Trial

Asep Suryaman's trial took place in a civil court in 1975, four years after his arrest and ten years after the coup attempt in which he was accused of being involved. The trial was covered by the press and there seems to have been limited public access to it. He was defended by Dr Yap Thiam Hien, one of Indonesia's most respected human rights lawyers and Abdurrachman Saleh, a lawyer with the Jakarta based Legal Aid Institute.

There were several aspects of the trial, however, that suggest that it did not meet international standards for fairness, as set forth in Article 14 of the International Covenant on Civil and Political Rights.

Article 14(3)(b) states that the accused shall have "adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing." Asep Suryaman apparently had no access to lawyers for the first four years after his arrest until his trial opened and had only limited access thereafter. Dr Yap, in a letter to the International Commission of Jurists dated 28 August 1975, noted that he was able to see his client for the first time on 3 July 1975, the opening day of the trial, and then "under the watchful eyes and ears" of soldiers and police. In subsequent meetings between Dr Yap and his client, officials of the prosecutor's office were present, but Dr Yap was able to protest successfully against the prosecutor's order that his subordinates stay within hearing distance.

Dr Yap claimed that he and his colleague had insufficient time to prepare the defence's response to the prosecution's charges. Although Asep Suryaman had been given a copy of the charges three days before the start of the trial, Dr Yap was not, and the prosecution refused his request for a



week's adjournment of the trial so that he could study the charges and the testimony of the prosecution witnesses and find copies of the legislation mentioned in the charges. Instead, the defence was given three days. The prosecution and defence were each given two weeks to prepare their summations at the end of the trial, but the judges refused to allow the defence to have a copy of the prosecution's summation to use in preparing the defence plea.

Article 14(3)(e) states that the defendant should have the right "to examine or have examined the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him." There appear to have been no witnesses for the defence, but there were 21 witnesses for the prosecution. The defence lawyers were able to cross-examine most of the witnesses, but the testimony of some, including an officer of the Military Police, was accepted by the court in written form rather than in person, which the defence claimed was in violation of existing law on criminal procedure.

In another violation of Indonesian law on criminal procedure, the judges ordered that Asep Suryaman be questioned before any of the witnesses were heard. The defence protested, and the head of PERADIN, the (private) Indonesian Bar Association said that requiring Asep Suryaman to testify first violated his right to be presumed innocent and his right not to be compelled to testify against himself. In protest against the judges' orders, Asep Suryaman refused to answer any questions. In handing down the death sentence, the judges cited this refusal as one justification for the maximum sentence.

In earlier trials of PKI figures, the defendants or their counsel had made reference to various methods of torture and ill-treatment used by interrogators in prison. Yap Thiam Hien tried to ask witnesses who had been members of the Special Bureau about what kinds of questions had been asked by interrogators and the methods used in the interrogation. The judges instructed the witnesses not to answer the questions. Yap Thiam Hien also expressed concern that the interrogation deposition of the witnesses, themselves all prisoners, in many cases had been taken shortly after their arrest, as long as three or four years before Asep Suryaman's trial; the implication was that the prisoners may have given information under duress.

Article 14(1) refers to the defendant's right to be tried by a "competent, independent and impartial tribunal." Yap Thiam Hien alleged that the judges in Asep Suryaman's trial could not be impartial, as they had been appointed by a government which had issued many decrees banning or restricting the activities of leftwing organizations. In fact, he argued that the order issued by the government banning the PKI (MPRS Ordinance No XXV/MPRS/1966) violated the article of the Indonesian Constitution guaranteeing freedom of assembly, association and speech. When the judges sentenced Asep Suryaman they cited this argument of Dr Yap's as a "dangerous submission, as strengthening the communist cause and as not in accord with the ethics of the advocates' profession," according to Dr Yap's letter to the International Commission of Jurists. Dr Yap also noted that in a private talk with a government official, "I was advised that the kind of defence put up did not find favor with the administration and that it was under study for possible future action, which may...consist of exclusion from defending other communist cases".

Although Asep Suryaman's trial was held ten years after the coup



attempt, the analysis by Australian scholar Rex Mortimer of the trials of PKI leaders carried out in the first four years following the coup attempt applies to his as well:

"The trials lent support to, and filled out, the army's claim that the October 1 coup was masterminded by the PKI... The trials have not been subjected to systematic analysis, in part because of the amount of evidence involved, the timespread over which the trials have been held and the difficulty of obtaining access to all trial records. ... The very fact that these were political trials invites scepticism regarding their impartiality and scrupulousness. Army investigators and tribunals had the major role in the preparation and conduct of the trials, and the army's interest in indicting the PKI was, on any count, very considerable. Because it was in a position to select the testimony and because most of the defendants and witnesses, being incarcerated for long periods before giving their accounts, were subject to various inducements and pressures, the army has been open to the charge of presenting a victor's version of the facts. The fact that the trials proceeded during what can only be described as a witch hunting crusade directed against the PKI does nothing to dispel these misgivings; it was hardly an atmosphere in which anybody would be likely to volunteer evidence favorable to the party or to resist strongly inducements to add to the official case against it. More specifically, the execution without trial of the three top leaders of the PKI and other alleged participants in the coup who might have contributed to our knowledge of the events of October 1 1965... removed from the scene people who might have cast a different light on matters."

(Rex Mortimer, Indonesian Communism Under Sukarno, Cornell University Press, pp. 418-422.)

In his defence plea, Asep Suryaman denied that either he personally or the PKI as a party had been responsible for the coup attempt which, Asep Suryaman noted, had been led by a colonel in the Indonesian army. All of the questions asked by the prosecution of the witnesses, however, were designed to demonstrate the leading role of the PKI and of the Special Bureau in particular.

The Amnesty International report on Indonesia in 1977 quoted excerpts from Yap Thiam Hien's defence plea for Asep Suryaman in which Dr Yap referred to his client's experience in prison. He said political prisoners in Indonesia, like Asep Suryaman, were:

"Treated like the dregs of society, deprived of the most elementary rights enjoyed by all other citizens, like mere objects that can be moved from one place to another, put 'on loan' to other authorities for interrogation, to give evidence or to meet the personal needs of some officials, and they are not even told why they are put 'on loan' or where they are being taken. They have no power and no voice, no right to complain or protest against their interminable imprisonment, against torture, insult, hunger or disease. They have no power and no voice in the face of this abuse against their dignity and person..."



"Many of them have become automatons, going to sleep, getting up and taking their meals like persons without any spirit, for they are not permitted to read magazines, newspapers, or books, except religious literature. Nor are they allowed to write to their loved ones.. such a life leads them to break down under the strain. Some become insane, others have committed suicide, some have tried to rebel against their predicament with horrifying consequences..."

Indonesia: An Amnesty International Report, Amnesty International Publications 1977

In its verdict on 28 August 1975, the judges ruled that there were no extenuating circumstances in Asep Suryaman's case and sentenced him to death.