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HUMAN RIGHTS IN INDONESIA AND THE PHILIPPINES

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON
INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

DECEMBER 18, 1975 AND MAY 3, 1976

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- Chile: The Status of Human Rights and Its Relationship to U.S. Economic Assistance Programs.* April 29; May 5, 1976.² (Hearing before the Subcommittee on International Organizations.)
- Psychiatric Abuse of Political Prisoners in the Soviet Union: Testimony by Leonid Plyushch.* March 30, 1976.² (Hearing before the Subcommittee on International Organizations.)

¹ Document only available from Government Printing Office.

² Document available from Government Printing Office, or from International Relations Committee.

³ Document available from the International Relations Committee only.

⁴ Not available.

HUMAN RIGHTS IN INDONESIA AND THE PHILIPPINES

THURSDAY, DECEMBER 18, 1975

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
Washington, D.C.

The subcommittee met at 3:05 p.m. in room 2200, Rayburn House Office Building, Hon. Donald M. Fraser (chairman of the subcommittee) presiding.

Mr. FRASER. The subcommittee will come to order.

Today the subcommittee begins a series of hearings on the human rights situation in Indonesia. Special attention will be focused on the tragic situation regarding the more than 30,000 political prisoners who have been detained for more than 10 years. Most of these prisoners have not been formally charged with any offense.

Last year the Congress adopted a provision to the Foreign Assistance Act which recommended to the President that he substantially reduce or terminate security assistance to any country which engages in a consistent pattern of gross violations of human rights. The Congress has not been satisfied with the executive branch's compliance with this provision and both the House International Relations Committee and the Foreign Assistance Subcommittee of the Senate Foreign Relations Committee have adopted amendments to the Foreign Assistance Act which would strengthen the human rights provisions of the act.¹

To what extent did the executive branch take into account the human rights situation in Indonesia when deciding upon military aid figures for Indonesia? Certainly the seriousness of that situation suggests that human rights be given priority consideration when making a decision on military aid. Yet for fiscal year 1976 the executive branch is recommending that foreign military sales to Indonesia be increased from \$5 million in fiscal 1975 to \$23 million in fiscal 1976. Grant military assistance would increase \$15.8 million to \$19.4 million. These figures suggest that human rights did not have much impact, if any, in the decisionmaking process.

Our two witnesses for today are well qualified to speak on the subject of political prisoners in Indonesia. Mrs. Carmel Budiardjo was a political prisoner in Indonesia and now serves as head of TAPOL, an organization concerned with political prisoners in Indonesia.

Mr. John Newmann lived in Indonesia for several years and now is on the staff of the East Asian program of the Ford Foundation.

¹ For revised version of sec. 502B as adopted by the Congress in 1976, see appendix 1, p. 99.

He speaks today in his personal capacity. A third witness, Prof. Guy Pauker of the Rand Corp., had been invited to testify but could not attend due to difficulty in obtaining plane reservations. The subcommittee will hold further hearings in order to hear various points of view on the subject.

We are delighted to welcome our two witnesses today. Mrs. Budiardjo, would you proceed, please?

STATEMENT OF CARMEL BUDIARDJO, MEMBER OF TAPOL, CAMPAIGN FOR THE RELEASE OF INDONESIAN POLITICAL PRISONERS

Mrs. BUDIARDJO. I am deeply grateful to the Subcommittee on International Organizations of the House of Representatives and to its chairman, Representative Donald Fraser, for inviting me to testify on the question of human rights in Indonesia. It is a great privilege for me to be addressing Members of the U.S. Congress and to have this opportunity to speak on behalf of tens of thousands of men and women now languishing in the prisons, detention camps, interrogation centers, and work camps in Indonesia, whom one outstandingly courageous Indonesian lawyer, Mr. Yap Thiam Hien—and here I am quoting from a defense statement that he made in an Indonesian court in August this year—described as the people who “have no power and no voice, no right to complain or protest against their interminable imprisonment, against torture, insult, hunger, and disease.”

I spent 3 years in detention without trial or charge in Indonesia from the 3d of September 1968 until the 9th of November 1971.

My release came about following a decision by the British Government in July 1971 to rescind my renunciation of British nationality when it became apparent that this renunciation had been based on a legal error. When I was called by members of the Army's Central Interrogation Team and offered the prospect of release and an immediate return to London, I immediately accepted the offer since I regarded release as my inherent right. However conditions were imposed upon me which I had to accept or reject without prior consultation with my husband who was in the very same prison where the matter was being discussed with me and despite the fact that one of the conditions, that I never return to Indonesia, implied a permanent separation from my husband. Under the circumstances the Indonesian authorities can hardly expect me to feel either morally or legally bound by the other undertakings asked of me as the condition for my release.

My husband, Suwondo Budiardjo, has spent a total of 9 years and 4 months in detention without charge or trial. I would just explain briefly that he has been arrested, released, rearrested, released, and then rearrested a third time. Since that third time he has been imprisoned up to the present time. I have no idea what his present status is. I know only that at present he is being held at Salemba Prison in Jakarta. He is not permitted to correspond with any one or receive letters. This is why I have no direct information about his circumstances and present situation.

I submit that the Indonesian Government, in gross violation of the Indonesian Constitution which upholds the right to freedom of speech and freedom of association, is holding tens of thousands of men and women in prolonged detention without trial. The Government itself admits that it is holding tens of thousands of political prisoners although the actual figures published by one authority conflict with those published by others. Here I want to stress the unreliability of Government figures, which has been pointed out in the past by documents issued by Amnesty International. In the course of this year we have had yet another example of this when Mr. Adam Malik, who is the Indonesian Foreign Minister, told the Council of Europe, and I am quoting here and I have the document before me, that "from a total of 600,000 seized since 1966 there are now only about 20,000 left." That was Adam Malik on the 22d of April 1975.

But 6 months later in October this year Lt. Gen. Ali Murtopo, speaking at the Asia Society in New York, referred to "release plans" that would affect "35,000 prisoners." Recent press reports from Indonesia have mentioned 35,000 in one and 50,000 in another as "the official figure." This is a continual experience we have had. I in my own organization and Amnesty International find a complete confusion and contradiction in the figures that are published as official figures by the Indonesian Government.

The political prisoners are classified into categories. In a document entitled "The Buru Rehabilitation Centre" published on November 18, 1974, by the Indonesian Foreign Ministry and submitted on November 30, 1974, to the U.N. Secretary General and the U.N. Commission on Human Rights—I have a copy of this document—these categories were defined as follows:

The detainees of the A category were those who had been directly involved as planners, leaders, or executioners in the attempted coup of 1965. The Government has sufficient proof to bring these people to trial. These trials constitute an on-going process and many of the cases have already been settled through judicial procedures.

The B category—

I am still quoting—

are those for whom strong indications exist that they played similar roles to those of A category detainees. Owing to an insufficient amount of evidence so far, they cannot be brought to trial, but neither can they be set at liberty without endangering national security and their own safety.

That is a quite specific admission and recognition by the Indonesian authorities that these are people who cannot be tried but who cannot be released for reasons of national security.

The C category comprises detainees who are not included in either the A or B categories and who can be returned to society.

The Indonesian authorities now speak about the X category, which appears to be a new category created for those who haven't been classified. But I have information in a document that I am submitting to the subcommittee, that many of the people in the X category are not, as one would imagine, newly arrested people who are awaiting classification. Many of these people have been in prison 7, 8, 9, or even 10 years.

I have taken the following excerpt from a letter recently received abroad from a prisoner being held in East Java. This particular excerpt

comes toward the end of the letter and should be read in conjunction with other extracts inserted at later points of my testimony.

[Excerpt from the letter referred to follows:]

LETTER FROM A PRISONER IN EAST JAVA

In looking at all these facts, it is ironical that all this happens during the New Order, in a state that is (supposedly) based on the Pancasila and the rule of law. The so-called "settlement" of the tapol question by the Indonesian Government is nothing but a dirty trick. In 1969, the Indonesian Government formally announced that there were 50,000 tapols in Indonesia, of whom 30,000 were in Category C, 15,000 in Category B, and 5,000 in Category A. Many newspapers including Merdeka expressed doubts about the reliability of these figures and thought that there were actually between 60,000 and 75,000 tapols. At the end of 1969, Suharto himself said that all tapols from Category C would be released and that by 1970 there would be no more Category C tapols. Surprisingly enough, in 1973 it was reported that about 400 tapols from Category C were released in the Moluccas.

If we take a look at the "settlement" of the civilian tapols arrested by the C.I.,¹ things become clearer. The total number of civilian tapols arrested by the C.I. is 2,100: of these, 350 were released, 1,000 were sent to Buru and Nusakambangan, 40 were classified as Category A (awaiting trial) and 650 were either killed or died from torture or starvation. According to government statements, Category C accounts for 60 percent of the total but civilian tapols arrested by the C.I. who were released did not account for more than 20 percent of the total. Many of those who were released in 1969 and 1970 were re-arrested between 1972-1974, and many of those re-arrested were classified as Category B which means that they can at any time be exiled to one of the prison colonies (Buru or Nusakambangan). Furthermore, the government repeatedly claims that there are no more Category C tapols and that there are only tapols of Categories A, B and X. The latter category is said to consist of those who have not yet been classified. Yet, strangely enough, many tapols in Category X have spent from 7 to 10 years in detention and even now, they don't know what their future will be. These facts prove yet again the hypocrisy of the government in dealing with the tapol question.

Mrs. BUDIARDJO. What one suspects is that many C classification people have been declassified into an X category and are now awaiting reclassification. The X classification appears to be a kind of successor to the C category.

The same document says of the A category prisoners that they are being tried—and here I quote—"by extraordinary military courts, other military courts, or local courts" and that up to November 22, 1974, 694 had been tried and sentenced. It also said that there remained 1,512 still being processed.

A more recent figure about that is that 800 have been tried and that 1,200 are still awaiting trial. Incidentally I quote here a statement by Mr. Adam Malik before the Council of Europe in which he confused the issue while answering questions about the prisoners when he said of the "20,000 left" that "these people will be brought to trial." So he is creating the impression that the 20,000 were going to be brought to trial. I have the document here. But in actual fact, the Indonesian Government's position is that 2,000 are awaiting trial, of whom 800 have been tried. I don't think that was just an error of putting in an extra naught because he made this statement orally and he said "20,000", not "2,000."

It has taken 9 years for Indonesian courts to try 800 people. We can probably safely assume that even if the trials are speeded up, it will take at least another 10 years and probably more than that to complete the pending trials. Almost all the persons in question have already been in detention for 8, 9, or even 10 years.

¹ An interrogation and torture centre in Surabaya, East Java.

I submit to the attention of the subcommittee that the political trials are being conducted in such a way as to make it impossible for the defendants and their legal counsels to conduct a proper defense and to have a fair trial.

I would refer if I may here to a document which was sent to the committee from the State Department which says on page 2, "We understand that those who have been brought to trial have been accorded counsel and given reasonable opportunity to defend themselves."¹ I would very strongly question that statement. I recommend here that the subcommittee should pay attention to the best source of information about how inadequately conducted the political trials are. That would be the Indonesian lawyers themselves and the Indonesian Bar Association (Peradin) which is very much concerned about this matter. Mr. Yap Thiam Hien who expressed opinions in the trial at which he acted as defense counsel in July and August this year, dealt with the many injustices being confronted by defendants in these trials. But I would refer the subcommittee to other information about this. There is plenty available.

I again refer to the Indonesian Government's document to the U.N. It has far more to say about the B category prisoners. They constitute, even by the admission of the Indonesian Government, people who "cannot be brought to trial but neither can they be set at liberty."

Here we see a double position because on the one hand we are told that B category prisoners cannot be released because they are a threat to national security. On the other hand in government documents we see ideas presented on the criteria that they require to fulfill in order to secure their release.

I quote here:

Detailed examinations have been made on the detainees of the B category for although they are included in one category, there are however still differences between the case of one detainee and that of another, basically in degree and involvement, such as those who are absolutely convinced of the ideology; those who are moderately convinced and those who are the least convinced.

I don't know quite how one gages all these things. But that is how the document puts it.

This classification is to facilitate the formulation of the norms of approach to the problem and the methods of reforming the detainees as well as to render the be screened again to determine their respective turns * * *

I can't apologize for the translation here because I didn't do it. But I think we can understand what meaning is intended here.

to determine their respective turns to be sent to training centres in preparation for their return to society.

The release of the B category inmates will be gradually and selectively executed be taking the following factors into consideration;

The situation and condition of security and order in their respective regions;

Whether or not they show good behavior during the period of detention in the sense that they realize the mistakes of their previous activities, abandon communism, marxism, leninism and maoism and become Indonesian individuals whose basic way of life is Pancasila, have been helping positively to restore security and order and the efforts of development.

I don't understand how persons can help restore security and order when they are in detention because they allegedly constitute a threat to that security and order.

No other evidence has been found upon which they can be brought to trial.

¹ See app. 2, p. 102.

A third point is "the capacity of the society to accept the former G.30.S/PKI detainees." The G.30.S is the acronym that is used to depict the events of 1965. "* * * in the sense of the willingness of the society to have them back as its members."

I believe the subcommittee will have no difficulty in appreciating how preposterous it is to set forth a set of guidelines like this as a justifiable means of evaluating a person's fitness for release.

I jump ahead in my testimony here just to save time a bit. I would like to refer to the Indonesian Government's contention that they have been making repeatedly in the past year that the detainees cannot be described as political prisoners. Until October 1974 the word "tapol" was widely used both by the general public as well as by Government spokesmen and military authorities. Tapol is a contraction of "tahanan politik," meaning political prisoner. But in October 1974 the Chief of Staff of KOPKAMTIB, the Command for the Restoration of Security and Order, the Army command especially empowered to arrest and detain political prisoners, Admiral Sudomo announced that the word "tapol" may no longer be used. "It is incorrect to call them political prisoners," he said. "They have all committed crimes." But let us note, these are crimes that cannot be proven. Such statements have been repeated on numerous occasions since then. Yet the guidelines for the release of B category prisoners are almost entirely to do with ideological reform. In fact, the Government therefore admits that they have a political case not a criminal case against them.

With regard to the C category prisoners, the Indonesian Government's document submitted to the U.N. states: "By the end of 1972 all detainees of the C category had been released and returned to society." I testify to the subcommittee that many people and organizations who are in a position to follow developments in Indonesia closely have never believed the repeated statements made since 1972 that all C category prisoners had been released.

The State Department document says "while the evidence has been somewhat ambiguous on this point we believe that all C category prisoners have been released." So I note that the State Department also recognizes that there is ambiguity about the C category prisoners and their release.

At best, some believe that the category had been eliminated by the simple device of releasing some and reclassifying the rest into the B category, a procedure which can occur without the prisoner having the slightest inkling of what is happening because there is no formal process by which prisoners are informed of their category. Or perhaps some are reclassified into the X category.

This is an experience that I had in prison. I was there for 3 years. I was never informed of my category although when I got to London after my release I was shown correspondence that had taken place between the Indonesian Embassy in London and my family. A letter in 1969 described me as a B category prisoner. But this is something that was never conveyed to me while I was in prison.

Mr. Chairman, while I was in the process of drafting this document, I received another document, a letter which had been written by a prisoner in Indonesia. From this letter it appears that now in some prisons at least the prisoners are being compelled to wear different colored tags to indicate what their classification is. So there may be a

situation in certain prisons where what I have said about prisoners not knowing their classification may not be true because prisoners wear different colored tags: the A category prisoners for instance wear white tags, the B category prisoners wear yellow tags, and the other category prisoners wear red tags.

The reluctance to accept Government assurances that all C category prisoners have been released has been justified by a Presidential Decree No. 28, issued on June 25, 1975, for the purpose of defining the C category.

Both this decision and the implementary regulation issued in August refer to C category people who are in detention and who should be released.

I have a summary of this document. The original document is in London, but I didn't bring it with me because I didn't realize that I would be testifying. I can certainly submit it to the subcommittee when I get back to London.

This decree recognizes—and I quote from the decree—that there are “C category persons” who “are in detention.” That is in 1975. Whereas the document to the U.N. declares that all C category prisoners had been released by the end of 1972. Here again we see one of those inevitable conflicts that appear in Indonesian Government documents.

Furthermore the implementary regulation issued by the Chief of Staff of KOPKAMTIB in connection with this Presidential decree and dated August 25, 1975, states that “all persons under detention who have been classified as C category should be released.” That is the future tense. So that indicates there still are C category people in prison. How then are we to give any credence to a document produced just 8 months earlier in November 1974 that proclaimed that prisoners of this category had been released by the end of 1972?

I submit that the tapols—I am going to use that word, “tapol”—in Indonesia are being held in circumstances that totally deny them any of the basic rights to which they are entitled according to Indonesia's own legal code and procedural code regulating arrest and detention procedures.

The State Department document states that the Indonesian Constitution does not give people protection against detention without trial. I can't give a quote here because I don't have my documentation with me. But there is certainly an article in the Indonesian law code, procedural code, which specifies that there is a 21- or 30-day period beyond which people cannot be held without trial. The Anti-Subversion Act which was introduced in 1963 under Sukarno specifies a period of one year's detention without charge for charges of subversion. This was the law used as the basis for detaining people who were arrested in 1974 for alleged involvement in the student demonstration in January of that year. But even in the case of these prisoners, the stipulations of the law were not strictly adhered to. Many of those released recently had spent over 1½ years in detention without trial. Only three have been charged and tried whereas there are others who have been in detention for nearly 2 years without trial.

Mr. FRASER. We have a vote under way in the House. We will take a temporary recess. We will be back.

[A recess was taken.]

Mr. FRASER. The subcommittee will come back to order. We are likely to have a series of votes. We have a bill on the floor with a series of amendments. We will put the entire statement in the record if there is some way you can sort of hit the high points. We will be able to read the full statement.

Mrs. BUDIARDJO. I refer next to the denial of the basic rights to which they are entitled according to Indonesia's legal code and procedural code regulating arrest and detention procedures.

I have mentioned the Presidential decree on the basis of which the Government carries out arrests and detentions. It is not as stated in the State Department document, Point 2, when they refer to an emergency powers law enacted by the Provisional People's Congress in 1966 for the stated purpose of restoring order and security.

The Indonesian document to the U.N. refers to quite a different legal position. Their statement is that it is based on a Presidential Decree No. 19, setting up this KOPKAMTIB, that is, the Command for the Restoration of Security and Order, which was enacted in 1969. This KOPKAMTIB was empowered to set up the teams of attorneys to settle the cases of the political detainees. I think the State Department's position on that is not correct. I think that requires some further investigation and correction.

[Excerpt from document referred to follows:]

CHAPTER II OF A DOCUMENT ENTITLED "THE BURU REHABILITATION CENTER" PUBLISHED BY THE DEPARTMENT OF FOREIGN AFFAIRS OF THE INDONESIAN GOVERNMENT AND SUBMITTED TO THE SECRETARY-GENERAL OF THE UN AND THE UN HUMAN RIGHTS COMMISSION UNDER A COVERING LETTER DATED NOVEMBER 30, 1975

II. LEGAL BASES AND POLICY

15. To restore security and order throughout Indonesia from the destructive consequences of the G-30-S/PKI affair, the President of the Republic of Indonesia established the Komando Operasi Pemulihan Keamanan dan Ketertiban (KOPKAMTIB), or the Operational Command for the Restoration of Security and Order, at the end of 1965. This decision was later embodied in presidential decision No. 19, 1969, dated March 3, 1969.

The purpose of this act was:

a. To restore security and order after the disruption of the G-30-S/PKI affair and other extreme and subversive activities;

b. To participate in safeguarding the authority of the government and its entire apparatus, from the central to the regional administrative levels, to preserve the Pancasila and the 1945 constitution.

16. The decision of KOPKAMTIB No. KEP-028/KOPKAM/10/1968 established teams of attorneys in the capital and the regions. They were given the main task of settling the cases of the G-30-S/PKI detainees and those which concern security and order through judicial process.

17. The basic policy of the Government in solving the question of the G-30-S/PKI detainees is:

a. To uphold the rule of law;

b. To safeguard the nation and country for the continuance of a society which is based on the Pancasila and the 1945 Constitution;

c. To give the detainees fair treatment. In due course, those who realize that their previous activities have been errors, will get the opportunity to return to society, to become good Pancasila citizens and to contribute to national development.

18. In relation to this policy, the guidance given by the PANGKOPKAMTIB (Panglima KOPKAMTIB) or Commander of KOPKAMTIB (No. PELAK 002/KOPKAM/10/1969 yo 1 MS 17/KOPKAM/10/1971) stipulates that the cases of the detainees be settled by the courts (A-category), kept detained for reasons security and order and their own safety (B-category), and released to be returned to society (C-category). The aim of the policy is, among other things, to speed

up the solution of the question of detainees by giving them the opportunity to become good citizens once again and to participate in national development.

It is further to affirm the application of sanctions on those who have been released, if they should later engage in political subversive activities and/or violate the vows they made before they were released.

Mrs. BUDIARDJO. The prisoners are denied the right to legal redress, to consult a lawyer to challenge the reasons for their arrest and detention. They are subjected to a number of indignities and injustices against which they have no protection. These include loss of contact with families, being at the mercy of prison commanders or guards who steal things or deprive the prisoners of things that are intended for them. They maltreat prisoners at will.

[Material submitted for the record follows:]

PRESIDENTIAL DECISION NO. 28, 1975 REGARDING THE TREATMENT OF PERSONS INVOLVED IN THE G30S/PKI

Article 2 reads as follows: "If those classified as Category C need to be arrested and placed in detention for further processing, a resolution must quickly be made according to Articles 3 and 4 of this Presidential Decision. If they who are Category C have the status of government employee, they can be temporarily suspended in accordance with the regulations in force during their detention and the determination of their classification."

IMPLEMENTARY DECISION NO. KEP/08/KOPKAM/VIII/1975 OF THE CHIEF-OF-STAFF OF THE COMMAND FOR THE RESTORATION OF SECURITY AND ORDER, REGARDING PRESIDENTIAL DECISION NO. 28, 1975

"It is stipulated that those who are in category C should quickly be classified into C1, C2 and C3 in accordance with Presidential Decision No. 28/1975. Those who are in category C and are still under detention should be quickly released from detention. Their classification and release should be made by means of a decision of the Chief-of-Staff of the Command for the Restoration of Security and Order or the Executive Officer of the Regional Command for the Restoration of Security and Order in question."

(Source: *Kompas*, September 4, 1975.)

Mrs. BUDIARDJO. Here again I would like to refer to a document, extracts from which I will submit to the subcommittee. This is a letter written by a prisoner in East Java and smuggled out of the country very recently. It talks about the way prison commanders—Army officers—grossly abuse their powers and take advantage of the political prisoners and are completely at their mercy.

[Excerpt from the letter referred to follows:]

LETTER FROM A PRISONER IN EAST JAVA

After the new camp commander, CPM Lieut. Sulaiman took charge of the camp several years ago, the tapols here became very demoralised. He is said to be an ex-member of the Darul Islam (group fighting for the establishment of an Islamic state) and a psychopath. Some say, however, that he may be an ex-member of the PKI (Indonesian Communist Party) in West Java who wants to save his own skin by behaving in a brutal way towards the tapols. Here are some examples of his cunning and savage measures:

(a) So as to keep a close watch on the tapols, he has for the past two years remained at the prison almost every day until into the night, coming round to all the blocks. He seems to prefer being here at the prison than going home and being with his wife and children.

(b) Those block leaders who had been elected by the people in each block but whom he did not like were removed and replaced by people of his own choice.

(c) As a result, he was able to turn some of these appointees of his into spies who report to him about what goes on in the camp.

(d) Then, a number of new regulations were introduced the objectives of which were:

1. restricting the movement of the tapols;

2. dominating the lives of the tapols so as to be able to exploit their labour power for the benefit of the authorities and himself.

3. extorting money, directly or indirectly, from the tapols and their families;

4. destroying the solidarity and unity of the tapols;

5. abusing the freedom of the tapols to perform their religious duties and to follow the religion of their choice.

(e) All this is revealed by the steps he took regarding activities that had previously been permitted:

1. recreational activities on holidays (performances of wayang, ludruk, etc) were stopped;

2. all educational activities (foreign language courses, book-keeping, training in radio mechanics, electricity, mechanics, soil cultivation, etc) were prohibited;

3. The only way open to the tapols to earn some income to supplement their meagre rations—handicrafts such as coconut shell carving, wood carving, painting, etc—has been made very difficult. Materials are difficult to get and the tapols must sell their products via the prison commander who demands a sales tax as a percentage of the price.

4. On days when families may come to the prison, he creates new problems which are all for his own satisfaction because he likes to see others suffer and to extort something from the families.

(f) To demonstrate his power over us, tapols who do not keep his rules are severely reprimanded, intimidated and cruelly treated. They are kicked, trampled on, ordered to crawl on their hands and knees, beaten with his heavy army belt, and put into solitary confinement.

(g) As a result of this fascist treatment, most of the tapols have become so frightened that, for their own safety, they readily bow to his wishes making it easy for him to treat the tapols exactly as he wishes. He exploits their labour without pay and uses them as forced labour as coolies, gardeners, servants, etc; in short they have to do all the dirty work. Some are having to work the land and the produce from their labours is sold to the tapols at prices which he himself fixes. The money is then used to buy barbed wire, locks and other things to make camp security even tighter. Furthermore, in order to curry favour with his superior, the Divisional Commander, and/or for his own personal benefit, he compels tapols to do sculptures, carvings or paints without giving them proper remuneration without paying them at all for all their efforts. He also started up a poultry project within the prison cells for his own profit. The tapols have to take care of the poultry for no pay and the proceeds all go to the commander himself.

(h) In order to keep the tapols from other occupations, he has made it compulsory for them to attend religious classes according to their respective beliefs and to perform religious duties. This is done five days a week. The grouping of tapols according to their religion has resulted in splits among them. Attendance registers are kept (of these religious activities) and these records are taken into account in the behavioural report of each tapol. All this compulsion and arbitrary violence is extremely frustrating and humiliating.

Mrs. BUDIARJO. The medical facilities also are appallingly inadequate. I can give you information about that, my own experience of actually seeing two people die in prison. Both of them died without any medical attention even though it was quite clear to the authorities that they had been in a bad state of health for a long time.

I would like to highlight the problem of Red Cross teams visiting prisons because this is a point that is used on occasion by the Indonesian authorities to whitewash the facilities and explain that the conditions of the prisoners are not bad.

I submit that when Red Cross teams or other missions enter the prisons to investigate conditions, strenuous efforts are made to give them a completely false picture. Whenever we received a small portion of egg or meat with our meal, we always knew that someone was coming to investigate the situation in our prison and that they would see food that was quite different in quantity and quality from the food we normally got. Here again I have some information in the document I have obtained. This has something very important about the Red Cross. To save time, I will look for it during the next recess.

I would like to draw the subcommittee's attention to conditions at the Buru Detention Camp, situated on Buru Island in the Moluccas Islands. This is described as a rehabilitation camp where 10,000 prisoners were removed in 1969 and 1971. This is not a humane solution as the Government proclaims. The facts belie their claims. The information we have is that disease is rife there, particularly malaria, tuberculosis, and elephantiasis, as well as beri-beri. The island is seriously plagued by mosquitoes. Mosquito nets have only been issued once upon arrival. That was in 1969 or 1971. They are now full of holes and offer no protection.

There is also the serious question of lack of medication and equipment at the camp. So even though it is said that the doctor-population ratio at the camp is very high, the actual fact of the matter is that medication is so appalling in the camp that a doctor's role is inadequate when he has no medication, no equipment, to actually investigate the circumstances.

Mr. HAYS. Mr. Chairman, may I ask a parliamentary question here?

Mr. FRASER. Sure.

Mr. HAYS. As I see it here, there is only one member of the subcommittee present. The rules require two members to be present in order to take testimony. I do not wish to raise a point of order, not being a member of the subcommittee, but it seems to me to be a rather unusual situation in which we have a citizen of a third country in the United States where she is a foreigner, testifying against a friendly nation with whom we have friendly relations.

I just wonder what justification there is for allowing this forum for this person to make these statements, which may or may not be true.

Having positive information that the lady is a member of the Communist Party and knowing their reputation for veracity, I am a little bit perturbed about this.

As chairman of the Joint Committee on Printing, I would question whether this should be printed.

Mr. FRASER. The subcommittee regularly seeks to get information of a factual nature on problems that relate to the problem of human rights. The subcommittee has had no problem with the procedures that we have followed. We have two witnesses today, one of whom is a U.S. citizen.

Mr. HAYS. I understand your position. I am chairman of a subcommittee. When there is nobody but me there I go ahead because there is nobody there to make a point of order and nobody knows whether there is a quorum or not. But now I am here and, unfortunately, I do.

Mr. RYAN. If I can get into the discussion, Mr. Chairman, I would like to ask this witness a few questions before you make that formal point of order, Mr. Hays, because I think there are some facts that the subcommittee ought to have.

Mr. HAYS. If there ever is a record, why don't you make a ruling that her testimony will be put in the record and allow the committee to question her? Because she is going to go on most of the day in order to avoid questions.

Mr. FRASER. I have already indicated on the record the problem that I am facing. I would like to get her testimony completed. I would like to get Mr. Newmann's in, at least briefly, and then have

them both subject to questioning. I would think that would be the proper way. I certainly intend to provide opportunity for questions.

Mr. RYAN. I would like to ask that the chairman set a time limit on the length of her testimony because I want to hear the witness and I want to ask some questions of her regarding her testimony.

Mr. FRASER. Right. Do you suppose you can get the balance of your testimony completed in 10 minutes or less?

Mrs. BUDIARDJO. I have no objection to being questioned. It will take me less than that.

I will take as read the comments here, the facts, about the Buru Camp. I will go right down to the bottom of page 3 where I talk about the widespread accounts of torture. In some camps I was surrounded by people who had suffered severely at the hands of their interrogators and witnessed many horrendous incidents. The methods employed are varied and include electric shock, whipping, cigarette burns, dragging people behind moving vehicles and prolonged confinement to windowless cells that are only 3 feet wide and 5 feet long. These are things that I saw myself when I was in detention.

Having spent most of my time with women, I am most familiar with the methods of sexual torture inflicted on women. One common procedure is to strip the woman naked, abuse her body and ultimately insert instruments in her vagina, causing extreme indignation, severe agony, and prolonged infection. One girl whom I was able to interview 1 year after her release described how her hair had been burnt off, then her pubic hair burnt off and insertions made into her vagina, after she had been beaten all over. For several years she suffered from almost continual blood discharges. So deeply had she been affected psychologically by the torture that even when she related her experience to me years later, she became hysterical, screaming that her head was burning and yelling at her husband whom she mistook for the man who had tortured her. This is my evidence if anybody wants to impute my reliability. I heard the story myself.

The letter to which I referred earlier also includes some accounts of torture and I would like to insert them here.

[Except from the letter referred to follows:]

LETTER FROM A PRISONER IN EAST JAVA

Early in 1968, Atjep from Jakarta led the Sumber Raga Operation during which arrests were made in Surabaya. This Operation had its headquarters at the C.I., formerly the home of Dr. Tjoa S. I.; it was staffed by officers of the Intelligence Unit of Kcrem 084 (regimental HQ). Since 1967, the C.I. has been used as an interrogation, torture and detention centre. This place is hell. All people taken to the C.I. are subjected to beatings, kicking, etc. even before any questions are asked. This is done in order to demoralize the tapols. During the actual interrogation, all tapols are brutally maltreated and tortured. They have to take off their shirts and trousers and are left in their underwear. Sometimes they are stripped naked altogether. They face 5 or 6 interrogators, each holding a rattan stick, club or whip; with the very first question, they are kicked or beaten, and things rapidly begin to get worse as they are beaten with these rattan sticks and clubs and with pistols and metal chairs. Electric shock is administered to the person's ears, noses and genital organs to extract forced confessions. From mid-1968 till mid-1969, the dreadful screams of the people under interrogation could be heard morning, afternoon and night. To prevent these screams from being heard outside, songs were played over a tape recorder very loudly. Many people died from the torture, including Liem Kam La, a member of the leadership council of the organization for overseas Chinese in Surabaya. The authorities concealed many deaths by saying that these people had been transferred to other places, although it subsequently became apparent that they had disappeared altogether.

These include Kho Yong Tjai, Kho Yong Hin, Phoa Tjong Ho and many others. The cruelest and ugliest treatment was given to women. They were also undressed during interrogation and not only were lit cigarettes put on their vagina but rattan sticks were brutally and repeatedly shoved up their vagina. One person to be treated like this was Mrs. Idris, the wife of the ex-chairman of the East Java SOBSI. Actually, she had done nothing at all but was being asked questions about her husband who had escaped arrest. Among the women cruelly treated like this during interrogation was Te djang Fu and Mrs. Warlam who both suffered miscarriages in 1969.

It should be noted that the most brutal officers are: Lt Sundusing, Lt Wagiman and Lt Muhamad Nur. On one occasion, a tapol Hui Sie Ming, rebelled against this vicious treatment. While he was being brutally beaten by Hanafi, the interrogator, he could not control himself and he hit Hanafi. During the rest of the interrogation, they chained Ming's arms and legs. Another means of rebelling against this brutality is by trying to escape from captivity. This was attempted by an ex-member of Hanud, Witono in 1968 but he failed and was shot to death. Despite the danger of being shot dead, attempts to escape from this hell on earth continued to be made, and in 1974, at least three tapols managed to escape and make their way to freedom.

As a result of the arrests made during 1968-70, the C.I. usually accommodated between 150 and 300 detainees at a time. When the number exceeded 300, some of them were transferred to Kalisosok Prison. From the end of 1965, Kalisosok Prison (Surabaya) and Lowokwaru Prison (Malang) have been used as places for the detention of tapols. Blocks G1 and E are the death blocks (blok maut) where torture is perpetrated by special prison police and people called PKDs (criminals employed as interrogators). This brutality is probably unprecedented in the entire history of Indonesia and perhaps too in any other part of the world. Tapols who were put in Block G1 were usually stripped of all their belongings by the police and the PKD's; the only things left to them was the underwear they were wearing. From 1965-1968, no food was allowed in from outside. The food ration was absolutely minimal, consisting of only five spoons of rice with a little cabbage (the part that is usually fed to animals). From July 1968 the first deaths from starvation began to occur and from then onwards, practically every day someone died. The police and the PKDs were very strict and permitted no food in from outside except the prison rations. Cells were frequently searched and if they found that a person had food from outside, that person and all the other persons in the cell would be severely beaten. The guards often entered the cells and took any possessions they fancied from the tapols; they also continually looked for infractions of the rules by the tapols as a means of demoralising and beating them. Tapols were allowed only two minutes to take a bath; anyone taking longer would receive lashes. Those considered to have committed serious offenses were taken to the security office where they would be tortured and set upon by the police and the PKDs.

In mid 1968, a tapol named Tio Ho Yi rebelled while he was being beaten by a PKD with a chain filled with keys; he turned on his torturer and hit him. He was beaten with army belts by four PKDs and then collapsed. He was then dragged to the security office and brutally beaten by the police and PKDs, each taking turns. When he was half dead, he was thrown into a ditch and dragged up and down until his face was caked with mud and blood. By this time, he no longer looked like a human being. But his torturers were still not satisfied. He was then diplentong (crucified without nails) in his cell. One leg and one arm were chained so that he could neither stand up straight nor lie down. He was left like this for eleven months. Even in the colonial period, such torture was administered for a maximum of two weeks. Even while in that position, Tio was still harassed; the guards would often come and kick or beat him. As a result of this relentless inhuman torture, Tio became insane. Finally, at the end of 1974, after he had been mentally deranged for five years, he was released. However, most probably this man will remain insane for the rest of his life as a result of the savage and inhuman treatment by the racists who are now in control.

Other forms of torture practised in Blok E which make one's hair stand on end were practised against Karisman and Muliono. They were first beaten and then immersed several times in a septic tank filled with human excrement so that they were covered from head to foot by excrement and blood. Even Dr. Satrio (a former Minister and regional governor), Ir Padio, Ir. Bedjo and Ir. Nulio (the title Ir. indicates a degree in engineering) could not escape cruel treatment. About six hundred tapols died from starvation and torture in Kalisosok.

Mr. HAYS. Could I ask a question at this point?

Mr. FRASER. Sure.

Mr. HAYS. I don't know if you know anything about American legal procedure. But your evidence is hearsay evidence that you have told about this girl. I notice you take a good deal of pleasure in emphasizing certain words. Were you personally tortured?

Mrs. BUDIARDJO. No, I wasn't.

Mr. HAYS. You were not tortured?

Mrs. BUDIARDJO. No. I was psychologically tormented on a number of occasions during my interrogation, especially during the first 2 weeks of my imprisonment. I was in a torture camp.

Mr. HAYS. But were you physically—

Mrs. BUDIARDJO. No, I was not physically mishandled. I shared a room with women who were tortured, who had been tortured. I saw people. I heard them screaming in the room next door. The women who came back into the room in which I was held were bruised, had bleeding eyes. I saw these things in the camp where I was held. So I can testify to that. I heard many, many accounts of torture during the 3 years in which I was in prison, too many to recount to you this afternoon. You would really have your ears full of torture if I told you everything I heard and saw.

Mr. FRASER. OK. Is that—

Mrs. BUDIARDJO. I think just to draw the attention of the subcommittee to my recommendations, if I may do that.

I would like to make some recommendations. The U.S. Congress amendments currently being considered for the Foreign Economic Assistance Act and Foreign Military Assistance Act should be deemed to apply to Indonesia, for I believe that a clear case exists for regarding Indonesia as a country that is grossly and persistently violating human rights. No aid should be allowed to flow until these violations end.

A congressional mission should go to Indonesia to make an independent investigation of the problem of political imprisonment. The mission should go in order not only to examine the position of the Government and the authorities directly responsible for tapols but also to investigate prisons, detention centers, interrogation centers, and work camps of its own choice and to interview individual tapols and other persons who have direct experience of and acquaintance with the situation.

Numerous instances have occurred of tapols disappearing or dying in circumstances that have never been explained. The situation is such in Indonesia that close relatives find it extremely difficult to make proper inquiries into such matters. I would recommend that the subcommittee or the congressional mission initiate inquiries into certain known cases. Initially I would like to submit the following names for inquiry. These are cases about which I know, when people have disappeared or died.

Porkas Daulay, Zain Nasution and Ramadi. Ramadi was arrested in 1974. Zain Nasution was arrested in 1965. Recently there is news that he died. Regarding Porkas Daulay, his wife was simply told he was no longer in the camp where had been held. She spent many months looking for him and was not able to discover his whereabouts. I must presume he has disappeared or is dead.

Other names can, I am sure, be made available for congressional investigation by organizations such as Amnesty International.

I have indicated the seriousness of torture. The names of certain places where torture is known to be being perpetrated can be supplied to the subcommittee. One document I have submitting mentions such a place and also names officers held to be responsible. I would ask the subcommittee to investigate this.

My final point is a request rather than a recommendation. Here if I may just add a point, which I am sure the subcommittee will appreciate. That is that in speaking about the prisoners and my own experience I would like the subcommittee to realize that my husband is in prison, that I would not do what I am doing if I were not absolutely sure that what I say is true because I am putting my own husband at risk. I am sure the subcommittee will understand and appreciate the point that I am making here.

My husband has been in prison without trial or charge for 9 years and 4 months. He was a member of the Indonesian Communist Party. I was not. He has been held without trial or charge. I ask the subcommittee to seek the release of my husband. I have explained the circumstances of his case, which I didn't read now to save time. Since he has been held for so long without trial, I request your help on this matter from myself and my two children; we are in London and we have assurances from the British Government that he would be granted the necessary visa to remain in Britain.

In conclusion I would like to assure the subcommittee that my sole purpose in submitting testimony and indeed in doing all that I do for the tapols is aimed at securing justice for these people and striving to end the gross and persistent violation of human rights that has been allowed to continue in Indonesia for over 10 years.

Thank you.

Mr. FRASER. Thank you very much.

[Additional material follows:]

EXCERPT FROM THE RECORDS OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, 27TH ORDINARY SESSION, 22ND APRIL, 1975

The following section records questions and answers following a speech to the Assembly by Mr. Adam Malik, Indonesian Foreign Minister:

Mr. WHITEHEAD (United Kingdom). Will the Minister state when it is intended to release the 55,000 Category B political detainees reported by Amnesty International as having been imprisoned without trial in Indonesia since 1965 whom the Indonesian Government themselves have said are detained but cannot be tried because there is "no evidence of direct involvement" in the attempted coup of 1965?

I hope that His Excellency will accept that we intend no discourtesy to him in asking this question. Nor do we question the threat to internal security in Indonesia at the time of the coup and the need at such times for detention without trial. But I am sure that he will accept that the Council of Europe cannot be indifferent to the continued detention of trade unionists, political leaders and journalists in Indonesia, a country with which we have such close trade and aid links.

Mr. MALIK. This type of question has been put to me on many occasions, and I have never avoided answering it.

First, I invite the understanding of the questioner and of other representatives of the fact that in Indonesia there is a body of national law to which we have to submit ourselves, just as there is in other countries.

As to the question of political detainees, perhaps I might begin my reply by asking a question. If there is a wide effort to topple a legal government by force and people are killed in the name of that effort, is there any national legislature which would not react by seizing the perpetrators?

Immediately after the abortive coup in 1965, we began in 1966 to seize people for interrogation who had been connected with the coup. The number at that time was about 600,000. On the basis of our prevailing laws, our religious conscience and our humanitarian conscience, we immediately began to discover whether these people were guilty or not. In that process, from a total of 600,000 there are now only about 20,000 left, and they fall into various categories. These people will be brought to trial. Those who already have been found not guilty have been released. As others are found not guilty, they too, will be released.

It may be known already that I happen to be one of the people in my country who press hardest for a fair trial for these prisoners. I myself have been detained more than 10 times in my political career—by the Dutch, by the Japanese, by the Republic and by others.

I appeal for your understanding that the Indonesian Government are trying seriously within the context of our national legislation to settle this problem as quickly as possible with all the means at our disposal.

I might add that, as regards the care of those members of families left behind by political detainees, although national regulations and local legislation do not provide any arrangement for them, I have myself taken the initiative recently to establish a committee to care for and to channel aid to these specific families left behind by political detainees in order to give them humanitarian assistance in health, education and the like.

The PRESIDENT. Are you satisfied with that reply, Mr. Whitehead?

Mr. WHITEHEAD. I thank the Minister for his full reply, and I am sure that we all applaud his courage under former regimes in Indonesia.

May I ask him when he expects that all the people in the category of detainee will be brought to trial or released, bearing in mind that it is now ten years since the Un Dong coup?

Mr. MALIK. I do not want to attempt to deceive you by saying for sure that it will be finished this month or this year. No one can say. All that I can say is that we are trying sincerely to speed up the process. This is a big problem for us.

CONCLUDING SECTION OF THE DEFENCE PLEA DELIVERED BY MR. YAP THIAM HIEN AT THE TRIAL OF ASEP SURYAMAN, A PKI LEADER WHO WAS SENTENCED TO DEATH, AUGUST 13, 1975

Mr. Chairman and respected Members of the Court, the experiences of the accused. Asep Suryaman, are not unique; what has happened to other *tapols* in similar and in many cases worse.

Shortly, we Indonesians will be celebrating the thirteenth anniversary of our country's independence. At that time, all Indonesians, moved by a variety of emotions, will celebrate their liberation from colonialism and its many forms of subjugation. At that time, the Government and people of Indonesia throughout the country and throughout the world wherever our embassies happen to be will celebrate this anniversary. In mosques, temples and churches, they will give thanks to our Gracious Lord for the blessing of independence. But at the same time, countless tens of thousands of fellow Indonesians are still languishing in countless prisons and detention camps where they have been held since their arrest in October 1965 or after.

The *tapols* too will celebrate Independence Day; they will do this spontaneously, without the encouragement of their prison chiefs or camp commanders. They will organise their modest celebrations without in any way condemning the Government or the State apparatus responsible for their imprisonment. At these celebrations, they will read the Independence Proclamation as well as verses from the Koran and the Bible. They will do it solemnly, movingly, saying a prayer too for the well being of the nation and the state, praying that they may be blessed with God's truth and justice, with His mercy and His love, praying that they will run the country wisely and take it forward to a just, peaceful, quiet and prosperous life. And they will pray too for the safety and protection of their loved ones from whom they have been separated for so many years—their loved ones left without protection or care. For in so many cases, whole families have been split up and the members scattered so far from each other that they don't know where their closest relatives are or whether they are alive or dead, free or in prison.

The *tapols* are 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 out "on loan" to another authority or interrogation,

to give evidence or to meet the personal needs of some official; and they are not even told why they are put out, "on loan" or where they are being taken. They have no power and no voice, no right to complain or protest against their in-terminable 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 automations, going to sleep, getting up and taking their meals like persons without any spirit, for they are not permitted to read newspapers, magazines, or books except religious literature, nor are they allowed to write to their loved ones.

They live a sterile life, devoid of all hope and full of anxieties for their loved ones because often they don't know where they are and have no contact with them. Such a life leads them to break down under the strain. Some have become insane, others have committed suicide, some have tried to rebel against their predicament with horrifying consequences.

"We are like leaves on a tree, just waiting to fall to earth and become one with it," said one *tapol*. "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. Please, Mr Yap, now that you are free, do not forget those of us who are still in captivity."

Mr. Chairman, how can we forget our fellow Indonesians who, together with their families, have been plunged into this terrible depth of suffering? How can our Government, our people, our religious and party leaders go on living happily and contentedly with their families, how can they tolerate this suffering of fellow citizens that has gone on for nearly ten years, for one-third of the period our people have been living in independence?

This suffering whose only end is the grave, this intolerable situation goes completely against all sacrifices made during the struggle for independence. It is a flagrant violation of the Panca Sila¹ to which we have pledged ourselves. It is totally against the objectives of development and the morals and laws of the state, and contrary to those principles and rules which Indonesia acknowledged again and endorsed when we rejoined the United Nations, the principles and rules stipulated in the Universal Declaration of Human Rights and the Standard Minimum Rules for the Treatment of Prisoners. This injustice, this inhumanity cannot be allowed to go on like a cancer destroying the very fabric of our lives and our efforts at construction.

To be honest, we must admit that the Government has tried to do quite a lot to alleviate the situation. We should wholeheartedly respect and welcome these efforts. But while not overlooking the very real problems and obstacles that obstruct these efforts, it must be said that they are nothing more than a tiny drop in this vast ocean of hardship and suffering. And the efforts being made to bring about improvements are proceeding so slowly that there is every justification to fear that many *tapols* who may be released will no longer be in a position to enjoy their freedom.

This utterly arbitrary treatment of the *tapols* is not merely a violation of man-made laws; it is first and foremost a gross infringement of the Commandments of God who bids us love one another, who exhorts us to be merciful towards each other.

It is internationally-accepted practice to pardon and release prisoners on a country's national day. May the merciful God soften the hard hearts of our State Leadership and people on this thirtieth anniversary of our Independence, moving them to end this situation which is undignified both in human terms as well as for the state. May they grant freedom and restore to normal life all those *tapols* who are clearly not guilty and against whom there is no evidence for a charge in court, and speedily bring to trial all those against whom there is sufficient proof of guilt. This would earn the Blessing of God and we could then enter our thirty-first year of our Independence with a sense of relief, with heads held high, looking boldly forward to a life of peace, tranquility, freedom and happiness.

Mr. Chairman and respected Members of Court: My own deep beliefs convince me that human integrity and respect, and dignity, freedom and basic human rights are values that far exceed even the noblest things in human and social life. And the source of these values is the Creator of Life, who is also the source of all Law and Justice, the source of freedom and basic human rights.

(Mr. Yap concluded his address with quotations from Psalm 72.)

¹ Panca Sila : The Five Principles of the Indonesian State : Belief in One God, Humanitarianism, Nationalism, Democracy, and Social Justice.

[From the New York Times, Nov. 30, 1975] ¹

INDONESIA HOLDING 50,000 POLITICAL PRISONERS, MANY SINCE 1965 COUP

(By David A. Andelman)

JAKARTA, INDONESIA, Nov. 29—Early on the morning of Jan. 17, 1974, the military police surrounded the house of a prominent opposition lawyer in downtown Jakarta.

It was shortly after midnight, two days after riots had ripped through the center of the city.

Three officers burst into the house and, as his young wife wept, hustled the man into a waiting police van. There began 21 months of imprisonment and interrogation, of transfers from one prison cell to another until finally, still without ever being charged, he was released last month.

At least 50 others were arrested that same night and in succeeding days. But their imprisonment was an easier one.

By Government estimates, there are still 50,000 political prisoners, most of whom have been held for 10 years or more.

PRESSURE OF WORLD OPINION

Although 1,300 have been released this year in response to the pressure of world opinion, many are still under close surveillance, others have been rearrested and the intelligence police continue their scrutiny of activists and opposition sympathizers.

As some of these political prisoners are being released, insights are becoming available on life in that other world.

Over the last three weeks, a dozen former political prisoners and their families were interviewed in Jakarta and in Bandung. All spoke under assurances of anonymity. One pointed to pedicabs parked across the street, saying that their drivers logged guests into and out of his house.

The former prisoners included lawyers, students and opposition members of Parliament. Of those interviewed, only one has found a job since his release. Several said that they would not look for work and that they had become professional revolutionaries as a result of their experiences in prison.

There are several different groups of political prisoners. Most were arrested 10 years ago during the round-ups following the uprising by the Communist Party and the resulting right-wing coup that overthrew President Sukarno and installed General Suharto as President.

At that time nearly everyone with any left-wing tendencies was arrested, including union leaders and nearly the entire membership of the left-wing railroad union, a total of 700,000.

THREE GROUPS DESCRIBED

They were divided into three groups—A, B and C—on the basis of the gravity of their alleged offenses.

The A group of 2,000 consisted of leaders of the Communist Party and of the uprising. Only 800 have been brought to trial. The Government says all will be tried eventually.

The B group of 34,000 is to be released gradually, according to the Government. About 1,300 have been freed so far this year, but 10,000 remain imprisoned on Buru Island and thousands of others are in prisons.

The C group originally consisted of 540,000, most of whom have now been released. The Government says only 130 are still in prison, but private estimates run into the thousands.

SOME ARRESTED IN '74

Of the final group of 50 or so, arrested last year after the anti-Japanese riots in Jakarta and Bandung, all but nine have been released, three have been tried. One has been sentenced to six years and two to eight years in prison. Two were students and one an economist from the University of Indonesia.

"Why do they keep them in prison so long, many of them, with no hope, under the most horrible of conditions?" asked one former prisoner, a lawyer, who is now trying to help his former cellmates through the courts, but with little success.

He paused and answered his own question.

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"Because they are trying to destroy us," he said.

"In my months in jail—and I was in seven different prisons—I found hundreds of people who suffered for many, many years, physically and mentally," he added.

There is no direct evidence that prisoners have been tortured during the almost daily interrogations. In some cases, prisoners who have been confined for 10 years, are still asked to dredge up details from the period before their arrest in 1965.

But two former prisoners said they had seen deep scars on the feet of several Communist prisoners. They said they were told that the legs of tables had been placed on prisoners' feet while interrogators stood on the tables.

A WRITER'S ACCOUNT

One political writer for a leading Jakarta newspaper said he was arrested in 1965 and held for interrogation for eight days because he had been a member of the staff of a student newspaper in Celebes.

He said interrogators used leather belts and "did not seem reluctant to use force."

More recently, he said, he visited a political prison in Borneo and found 200 prisoners packed into 10 cells. Most of them had been there for eight to ten years, he said.

The conditions in these political prisons are, by all reports, not good, even by Indonesian standards.

Two or three meals a day are served, in most cases a bowl of rice and what is referred to by the prisoners as "water soup" or lukewarm water with "an occasional vegetable or peel floating in it to give it a slight flavor."

No contact is allowed with the outside world and in the case of Communist prisoners, their families have long ceased to admit that they even exist.

It is the alleged lack of a home that the Government frequently offers as the reason for the slowness in the release program.

"We must find a way to absorb them into society," said Gen. Ali Mortopo, deputy chief of intelligence, who is a political adviser to President Suharto. "We must find them employment or they will get into trouble again. The absorption capacity of society is limited."

The Government is worried about the international impact of this large number of political prisoners as it is seeking economic and military assistance abroad.

Last week, newspapers publicized an effort by Representative Jonathan B. Bingham, Democrat of New York to slash economic aid for Indonesia in part because "Indonesia still has 25,000 political prisoners."

"The Government has been letting them out at the rate of 2,500 a year recently and that would take 10 years to let them all out," he told the House International Relations Committee.

STUDENT INFILTRATORS

This seems to have little impact on the activities of the secret police.

Students at the Bandung Technical Institute described last week how the military infiltrates student political meetings and keeps former political prisoners from speaking on campus.

"They have hired a number of students as informers," said Aldi Anwar, a 29-year-old physics student, sitting in the campus common room. "But we know who they are and they do not have many friends."

One former political prisoner, released last August, was a member of Parliament. He told how the national student newspaper he edited in Bandung was closed.

"They did not like the idea of one newspaper representing all students," he recalled in the small living room of the home he shares in Bandung with his wife and four children. "So they closed it."

Other students said intelligence officials still took student leaders into custody for a day or two and interrogated them on ties between students at different universities, apparently fearful of a conspiracy.

Many former prisoners fear a further crackdown as the date for the next Presidential election in 1977 approaches. The Suharto Government reportedly will be seeking a mandate to continue its development program.

General Mortopo said that, of the 1,300 prisoners released, 10 have been imprisoned again.

The former member of Parliament said prison had converted him to a professional revolutionary. While he was gone, his wife baked cakes and cookies and sold them in a local grocery stall to feed the family. Now she continues to do that while he thinks about the future. He believes that he will continue the opposition he began before he was jailed.

"Then I thought I could change things from within the system," he said. "Now I know that cannot be done."

[From the Guardian, London, Nov. 11, 1975]

SUHARTO READY FOR THE "FINAL SOLUTION"

When the prison gates closed on Buyung Nasution, a liberal lawyer and civil rights leader, in January 1974, it seemed like the end of hope for Indonesia's 50,000 political prisoners. Their plight had been one of the many issues raised in the unprecedentedly free public debates of 1973, but now the Government had locked up the very man who had championed their cause.

It had been a good year in Indonesia. The Suharto Government had almost welcomed criticism, had become, by Indonesian standards, amazingly flexible and open. Questions of economic strategy, democratic rights, social priorities were being discussed.

Scores of thousands of low grade political detainees were being released, and the Government seemed at least ready to consider the problem of the remaining prisoners accused of serious complicity in the pro-Communist 1965 coup.

In retrospect, it looks like a case of "Come into my parlour," but the year of hope ended in the disaster of the Tanaka riots, the Government's reversion to paranoia, and the end of "dialogue." The young economists, journalists, lawyers, and student leaders who had rushed boldly into the intellectual fray were packed off to gaol, most without the courtesy of a trial, to join those for whose release some of them had been calling.

Since then the pendulum has swung back a little, and Buyung Nasution is now free, after 21 months in various Jakarta prisons. Within a few days of his release he had resumed his work at the Legal Air Centre, the organisation he founded in 1971 to help those put at a disadvantage by Indonesia's legal system, both those up for trial and those already in prison.

Nasution, a handsome man of 40, wears coloured shirts and kipper ties and his long black hair is fashionably sprinkled with silver and grey. He looks like one of the smart young Indonesians who can be found in the bars of Jakarta's luxury hotels. But he is a rare phenomenon in this country, an old-fashioned rule of law moralist.

Educated at the universities of Indonesia and Melbourne, he founded his centre after realising, when working as a Government prosecutor, how heavily the scales were loaded against the poor, the ignorant, and the politically dissenting in Indonesian courts.

His own captivity having served only to strengthen his conviction that the continued holding of the detainees is both ethically wrong and politically stupid, he is one of the few articulate witnesses available on conditions in Suharto's gaols.

"I was not interrogated for long," he recalls, "I listened at first because I wanted to understand the scenario these officers were trying to fit me into.

"It was pathetic nonsense, that there was a plot to overthrow the Government which culminated in the Tanaka riots, but they believed it. At least, they believed it then. Now they don't, of course. But I and all the others picked up in January and February, 1974, had to endure the consequences of this fantasy in the minds of those who run Indonesia. . . . I refused to take part in further interrogations."

Nasution was not allowed to see his wife and son for 13 months. He was moved from prison to prison to break up the friendships and relationships he had managed to establish, and he was officially denied books and writing paper, although he did eventually acquire these "unofficially."

But, he says, "I was a comparatively privileged prisoner. I was never physically maltreated, I had food coming in from outside, and drugs when I was ill, and I felt fairly sure I would eventually be released. . . ."

"The value of the experience for me was that I could now see the situation at 10 hand, when I met the detainees who have been in prison for seven, eight, 10 years and still have no prospect of release. Before I knew about their suffering intellectually; now I know about it in my stomach."

Nasution describes the food in the prisons as poor, the medical services as grossly inadequate, and the treatment of prisoners generally as inhumane,

although he makes no charge of intentional brutality or torture. "That's not the point," he insists. "The real torture is to keep people for many years with no term set to their imprisonment. That is the torture of the spirit."

He describes well known politicians, academics, and intellectuals dragging out grey, meaningless lives, permanently undernourished, permanently suffering from all kinds of chronic ailments, and subject to fits of depression and mental instability.

Dr. Subandrio, Sukarno's Foreign Minister, who has been tried but is now waiting for commutation of his death sentence, wanders around like a "living corpse."

"A mature man like that, once a very able man," says Nasution. "What a condition of life."

It is "inhuman, against the rule of law, and, what is more, politically inept," Nasution claims.

"Think of those people and their families—as well as those who have been released but are still treated as third-class citizens. You are talking about a million or more people, a substantial section of the educated classes of Indonesia, permanently alienated from the nation, a position that will go down the generations. The wound must be healed."

The Government, Nasution argues, is thus in process of creating the very Fifth Column of dedicated enemies that is a part of its recurring nightmare of "instability."

Nasution appears to have resumed his work with the blessing of the Government, which is anxious to show the outside world that it is prepared—cautiously—to begin liberalising again.

He will probably have a reasonably easy task seeking the release of other intellectuals picked up in 1974, like Professor Surbini of the University of Indonesia, Subardio, a former leader of the Socialist Party (PSI), and Haji C. Prinsen, another civil rights leader. The Government has already announced that it is releasing some of the long-term political prisoners.

These might look like welcome signs, but the unfortunate truth is that they appear to be part of a "final solution" to the prisoner problem that can hardly be described as either humane or in any real sense legal.

The Government's own announcements on the subject have been contradictory and confusing, but diplomats here believe that the plan is to release around 12,000 of the 36,000 detainees officially admitted, but to keep the rest in permanent detention for the rest of their natural lives.

If the Government figures are accepted, that would be over 20,000 men and women, and even more if the basis is the figures of outside organisations like Amnesty International, who think there are 55,000 all told, or Tapol, who charge there are at least 70,000.

Nasution's own estimate is 50,000; but what is important is not the precise numbers, but the plan itself.

The Indonesian Government picked up an estimated 200,000 people after the 1965 coup, members of the Communist Party, of party-affiliated organisations and trade unions. They were classified into three groups.

"A" prisoners were defined as those directly involved in the coup, who will be charged and tried. "B" prisoners were defined as senior cadre, against whom there is insufficient evidence to go to trial. "C" prisoners are those guilty merely of some association with the Indonesian Communist Party (PKI).

A fourth category "X" was later added to cover those whose eventual status had not been decided.

The Indonesian Government says it has now released all "Cs," and except for some cases of rearrests or recategorisation this is generally accepted as true. Most of the 2,000 in the "A" category are still awaiting trial.

That is bad enough, but it is the likely fate of the "B" prisoners (about 25,000 say the Government) and of some of the "X" prisoners which is most disturbing.

If diplomatic sources are right, these men and women will be concentrated on the islands of Buru, near Abon in the Moluccas—where there are already 10,000—and Nusa Kamabangan, off Java, after a definitive decision that they are never to be released.

"Nobody will ever be set free from Buru," a diplomat said. "These men are regarded as hardcore Communists." (Most of them undoubtedly are Communists, although how hardcore is another question.)

The legal cover for the decision may well prove to be a "change" in the status of detainees on Buru and other remote islands from that of prisoners to that of "free settlers" who will nevertheless, on account of their past political records, never be allowed to leave the islands.

The prisoners on Buru and other islands already farm small plots and produce handicrafts. But on nearly uninhabited islands where all facilities are controlled by the army, the difference between prisoner and "settler" status can only be marginal.

"If this is true," says Nasution, "it must be opposed. It is the opposite of a solution it is a disaster."

Mr. FRASER. Now, our second witness is Mr. Newmann. If there is any way you can hit the high points, we will consider your entire testimony as part of the record.

**STATEMENT OF JOHN NEWMANN, ASSISTANT PROGRAM OFFICER,
OFFICE FOR ASIA AND THE PACIFIC, FORD FOUNDATION**

Mr. NEWMANN. I will try to be brief and read portions of the testimony.

As an American citizen I have a deep interest in the preservation of basic human rights at home and abroad. I want to thank the subcommittee for this opportunity to testify about my personal experience with political prisoners and repression of human rights in Indonesia.

I have been employed at the Ford Foundation since 1967, working on economic development programs in Asia. This brought me to Indonesia for 3½ years, 1967 through the spring of 1971, as a member of the Ford Foundation's Jakarta field office staff. In 1970 I began my dissertation research in Indonesia, examining the causes, economic policy formulation, and implementation of Indonesia's economic stabilization program, designed to eradicate the hyperinflation of 1965 and 1966.

During my research leave my wife and I were asked if we would be willing to provide weekly food and medical supplements to someone in prison. We agreed to do so and this was the beginning of my experience with what I can only describe as intolerable legal, mental, physical, and emotional injustices which have existed in Indonesia for nearly two decades. In the 1950's and early 1960's during the Sukarno Presidency, political dissidents were detained without legal recourse and were held in jails and prisons usually without trial. I believe all those detained under Sukarno were eventually released when General Suharto came into power in 1965. President Suharto's administration continued and intensified the tradition by arresting nearly 100,000 persons after the abortive coup of September 30, 1965. This coup was followed by the killing of anywhere from 200 to 500,000 Indonesians. These estimates are crude. They appeared in the press. To this day the accuracy of those estimates remains unconfirmed. The slaughter was carried out in the name of anticommunism although anecdotal evidence includes other evidence which apparently stimulated some of these killings, such as religious and economic feuds within and between villages.

It should be noted that the Indonesian Communist Party, PKI, and several leftist-oriented labor unions and other organizations, claiming millions of members, were legal entities prior to September 1965. They were later banned and thousands of members of these groups were arrested due to their previous membership in legitimate organizations. Amnesty International, with headquarters in London, has perhaps the most complete documentation outside of Indonesia on the Indonesian Government's political prisoner operations.

I should state simply and emphatically that my involvement with the political prisoner situation while living in Indonesia was purely personal and humanitarian in nature. My activities included supplying food, clothing, and medical supplies to prisoners, assisting in the steps leading to the release of one, and attempting to find employment for a released prisoner. I have a deep love and respect for the Indonesian people and am continually concerned about their economic and social welfare.

I have scores of Indonesian friends and acquaintances made as a result of my residence in Indonesia and my work with the Ford Foundation. These are persons in universities, government ministries, and the private sector. Most of them are working terribly hard in education and developmental programs, serving their country. I have a high respect and admiration for their sense of commitment to public service. In almost all cases they have chosen not to become involved in working actively for the release of political prisoners from the 1965 period, often fearing the possibility of their being held suspect should they do so.

At least three newspapers in Indonesia publicly called for a solution to the political prisoner trials and releases a few years after the arrests began. Unfortunately restrictions limiting freedom of the press imposed in 1974 resulted in two of those papers losing their publishing rights.

I hope my testimony will clearly reveal my sincere desire for a better life for all Indonesians. At the same time I take strong exception to the policies of those government and military authorities responsible for the continued repression of basic, internationally recognized human rights in Indonesia.

During my last year of residence in Indonesia I came to know a handful of prisoners and released prisoners as a result of my providing food, clothing, and medical supplements. All of the prisoners and released prisoners that I know who had spent 3 to 5 years in prison without trial had been arrested by surprise in their homes. They were not shown any written orders explaining the basis of their arrest and were taken to prisons without being able to inform their families where they were going. All of them were intensely interrogated in an attempt to identify them with the September 1965 abortive coup. None could provide such information, even under torture, including sexual torture, because they had no knowledge of the coup plans prior to its occurrence. By trial and error their families learned where they were being held and began to bring what little food supplements they could afford. In some cases both husbands and wives were taken, leaving young children to fend for themselves or find shelter with relatives. The relatives of one prisoner I know did not volunteer to help the parentless children, perhaps fearing their own arrest.

The conditions under which the prisoners I knew lived were unbelievably trying. No beds or bedding were provided. One toilet would serve nearly 100 persons. It was often broken. The fresh water supply was extremely limited. Infections, lice, and rats were commonly found in the prisons. Malaria was contracted from time to time and the lack of medical care often resulted in needless deaths. These comments, I should add, come from conversations I had with released prisoners.

Food provisions usually consisted of small portions of rice and watery, weak soup with an occasional vegetable or piece of dried fish. Meat and eggs were almost never available and the only beverage was water. Malnutrition was common as were gastro-intestinal disorders, from which one released prisoner I know has not recovered since his release 5 years ago. Prisoners could not receive letters or write them. Only religious materials, the Bible and Koran, could be read. No one had access to legal assistance while being imprisoned without trial.

The few prisoners I know who have been released have been warmly welcomed back by their families and relatives, a situation which causes the Indonesian Government some concern. I have heard several Government officials warn that the released prisoners may find it very difficult to re-enter Indonesian society, as they may have been considered "outlaws or outcasts" even though they were found innocent and released. The released prisoners have found one aspect of adjustment almost impossible: employment, particularly if they returned to the cities. By law every Indonesian is required to carry a card stating that he or she had no involvement in the September 30, 1965, "movement." No prisoner or released prisoner is issued this card by his village headman. Practically all employers refuse to employ persons without the cards for fear that the Government authorities might suspect them. Some churches and foreign embassies and consulates have employed some released prisoners.

I won't go into the issue of the number of prisoners. As you can see if you read my testimony it shows the difficulty of assessing these. None of us really know the magnitude although it seems to be anywhere from 35,000 to 100,000.

An important point which should be made is that category B which recently has been talked about, includes 35,000 prisoners. The Indonesian Government openly admits that it has no evidence which can be brought against these persons to bring them to trial yet they will not be released.

There are three important reasons why I feel the U.S. Congress should carefully consider the situation in Indonesia today. First, as a nation founded on the principles of human rights and due process of law we are becoming increasingly aware of the importance of guaranteeing the very freedoms upon which our Constitution and Bill of Rights are based. The painful experiences of Vietnam, Watergate, investigations of our intelligence operations, and recent activities at the United Nations point to the wisdom of being consistent in our support for human freedom at home and abroad.

Second, I believe the U.S. Congress has never held hearings on the issue of political prisoners and human rights in Indonesia even though our Government has provided Indonesia with hundreds of millions of dollars for military and economic assistance. There appears to be a growing concern in this country over the apparent contradiction in values when on the one hand we abhor the direct repression of basic human rights, clearly articulated in the Universal Declaration of Human Rights, and on the other we continue to provide substantial aid to a government and signatory of the declaration which does not respect these basic freedoms.

Finally, I understand President Ford has requested a doubling of U.S. military assistance to Indonesia this year, perhaps as a result of

the changes in government in Indochina. You are well aware of section 502b of the Foreign Assistance Act of 1974 which requests the President to reduce substantially or terminate security assistance to any government except in extraordinary circumstances consistently engaging in gross violations of internationally recognized human rights. To my knowledge the President has not taken any steps, particularly with respect to Indonesia, to execute faithfully this sense of Congress.

The current economic and military assistance bills have amendments proposed which add strength to Congress' concern for human rights. I believe this subcommittee could provide a valuable service by undertaking a congressional review, including a factfinding mission to Indonesia, along the lines of the Korean and Philippine investigations. Naturally, it will be important to insure that a visit to Indonesia includes the opportunity for completely objective choice of prisons and camps to be visited, persons to be interviewed, translators, and privacy of interviews. I understand an informal invitation to visit Indonesia has already been made by Indonesian Government officials to Chairman Fraser.

In concluding, it is quite likely that the Indonesian Government is becoming increasingly sensitive to our Congress' growing interest in the preservation of human rights. Recent visits to this country by Indonesian Government officials and announcements of plans to release prisoners, at intolerably slow rates as described above, support this notion. Conversations I have had with Indonesians suggest that the growing international concern for these injustices may very well have a very positive effect on alleviating them. I plan to visit Indonesia in January, as I did this year, in connection with my work. I hope to learn that the Indonesian Government is taking more serious steps to free or bring to a fair trial the tens of thousands of prisoners who have been denied legal recourse for 10 years.

Thank you.

[The prepared statement of Mr. Newmann follows:]

PREPARED STATEMENT OF JOHN NEWMANN, ASSISTANT PROGRAM OFFICER,
OFFICE FOR ASIA AND THE PACIFIC, FORD FOUNDATION

My name is John Newmann. As an American citizen I have a deep interest in the preservation of basic human rights at home and abroad. I want to thank the Subcommittee for this opportunity to testify about my experience with political prisoners and repression of human rights in Indonesia.

I am 34 years old and reside in New York city with my wife and two daughters. I received my college education at Amherst College and my graduate education (doctoral degree in international economics) at the Fletcher School of Law and Diplomacy. Since 1967 (after completing my course work and doctoral qualifying examinations at the Fletcher School), I have been an employee of the Ford Foundation, working primarily on economic development programs in Asia. This brought me to Indonesia for 3½ years (1967-1971) as a member of the Ford Foundation's Jakarta Field Office Staff (2½ years, late 1967-1970), and as a graduate student carrying out doctoral dissertation research (1 year, 1970-1971).

In 1970 I took study leave from my employer and began my dissertation research in Indonesia, examining the causes, economic policy formulation, and implementation of Indonesia's Economic Stabilization Program (1967-1969), designed to eradicate the hyper-inflation of 1965-66. During my research leave, my wife and I were asked if we would be willing to provide weekly food and medical supplements to someone in prison. We agreed to do so, and this was the beginning of my experience with what I can only describe as intolerable legal, mental, physical, and emotional injustices which have existed in Indonesia for nearly two decades. In the 1950's and early 1960's during the Sukarno Presidency, political dissidents

were detained without legal recourse and were held in jails and prisons usually without trial. I believe all those detained under Sukarno were eventually released when General Suharto came into power in 1965. President Suharto's Administration continued and intensified the tradition by arresting nearly 100,000 persons after the abortive coup of September 30, 1965. This coup was followed by the killing of possibly 500,000 Indonesians. The slaughter was carried out in the name of anti-communism. It should be noted that the Indonesian Communist Party (PKI) and several leftist oriented labor unions and other organizations (claiming millions of members) were legal entities prior to September 30, 1965. They were later banned and thousands of members of these groups were arrested due to their previous membership in legitimate organizations. Amnesty International with headquarters in London, has perhaps the most complete documentation outside of Indonesia on the Indonesian government's political prisoner operations.

I should state simply and emphatically that my involvement with the political prisoner situation while living in Indonesia was purely personal and humanitarian in nature. My activities included supplying food, clothing, and medical supplies to prisoners, assisting in the steps leading to the release of one, and attempting to find employment for a released prisoner. I have a deep love and respect for the Indonesia people, and am continually concerned about their economic and social welfare. I have scores of Indonesian friends and acquaintances made as a result of my residence in Indonesia and my work with the Ford Foundation. These are persons in universities, government ministries, and the private sector. Most of them are working terribly hard in education and developmental programs, serving their country. I have a high respect and admiration for their sense of commitment to public service. In almost all cases they have chosen not to become involved in working actively for the release of political prisoners from the 1965 period, often fearing the possibility of their being held suspect should they do so. I trust my testimony will clearly reveal my sincere desire for a better life for all Indonesians. At the same time, I take strong exception to the policies of those government and military authorities responsible for the continued repression of basic, internationally recognized human rights in Indonesia.

During my last year of residence in Indonesia (while undertaking thesis research), I came to know a handful of prisoners and released prisoners as a result of my providing food, clothing, and medical supplements. All of the prisoners and released prisoners (who had spent three to five years in prison without trial) had been arrested by surprise in their homes. They were not shown any written orders explaining the basis of their arrest, and were taken to prisons without being able to inform their families where they were going. All of them were intensely interrogated in an attempt to identify them with the September 1965 abortive coup. None could provide such information, even under torture (including sexual torture), because they had no knowledge of the coup plans prior to its occurrence. By trial and error their families learned where they were being held, and began to bring what little food supplements they could afford. In some cases both husbands and wives were taken, leaving young children to fend for themselves, or find shelter with relatives. The relatives of one prisoner I know did not volunteer to help the parentless children, perhaps fearing their own arrest.

The conditions under which the prisoners I knew lived were unbelievably trying. No beds or bedding were provided. One toilet would serve nearly 100 persons, it was often broken, and the fresh water supply was extremely limited. Infections, lice, and rats were commonly found in the prisons. Malaria was contracted from time to time and the lack of medical care often resulted in needless deaths. Food provisions usually consisted of small portions of rice and watery, weak soup with an occasional vegetable or piece of dried fish. Meat and eggs were almost never available, and the only beverage was water. Malnutrition was common as were gastro-intestinal disorders, from which one released prisoner I know has not recovered since his release five years ago. Prisoners could not receive letters or write them. Only religious materials (the Bible and Koran) could be read. No one had access to legal assistance while being imprisoned without trial.

The few prisoners I know who have been released have been warmly welcomed back by their families and relatives—a situation which causes the Indonesian government some concern. I have heard several government officials warn that the released prisoners may find it very difficult to re-enter Indonesian society, as they may have been considered "outlaws or outcasts" (even though they were found innocent and released). The released prisoners have found one aspect of adjustment almost impossible: employment, particularly if they returned to the cities. Every Indonesian is required to carry a card stating he/she had no involvement in the September 30, 1965 "movement." No prisoner or released prisoner is

issued this card by his village headman. Practically all employers refuse to employ persons without the cards for fear that the government authorities might suspect them. Some churches and foreign embassies and consulates (notably Russian and East European) have employed some released prisoners.

It is difficult to know the numbers of political prisoners. A few years ago the Indonesian government was estimating the total to be 70,000 to 80,000. A recent New York Times article (December 7, 1975, page 3) put the figure at 50,000. Numbers change as releases and new arrests are made. Indonesian authorities have differed widely in their own estimates. The prisoners have been classified into four categories:

A—members of the Indonesian Communist Party (PKI) and affiliate or sympathetic organizations on whom the government has legal evidence to bring to trial. The government has recently classified 2,000 prisoners in the A category (a previous government estimate was over 5,000). In 10 years 800 of these have been brought to trial. At that rate the last A category prisoner may be tried in 1990, after serving 25 years in prison without trial.

B—members or suspected members of the PKI and affiliate organizations. The government does not have any legally admissible evidence against these persons needed to bring them to trial. However the government considers them too "dangerous" to society to be let free. Some 10,000 of them have been moved to the isolated island of Buru and have been given modest provisions to start farming previously unfarmed land. Few of these persons were farmers previously. Many were mechanics, construction workers, school teachers, doctors, lawyers, authors, etc. There are perhaps another 10,000 to 15,000 of these B category prisoners still in prisons and camps outside of Buru.

C—these persons are scheduled to be released. Originally they constituted the majority of political prisoners, perhaps numbering 60,000 to 70,000. Many have been re-classified or released. Recent statements by the Indonesian government suggest there may be 35,000 in this group. The government plans to release 2,500 per year, which would require 14 more years. The last to be freed may have spent 24 years untried, unaccused in prison.

X—these persons, primarily newly acquired prisoners, await classification. There may be approximately 7,000 in this category as reported by the Washington Post, October 14, 1975.

There are three important reasons why I feel the U.S. Congress should carefully consider the situation in Indonesia today. First, as a nation founded on the principles of human rights and due process of law, we are becoming increasingly aware of the importance of guaranteeing the very freedoms upon which our Constitution and Bill of Rights are based. The painful experiences of Vietnam, Watergate, investigations of our intelligence operations, and recent activities at the United Nations point to the wisdom of being consistent in our support for human freedom at home and abroad.

Second, I believe the U.S. Congress has never held hearings on the issue of political prisoners and human rights in Indonesia, even though our government has provided Indonesia with hundreds of millions of dollars for military and economic assistance. There appears to be a growing concern in this country over the apparent contradiction in values when on the one hand we abhor the direct repression of basic human rights (clearly articulated in the Universal Declaration of Human Rights), and on the other we continue to provide substantial aid to a government (and signatory of the Declaration) which does not respect these basic freedoms.

Finally, I understand President Ford has requested a doubling of U.S. military assistance to Indonesia this year, perhaps as a result of the changes in government in Indochina. You are well aware of Section 502b of the Foreign Assistance Act of 1974 which requests the President to reduce substantially or terminate security assistance to any government (except in extraordinary circumstances) consistently engaging in gross violations of internationally recognized human rights. To my knowledge the President has not taken any steps, particularly with respect to Indonesia, to execute faithfully this sense of Congress.

The current economic and military assistance bills have amendments proposed which add strength to Congress' concern for human rights. I believe this Subcommittee could provide a valuable service by undertaking a Congressional review (including a fact-finding mission to Indonesia) along the lines of the Korean and Philippine investigations. Naturally it will be important to insure that a visit to Indonesia includes the opportunity for completely objective choice of prisons and camps to be visited and persons to be interviewed. I understand an invitation has already been made by Indonesian government officials to Chairman Fraser.

It is quite likely that the Indonesian government is becoming increasingly sensitive to our Congress' growing interest in the preservation of human rights. Recent visits to this country by Indonesian government officials and announcements of plans to release prisoners (at intolerably slow rates as described above) support this notion. Conversations I've had with Indonesians suggest that the growing international concern for these injustices may very well have a very positive effect on alleviating them. I plan to visit Indonesia in January (as I did this year) in connection with my work. I hope to learn that the Indonesian government is taking more serious steps to free or bring to a fair trial the tens of thousands of prisoners who have been denied legal recourse for 10 years.

Mr. FRASER. Thank you. There is another vote. We will come back and start the questioning.

[A recess was taken.]

Mr. FRASER. Mr. Ryan?

Mr. RYAN. Thank you, Mr. Chairman.

I would like to ask Mrs. Budiardjo a few questions if I might.

I presume you are familiar with the name Sutan Sjahrir. He was the first Prime Minister, I believe, wasn't he, of the Indonesian state?

Mrs. BUDIARDJO. I think so. I don't remember whether he was the first, but you may be right. He was certainly one of the early Prime Ministers.

Mr. RYAN. Perhaps I can refresh your memory. You were employed by the Indonesian Government from 1960 to 1965, I believe.

Mrs. BUDIARDJO. Till 1965 when I was dismissed.

Mr. RYAN. I believe you were an aide to Foreign Minister Subandrio. Is that correct?

Mrs. BUDIARDJO. Not entirely, no. I was working in the International Relations Department of the Foreign Ministry. I wasn't specifically an aide to Subandrio.

Mr. RYAN. But you did work for him?

Mrs. BUDIARDJO. Sure. In the last few months I worked in a secretariat that he had established. But most of the period I was in the foreign ministry—

Mr. RYAN. You attended meetings with him, I presume.

Mrs. BUDIARDJO. Not specifically. A couple of times.

Mr. RYAN. What do you mean, "not specifically?"

Mrs. BUDIARDJO. A few times. It wasn't my specific job to attend meetings with Subandrio.

Mr. RYAN. I understand you were a special economic advisor to Mr. Subandrio because he didn't feel that he was strong in economics. Is that accurate?

Mrs. BUDIARDJO. No, I wouldn't say that was accurate. In February or March of 1965 he set up a special economic secretariat and I was, what would you call it, the secretary of the secretariat. I was certainly not his advisor.

Mr. RYAN. You had access to Mr. Subandrio.

Mrs. BUDIARDJO. Yes.

Mr. RYAN. At will, I presume.

Mrs. BUDIARDJO. Not at will. It was quite difficult to get in to see him as a matter of fact.

Mr. RYAN. At the same time you were there from 1960 to 1965 Mr. Sjahrir, Sutan Sjahrir, the first Prime Minister, was in prison.

Mrs. BUDIARDJO. Yes, that could be.

Mr. RYAN. Where he remained until he was dying. Were you aware of that?

Mrs. BUDIARDJO. I was aware he went to Geneva. He was allowed by Sukarno to go to Geneva because he was very ill. I remember that particularly.

Mr. RYAN. Are you aware that he was in prison?

Mrs. BUDIARDJO. He was released from prison and actually allowed to go to Geneva.

Mr. RYAN. Were you aware he was in prison in those years?

Mrs. BUDIARDJO. Yes.

Mr. RYAN. Were you aware that he was imprisoned until he was dying?

Mrs. BUDIARDJO. I don't believe he died in prison, as I just said, I think he went to Geneva. He was released and went to Geneva, as I remember it.

Mr. RYAN. Did you ever make any comment to Mr. Subandrio or to Mr. Sukarno about that?

Mrs. BUDIARDJO. No, I didn't.

Mr. RYAN. Why not?

Mrs. BUDIARDJO. I did some things about political prisoners at that time, people who were actually under cloud, let us say. Nothing specifically about Sjahrir.

Mr. RYAN. This was the first Prime Minister of the nation of Indonesia after the Dutch left?

Mrs. BUDIARDJO. Yes.

Mr. RYAN. He was in prison for years. And during the time that you had access to the highest officials in the Indonesian Government and were part of that Government you made no mention either—

Mrs. BUDIARDJO. He was not the only person who was in prison at that time and I am also aware that had—

Mr. RYAN. You mentioned your husband being in prison and your wanting him out.

Mrs. BUDIARDJO. Yes.

Mr. RYAN. I think that is interesting.

Mrs. BUDIARDJO. Could I just explain? There were quite a few cases in those days. For example, I was privately requested to help translate all the transcripts of a political trial. The man on trial was an American. His name was Alan Pope. He had been captured after being shot down over Indonesian territory while on a bombing sortie in the Moluccas. He was on trial for his life. His defense counsel asked me to translate all the documents into English. I agreed because I regarded it as his right to have access to these documents.

Mr. RYAN. Can you identify a man called D. N. Aidit?

Mrs. BUDIARDJO. Yes. He was chairman of the Communist Party.

Mr. RYAN. Did you have any connection with him?

Mrs. BUDIARDJO. Not particularly. I knew his wife in prison.

Mr. RYAN. You worked with Mr. Aidit?

Mrs. BUDIARDJO. Not specifically, no.

Mr. RYAN. In particular did you?

Mrs. BUDIARDJO. No.

Mr. RYAN. I had information that you attended an economic conference and were an important part of that economic conference as an adviser to Mr. Aidit at that time, in 1964.

Mrs. BUDIARDJO. I don't know what economic conference you are talking about because I don't remember it. I am sorry. I don't.

Mr. RYAN. I am trying to establish a pattern. Let me ask you about your husband. What was his responsibility in the Government, as a Communist in the Government, in 1965 in July?

Mrs. BUDIARDJO. My husband was not a member of Government. My husband is a civil servant.

Mr. RYAN. True.

Mrs. BUDIARDJO. He was the head of an agency called the Bipalindo, the Indonesian Ocean Freight Board. He was the president-director of Bipalindo and, as such, an official of the Ministry of Shipping.

Mr. RYAN. He would have a great deal of information then about shipping, would you say?

Mrs. BUDIARDJO. Yes. His activity was actually in the field of shipping.

Mr. RYAN. I point out to the committee that this was in July of 1965. It was September 30, 1965, that the Communists, with a great deal of planning ahead of time, attempted to seize control of the Government of Indonesia. I have information that Mr. Budiardjo went to Peking that summer. Is that true or not?

Mrs. BUDIARDJO. Mr. Chairman, can I object to somebody imputing these things about my husband? I really object to them.

Mr. RYAN. Imputing what? He was a Communist, was he not?

Mrs. BUDIARDJO. Yes, but—

Mr. RYAN. An Indonesian Communist.

Mrs. BUDIARDJO. My husband had nothing to do with bringing arms into Indonesia, believe me, Mr. Ryan. My husband is in prison now. If he had done such things, Mr. Chairman, I think he would already have been brought to trial.

Mr. RYAN. Part of the reason I have a slight concern myself is that on the night of September 30, 1965, the Communists in Indonesia were attempting to seize the Government. They had fire-bombed the American Embassy, fire-bombed the U.S. Information Service, not once but many times before that time. There were anti-American slogans all over the place there. In fact, the Government of Indonesia of which you were a part and your husband was a part was violently anti-American. On the night of September 30, 1965, when that coup attempt occurred I had some personal interest in what happened there myself because one of those who was in that Embassy at the time is sitting here in the audience. She is my sister.

All I am trying to point out here, Mr. Chairman, is that I have a legitimate concern. I think I have established the fact before this subcommittee and the full committee that I don't like the torture of any prisoner anywhere at any time. It was my amendment to the Foreign Assistance Act that took Brazil's military training program out of it as a protest to what they are doing in Brazil. I don't like torture anytime I find it or see it.

But I don't want anybody to imply or understand or assume on my part as a member of this committee and perhaps as a visitor to this subcommittee that just because there is torture in a country means that there aren't other things that torture can be used for.

I suggest to the chairman of this committee and to the members of this committee that this committee is being used by those who are interested in subverting the Government of Indonesia by any means possible.

There has been an attempted subversion of Indonesia by force and violence three times in the last 50 years. The last time was in 1965. At least one of those who was involved was a member of the Communist party, this woman's husband, who is now in prison there.

She is here now talking about the torture there and yet she admits that while she was a person of great influence in the Indonesian Government she couldn't even take the time to talk about the George Washington of the Indonesian Government itself who helped to found it and who was in prison till he was dying.

Mr. HAYS. Will the gentleman yield?

Mr. FRASER. Mr. Newmann may want to respond. Then we will yield to you.

Mr. NEWMANN. First of all, I am a little surprised that Mr. Ryan has chosen to bring in issues of politics and the Communist Party, and so forth, into a discussion on the preservation of human rights. May I continue?

Mr. RYAN. I didn't ask you. It is my time, Mr. Chairman, I believe, as long as I have time.

Mr. NEWMANN. I thought I was recognized.

Mr. RYAN. You are not recognized. You are not a member of the committee.

Mr. HAYS. Will the gentleman yield?

Mr. RYAN. I will be glad to yield to you, Mr. Hays.

Mr. HAYS. I am a little surprised at you, Mr. Newmann. I don't know whether you got interested in human rights when Sukarno was out there or not. Obviously the lady didn't. Obviously anybody that knows anything about Indonesia knows that Sukarno had every jail and prison camp in Indonesia full of people.

Mrs. BUDIARDJO. That is absurd.

Mr. HAYS. No, it isn't absurd. I resent the fact that you are a British Communist sitting here in front of this committee telling me that it is absurd. I know what I am talking about. I know he had lots of people in prison and obviously, as Mr. Ryan said, you were not a bit concerned.

The Communists are not concerned. You are not concerned about the people that are in concentration camps in Soviet Russia. I am sure you are not.

Mrs. BUDIARDJO. Of course I am concerned.

Mr. HAYS. I didn't hear you enunciate that. I am concerned about them. I am concerned about prisoners anywhere. But the people who sponsored you in this country are not concerned about anything but Communists who are in prison someplace.

The Communists wiped out millions of people. I was in Hungary the time they did their job there. I went to Hungary voluntarily because I was so upset at the American Government which had under Mr. Dulles been making all these pronouncements about no more containment, "sterile containment" under the Democrats, but liberation and the Hungarians were foolish enough to take their word for it. I saw people murdered by the Communists.

When the table is turned, I believe Communists have feelings too. I am not sure the Communists believe anybody else has feelings.

Mr. RYAN. Mr. Chairman, the reason I bring this out is that I think it doesn't seem to me to be quite, to ring true to me, to have a witness here talking about torture of political prisoners when she had a chance

as a member of government and when her husband had a chance as a member of government to at least make some representation on the part of not just the Prime Minister but of thousands of political prisoners who were in jail being tortured then. It is a little hypocritical to come to this country using this kind of thing [indicating document], advertizing herself a a former political prisoner. The biography on the back does not give an accurate representation of who she is or what she was or the responsibilities that she might have undertaken while she had the opportunity.

[The document referred to follows:]

(Page 1 of document)



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CARMEL BUDIARDJO

FORMER INDONESIAN

POLITICAL PRISONER

TO SPEAK ON

HUMAN RIGHTS IN INDONESIA AND THE DOUBLING OF U.S. MILITARY ASSISTANCE

TUESDAY, DECEMBER 16

1:00 pm

Longworth, Rm. 1302

Carmel Budiardjo's visit to Washington during the week of December 15 is most timely. Not only will she speak to the issue of the estimated 50,000 - 100,000 political prisoners in Indonesia, most having been held for ten years without trials or charges, but she will also address two related and extremely current items that are coming before the Congress now:

- the Indonesian invasion of Timor and the current massacre of civilians (Reuters, Dec. 9.)
- the Administration's request for a 100% increase (\$24 million in FY 1975 to a proposed \$57.5 million in FY 1976) in Military Assistance for the Indonesian government.

THIS OPPORTUNITY IS UNIQUE AND WE INVITE MEMBERS OF CONGRESS AND THEIR AIDES TO ATTEND THE DISCUSSION ON TUESDAY, AT 1:00 PM.

For further information about Ms. Budiardjo visit or for personal appointments, please contact our Washington office:

1322 18th Street, N.W.
Washington, D.C. 20036
Tel. 223-0527

Please see the reverse for a biographical sketch on Ms. Budiardjo.

P.S. Sandwiches and coffee will be available.

(Page 2 of document)

CARMEL BUDIARDJO
Former Indonesian political prisoner
to speak in the United States

Between Nov. 10 and Dec. 20 of this year Carmel Budiardjo, a former political prisoner of the Indonesian military regime, will conduct a speaking tour of the United States. She will be in Washington D.C. and available for speaking engagements and from Dec. 14-18. On the evening of Dec. 14 she will be speaking at All Soul's Church, 8pm.

Mrs. Budiardjo is the wife of an Indonesian civil servant who has been detained now for more than nine years. As with many thousands of other prisoners of the Indonesian government, Mrs. Budiardjo's husband has not been charged with a crime other than his political beliefs. Mrs. Budiardjo and her children who are now living in England have not been able to make contact with their husband and father for several years.

Also never accused of a crime, Mrs. Budiardjo herself was imprisoned in September, 1968, and released in November 1971. During the time of her imprisonment she endured overcrowded conditions, inadequate diet, absence of reading material, and refusal by the authorities to allow reasonable contact with friends and relatives outside. She also witnessed many examples of torture and other forms of inhumane treatment suffered by prisoners of the Suharto regime.

The Indonesian government currently holds between 50,000 and 100,000 political prisoners, many of whom have been in detention for 10 years. Mrs. Budiardjo is uniquely qualified to explain the situation in Indonesia, and its implications for citizens of the United States whose government offers vast amounts of aid to Indonesia. The aid requests was doubled in the recent military aid proposals from the Executive Department

Carmel Budiardjo's tour is being sponsored by TAPOL--USA, the newly-formed U.S. campaign for the Release of Indonesian Political Prisoners. Persons and organizations wishing more information or wishing to schedule an engagement for Carmel Budiardjo in the Washington D.C. area should contact:

Roger Rumpf 223-0527 - 244-2081
Jacqui Chagnon 223-1980

Mr. RYAN. If I may, I would like to read into the record at this point a very short statement to place in context and to balance the testimony that is being given.

Mr. FRASER. Sure.

Mr. RYAN. I believe we need to put in the record some facts about conditions in Indonesia during the last years of the Sukarno regime and during the chaotic conditions between the so-called PKI coup of September 30 to October 1, 1965, and the transfer of power to General Suharto. Without a proper understanding of the background, the testimony may be unduly biased in favor of the Indonesian Communist Party and lacking in perspective concerning the conditions that have given rise to Indonesian Government policy. The subcommittee I understand, has selected a balancing witness but that witness was unable to be here today. These are matters of fact and factual context. I am not going to defend the Indonesian Government nor do I wish to imply that I believe that Government's record is without blemish in the field of human rights. I do think we need balance.

The first important point is the threat the Indonesian Communist Party has posed in the past to the non-Communist majority. The PKI was one of the first Communist parties outside the Soviet Union to become a major force. It infiltrated and almost captured the broad nationalist, anticolonial movement called the Sarekat Islam back in the early 1920's. After the PKI was expelled from the Sarekat Islam it launched a bloody revolt against the Dutch Government in 1926-27. Although the PKI failed then and was banned, it rose again in the early post-World War II period when an infant, independent democratic government struggled to establish itself against the former colonial power. In 1948 the PKI again revolted; this time against the Indonesian Government rather than the Dutch and again it was defeated. But some years later the PKI again began a comeback as constitutional democracy began to fail and as President Sukarno succeeded in abolishing parliamentary democracy in the late 1950's, he moved increasingly toward strident pro-Communist and anti-Western policies, favoring the PKI in the process. The PKI ultimately claimed a membership of 3,500,000 members and some 20 to 25 million total adherents in front groups on the eve of the attempted Communist coup in 1965. It is ridiculous and utterly false incidentally to ascribe this well-documented Communist effort to take total power to an internal squabble among Indonesian Army officers of junior grade as Mrs. Budiardjo does.

Indonesian moderates have seen hardened PKI cadres come back from apparent defeat to pose new threats to the Government, threats that three times have expressed themselves in bloody armed rebellions or coup attempts. The Indonesian Government's caution toward the hard-core PKI cadres—irrespective of whether or not they could be directly associated with the September 30 coup attempt or not—may be somewhat more comprehensible in view of this history. This is not to excuse restrictions on the liberty of any individual, even hardened PKI cadres, without trial. But it is, I think, a mitigating factor.

The second point I want to emphasize is the record of the previous regime toward human rights. The Sukarno regime—a regime that came to be dominated more and more by Communist influences—was a regime that moved increasingly toward total thought control,

an atmosphere of internal terror, suppression of all dissident anti-Communist and moderate forces, banning of important political parties and imprisonment of numerous political prisoners including the great democratic socialist leader that I referred to just previously.

Others held with him, including Mohammed Rum, the man who signed the agreement with the Dutch that led to Dutch recognition of Indonesian independence, were held from 1960 until their release by the new Suharto Government in 1966. I understand that people could simply disappear in those times and were presumed killed when they were considered enemies of the PKI or the Subandrio clique. I have heard of grown and distinguished men who broke down weeping because of their need to capitulate to the PKI and Foreign Minister Subandrio's Secret Police, of which he was the head. In this connection it should be noted that Mrs. Budiardjo was not only a member of that Government but was a close advisor of Subandrio who headed the secret police or "BPI," which spread terror throughout Indonesian society. But the PKI and Subandrio's staff did not complain about violations of human rights in those days; they spoke only of the "revolution" and the need of that revolution to crush all in its path.

My third point concerns the attitude of the Sukarno government, of the PKI and of the Subandrio group toward the United States. In September 1963 the British Embassy and the homes of individual British citizens were sacked and burned by PKI-led crowds in demonstrations carefully orchestrated with Subandrio's secret police. If anything, things went down hill after that. For the next 2 years the country witnessed a rising crescendo of hatred and vilification of the West and especially of the United States. There was hardly a week that a PKI-led demonstration was not held outside the gates of the American Embassy. Large billboards lined the roads vilifying the United States. Eventually the American Library in Jogjakarta was seized by PKI mob action and its employees terrorized. Our consulates in Medan and Surabaya were attacked at various times. A U.S. library and reading room in Jakarta was seized and ransacked by a PKI mob and destroyed. Finally a Communist mob attacked the U.S. Embassy building itself, burned some 22 cars, destroyed some minor subsidiary buildings they managed to enter and lobbed Molotov cocktails against the Embassy building itself. The hardened cadres of the organization responsible for all those actions and for the general attitude of utmost hatred and contempt for the United States are the people for whom Mrs. Budiardjo has come to these Halls of Congress to plead. I do not contest the need to be compassionate. I do not contest the desirability of Congress looking into violations of human rights. I do believe that adherents of the Government and a foreign Communist party that terrorized their own people and vilified the United States have their guts to appear before this body as defenders of human rights and as accusers of anyone.

And that is what I think of your testimony, Mrs. Budiardjo. I think you are here under pretenses about which the least that can be said is that you use others. I don't have any question in my mind that your motivation for being here is more than political prisoners. And this particular subcommittee's concern is with political prisoners period, as is Amnesty International.

My suggestion is that you go back to Britain and talk about it over there and leave this country out of it. I am not about to have the kind of testimony that you give and the kind of people that you represent with your background trying to imply or impute that somehow if your kind get back into power we will have a government like the one in this country today. We will have the kind of country we had then when you gave up your citizenship as a British subject and became an Indonesian subject until it looked like you were going to stay in prison in which case you changed your citizenship back to British so you could get out and that is why you are here now.

That is all I have, Mr. Chairman.

Mr. FRASER. We will let both committee witnesses consider the question. You can consider your answer. We will recess temporarily until this vote is completed.

[A recess was taken.]

Mr. FRASER. The subcommittee will come to order.

Both of you heard Mr. Ryan's statement.

Any response that you want to make to that?

Mrs. BUDIARDJO. I would just make a few brief points if I may.

Mr. FRASER. Sure.

Mrs. BUDIARDJO. Mr. Chairman, I was invited to testify on the question of long-term political imprisonment in Indonesia and I have sought to do that. I worked quite hard since I was requested to do that to present my information. The testimony that I have submitted is the results of my efforts in that direction.

Mr. HAYS. Might I ask who invited you here?

Mr. FRASER. I did. I should say she called on me in New York and we discussed the problem and I suggested that since she is based in London that it would be useful to get her statement while she was still here.

Mrs. BUDIARDJO. The second point is the veracity, the reliability, of my testimony is being imputed. I can say I am one of the very few people outside Indonesia who have the facts of political imprisonment in Indonesia today and I have therefore decided to devote my efforts to publicizing these facts.

I could well be doing some other things and earning some money, not like the way I am doing at the moment. That is my own choice because I am, let us call it, a living witness to the situation in Indonesia as I saw it while I was in prison. It is on the basis of my own experience in prison that I speak.

I think perhaps if I had not myself been exposed to prison I certainly wouldn't be sitting here today and I would not have come out of Indonesia to campaign and to try to speak about the prisoners. It was because I had this experience myself that I am talking and campaigning in this way. I am not talking with any other motivation than in the interest of the people whom I left in prison, not only my husband. My own personal experience is my justification for doing what I am doing.

I would just like to correct a few points that have been made because I really feel we have to concentrate on the situation that you asked me to testify about.

It is not correct to describe me as a personal advisor of Subandrio. In fact I had a lot of difficulties during the last period of time when I was working for him.

Mr. RYAN. You did know him?

Mrs. BUDIARDJO. Sure, I knew him.

Mr. RYAN. You did have access to him.

Mrs. BUDIARDJO. Sure. I am not denying that.

Mr. RYAN. You did have knowledge of political prisoners in Indonesia at the time, didn't you?

Mrs. BUDIARDJO. Not very much as a matter of fact.

Mr. RYAN. That is quantitative—you did have knowledge.

Mrs. BUDIARDJO. Sure. I told you before. I think you confirmed that.

Mr. HAYS. Mr. Chairman?

Mrs. BUDIARDJO. I haven't finished.

Mr. HAYS. I am a member of the Foreign Affairs Committee. I don't know whether you outrank me or not. Maybe you do on this subcommittee. But it is a rather unusual situation where you give a witness a chance to rebut questions before giving anybody else on the committee the courtesy of asking questions. I haven't had that opportunity. I have a lot of questions.

Mr. FRASER. I think when you were out of the room Mr. Ryan had made an extended statement and we indicated she would have a chance to comment on it when she returned. That is what she is doing now.

Mr. HAYS. By the time it comes to me to ask questions we will have another rollcall.

Mr. FRASER. I think in fairness because it was a very extended statement we ought to give them a chance to respond.

Mrs. BUDIARDJO. It will be brief actually. I also want to explain to the subcommittee that when I was in prison, one of the things I was most intensively interrogated about was my criticism of the economic policies of the Sukarno government. Furthermore, the many criticisms I made during 1964 and 1965 led to a situation in which I was denied access to Subandrio and I knew very well at the time that this was because army officers disliked me because of the criticisms I was making. These criticisms were contained in articles I wrote for the national press.

I was even prohibited from attending meetings chaired by Subandrio about economic affairs although I was still secretary of his Economic Secretariat. So you see, I can hardly be described as his "economic adviser." Far from it.

I was also attacked for my criticisms in a very vicious and slanderous article that appeared in an Indonesian newspaper in February 1966. This paper, the *Mertju Suar* described me as a "troublemaker" who had always been criticizing the Sukarno government.

When I was arrested in 1968 I was interrogated about the way I had criticized the Sukarno government. That was held against me. I would just like to have that noted for the record.

I have no brief for the record of the Sukarno government before 1965. I have no brief for that. I was a civil servant working for that government but I was critical of its economic policies in particular. I have no brief to speak in favor of the fact that he kept people in prison. I have no sympathy for that kind of thing at all. I certainly will refute what has been said, that I am not concerned with prisoners in the Soviet Union. I am a member of Amnesty International. I believe everybody understands here that Amnesty International is quite objective. It takes up the cases of political prisoners in all

countries. That includes the Soviet Union, Cuba, wherever they may be. I am a member of Amnesty International and I believe members of the subcommittee know the attitude of Amnesty International, its impartial attitude on human rights.

Mr. RYAN. Mr. Chairman, may I ask a question on that point?

Mr. FRASER. Yes.

Mr. RYAN. The witness' testimony is at variance with my information. Am I to assume from what you have said so far that you would support, suggest, that the U.S. Government withhold any funds to the Indonesian Government as long as there is torture of political prisoners? Withhold any funds for armaments?

Mrs. BUDIARDJO. I understand that that is a position taken by the U.S. Congress. It is not for me to—

Mr. RYAN. I didn't ask you that. I asked if that was your particular position.

Mrs. BUDIARDJO. If the U.S. Congress has adopted a provision on human rights violations, I assume that provision would apply to Indonesia, yes.

Mr. RYAN. You are not answering the question. My assumption is that you are here for reasons other than simply the torture of political prisoners. You are interested in your husband's release. You say in your testimony that is uppermost in your mind. I believe he had a part to play in the events that occurred in 1965.

If the United States withholds armament from Indonesia I presume there will be some tendency to weaken the Indonesian Government's capacity to hang on. There have been three major coups, the last one in 1965 by the Communists to seize control of the Government and to take it over. It would be in the interest of the Indonesian Communists to have a weakened government, especially one that is not capable of fighting back as happened in the 1965 coup. Is that a logical conclusion?

Mrs. BUDIARDJO. I don't really know. You may be correct. My concern is human rights.

Mr. RYAN. You are a simple housewife, right?

Mrs. BUDIARDJO. No, I am not a simple housewife. I am working for TAPOL, my organization. I am not a simple housewife.

Mr. RYAN. I bring this out because I question the motivations. That is all. The use of an organization for other purposes is easy to do on occasion.

The only other question I have is whether or not you were the one who drafted the questions that were directed to the Secretary of State regarding certain matters relating to Indonesia.

Mrs. BUDIARDJO. I did suggest some comments.

Mr. FRASER. At my request.

Mr. RYAN. At your request. But just the same she drafted them.

Mr. FRASER. I asked her to formulate some questions that would help get at some of the issues.

Mr. HAYS. Could I ask her a question or two?

Mr. FRASER. Yeah. But just let Mr. Newmann respond briefly.

Mr. NEWMANN. Thank you. I am pleased that in one sense I think we all share Mr. Ryan's concern for the importance of preserving human rights in whatever political setting it may be. As my testimony clearly states, it is my understanding that human rights in Indonesia for the last 20 years haven't always been honored.

As a citizen I have been extremely impressed with the work of this subcommittee in the last 4 or 5 years to bring this to the attention of the U.S. Congress and the rest of the U.S. citizens whose money goes to these developing countries with the hope of increasing their welfare.

I really do feel and I assume we all agree that to the extent to which we can all work toward improving the condition and preservation of human rights in our own country and in these countries, all to be better. I was under the impression that that was what this hearing was to be about. I would welcome questions on my testimony and these issues rather than dwelling on the past.

Mr. RYAN. Mr. Newmann, you don't welcome questions. You respond if you wish to volunteer as a witness. Members of this committee will ask the questions and determine where the thing goes.

Mr. NEWMANN. I was trying to be polite, Mr. Ryan.

Mr. RYAN. I was trying to say that I believe this committee is being used for other purposes than simply the inquiry into the condition of human rights of prisoners in various countries of the world.

Mr. NEWMANN. Do you have any question about my testimony, the legitimacy of it?

Mr. RYAN. No.

Mr. HAYS. I have got one about your testimony that you just made. You said you have been interested in human rights in Indonesia for the last 20 years. You just said that, unless you misspoke yourself.

Mr. NEWMANN. Excuse me. I said my testimony pointed out that the preservation of human rights in Indonesia has been in question for the last 20 years.

Mr. HAYS. That isn't the way it came out before.

Mr. NEWMANN. Sorry. Excuse me.

Mr. HAYS. May I ask some other questions?

Mr. FRASER. Surely.

Mr. HAYS. Your husband was a prominent member of the Communist Party in Indonesia.

Mrs. BUDIARDJO. He was a member. I don't know how one gages prominence.

Mr. HAYS. He was a member of the rank and file.

Mrs. BUDIARDJO. He was a member.

Mr. HAYS. If the Communist Party in Indonesia had been able to succeed in its coup it would have been a strange Communist Party indeed if it hadn't followed the proclivities of Communists all over the world and that is throw your enemies in jail and shoot the smartest ones. If the Communists succeeded in taking over and your husband was a part of the government and they jailed 50,000 people would you have been concerned about it?

Mrs. BUDIARDJO. It is difficult for me to answer that question because I don't necessarily agree with your assumption that that would have happened. Neither do I agree—

Mr. RYAN. It did happen.

Mrs. BUDIARDJO. Neither do I agree with your position that it was a Communist coup. You are getting into a different kind of argument. You asked me a question and then you assume that I have to agree with what you say.

Mr. HAYS. No, I don't assume anything.

Mrs. BUDIARDJO. I have to say to the committee that I don't believe it was a Communist coup. I believe there were certain leaders

of the Communist Party who had some involvement or who knew what was happening. But my husband did not know that.

Mr. HAYS. For the sake of semantics let us assume the Communists had been able to take over and install themselves as the government of Indonesia. When they did that in Hungary they put thousands in jail and slaughtered thousands of others. When they did it in Czechoslovakia they did the same thing. When they did it in Poland they did the same thing. Today there are people in jail in Lithuania, Latvia, and Estonia who have been in jail since they took over at the end of World War II.

My credentials as being antidictator are pretty well established. I am the author of the arms limitations amendment for Latin America, which was subsequently breached. I am the author of the arms prohibitions with Greece until they had a free election. So I am just antidictator. I don't care whether they are the left or the right.

But the organization to which you—I don't know who you are here under the auspices of. That is another question. Who is paying your expenses?

Mrs. BUDIARDJO. Paying my expenses? The people who organize the meetings for me. If you want a record I can give it to you actually.

Mr. HAYS. Who paid your way from Great Britain over to here?

Mrs. BUDIARDJO. The money came out of my own personal savings. But it will all be paid back to me from the collections that we make at meetings, from the fees that I have gotten from universities that have asked me to address seminars. We have no outside funding at all. That is the way we have funded it.

Mr. HAYS. I think my point has been made. We have a lot of people who are contacting Members of Congress and others on behalf of human rights in non-Communist countries. I don't know of anybody that is contacting Congress about human rights in Communist countries. Nobody seems to be concerned.

As one of our prominent commentators said in the newspaper the other day, it is as though the only people who hurt when they get shot or get hit are Communists. The others, they don't feel pain.

The Indonesian Government couldn't be as bad as you say it is. If it were as bad as you say it is they wouldn't let Mr. Newmann back in. If I were running the show, I wouldn't let him back in.

Mr. FRASER. I was wondering the same thing.

Mr. NEWMANN. Well, we will see what happens in January.

Mr. HAYS. They have already had my advice for what it is worth. A couple of people from their embassy are here.

Mr. FRASER. In terms of our subcommittee activities, we held some hearings on the problem of political prisoners in Cuba and some on the problem of human rights for the Soviet Union. Our plans are to hold some more hearings on the human rights problem in the Soviet Union in relation to the Helsinki—

Mr. HAYS. In the Soviet Union? They are going to let you go there to hold a hearing, do you think?

Mr. FRASER. On human rights problems in the Soviet Union.

Mr. HAYS. Your witness suggested you go to Indonesia and hold hearings in Indonesia about internal matters in that country. If you can get away with that then I think the next place you ought to go is the Soviet Union and hold some hearings there about human rights in the Soviet Union.

Mrs. BUDIARDJO. Sure.

Mr. HAYS. I like you but if you do that we may never see you again. They might lock you up. This is a two-way street.

Mr. RYAN. Will the gentleman yield for questions?

Mr. HAYS. Yes.

Mr. RYAN. I would like to elaborate a little more on your version of who was sort of engineering that coup in 1965. You say it was not Communist-led?

Mrs. BUDIARDJO. Not as I understand it, no. Your own contention that the Communist Party was so large argues against the Communist Party having to organize a coup.

Mr. RYAN. You say it was not Communist-led.

Mrs. BUDIARDJO. I don't believe so.

Mr. RYAN. Then I am forced to accept or this committee is forced to accept either your comment or the analysis of our own Embassy people who were there. Right?

Mrs. BUDIARDJO. I think I am entitled to my own opinion.

Mr. RYAN. I think you are too. My sole reason for being here, Mr. Chairman, is to simply point out her own background, which I think bears very heavily against the weight of her own testimony. Her own past is I think a mute indicator of what her own concern is, more than her present testimony.

Mr. HAYS. May I have one more question, Mr. Chairman, and then I am through?

I would like to ask you, ma'm, one question. Are you now or have you ever been a member of the Communist Party of Great Britain, Indonesia, or any other country?

Mrs. BUDIARDJO. If you want my political record I shall give it to you. From 1946 to about 1948 I was a member of the British Communist Party. I went to Indonesia. I did not join the Indonesian Communist Party. I am now living in Britain. I have been living there since 1971. I am not a member of the British Communist Party. I am not an affiliate of any political organization. If you would like to check that you can ask the British Communist Party in Britain. I don't know whether that is satisfactory.

Mr. HAYS. I don't have any ties with them. The British are very tolerant. They let just about anybody come in. So the fact that you are living in Britain isn't that much of a testimony. I believe they would even let me in. In fact I was there 2 weeks ago.

That is all I have, Mr. Chairman.

Mr. FRASER. Mr. Newmann, I have one question. You have testified at some length about what you came to understand about the problems of the prisoners held in Indonesia. You have also heard the statement by Mrs. Budiardjo.

To the extent that you have knowledge of the situation, did she make statements that you regard as erroneous or misleading with reference to the problem of political prisoners?

Mr. NEWMANN. No. Based on my own knowledge it confirms what I know to be the case. Of course 3 years in prison provided time such that her knowledge is much more detailed than mine. Mine is based on conversations and friendships with a handful of people. The stories all say the same thing.

Mr. FRASER. On the question of the political ideology of those you came in contact with, what did you learn? Were these all PKI members or not?

Mr. NEWMANN. A number of those I knew were past students. As you know, the students organized themselves in the later years of the Sukarno period and in fact held demonstrations critical of the Sukarno regime, which assisted perhaps in a psychological way in the overthrow of Sukarno and the establishment of the Suharto presidency.

During that period of student organization there were leftist student organizations. There were rightists. There were all kinds of them. The husband of one released detainee that I knew, was a member of one of the leftist student organizations. They were both detained after the coup. They had two small children who were left in the home. The wife was held in prison I think a year and a half or two. She was released. She was not a member of any of these organizations at all. Her husband has been sent to the island of Buru as a B prisoner. They don't have any confirmed evidence to bring him to trial. But he is considered too dangerous to release. The wife, since her release, has been continually confronted by military people who knew her in prison—they come to her house, asking for money, pressuring her, and so forth. She was subject to (social) sexual attempts as well. This is a clear case of there being no organization or ideological identification other than the fact that she was married to a student who was a member of a leftist organization.

Mr. HAYS. Can I ask you what is a "social sexual"——

Mr. NEWMANN. I am sorry. Military men, in addition to asking for money, were also asking to have sexual intercourse with her.

Mr. FRASER. I don't understand the circumstances of their asking for money.

Mr. NEWMANN. The threat was, "Unless you support us we will bring charges or make statements and you might be detained again." There is a history of people being released without official papers and then being detained again. Often many of them do have to continue giving these payments. It is often the military who do this. And they are poor individuals who don't have enough money to live themselves. They often use these means.

Mr. HAYS. Not necessarily official government policy. They may just be operating on their own.

Mr. NEWMANN. That is possible.

Mr. HAYS. I implied that from what you said.

Mr. NEWMANN. However their uniform and their arms are with them when they come to the home.

Another fellow I knew worked for the railroads as a mechanic. In conversations with him he said he wasn't involved in politics at all and knew nothing of the coup. He was detained for about 3 or 4 years. He was the one I tried to get employment for and no one would employ him because he didn't have this card which says he had no involvement in the September 30 movement.

The only way released detainees would be able to get these cards would be to pay substantial sums of money to bribe officials to give them these cards. When I was in Indonesia from 1967 to 1971 most organizations would not hire these people without the card, fearing

the Government would hold them suspect. So it is not easy to integrate back into society when the Government has made it a position not to give them the same opportunity as other persons.

Mr. FRASER. One of the things of course that is troubling about the circumstances in which these people are living is that they never have a chance to establish their innocence because there are no charges, at least in a normal legal sense that we think of it. Are there any administrative proceedings of any kind, do either of you know, for a person in the B category? Is there any way to get some kind of internal administrative hearing to try to make the case that he or she doesn't belong there?

Mr. NEWMANN. In discussions that I had with the four or five people I raised this question and they said no. They were simply told when they were moving from this prison to that prison. Then they were told, "You are released." They were provided no information, no opportunity for what you are suggesting. I personally did not know anyone who was being brought to trial. So I don't know the conditions they lived in when that news was given to them.

Mrs. BUDIARDJO. My own experience was there was absolutely no procedure for me as a prisoner during all 3 years that I was in prison and in four different places, there was no procedure open for me to protect myself legally or to find out what I was being charged with.

The only contact I had with regard to my case with the authorities were the interrogations when I was asked questions and I answered. Then a document would be drawn up called a "proces verbale." This is the term used in Indonesia. This document records the results of an interrogation and after it has been signed by the interrogatee, a recommendation is recorded on it about the future status of the prisoner. But the prisoner does not see this recommendation.

In my particular case since I have a family in London—my mother and my sisters and my brother were living in London—very soon after they heard that I had been arrested they briefed an Indonesian lawyer on my case. They telephoned him in Jakarta. They were given the name of a lawyer who might be willing to take up this case. This lawyer was actually willing to take up this case. A few months later—it may be just a month later; I can't remember the dates now—he wrote to my sister and explained that he had tried to find out, get information, about my whereabouts and the case against me. He was simply told that there was no information available for me. He just told my sister that he could do nothing on this case. In effect he returned the brief. For me, that effort that was made by my family to try to institute legal proceedings on my behalf—

Mr. HAYS. Who did intervene to get you out?

Mrs. BUDIARDJO. The question of my release was something and the proceedings that went on about that was something that I knew absolutely nothing about while they were happening.

A British lawyer took up my case, actually on the advice of Amnesty International and my family. She was not—it was a woman lawyer—she was not able to do anything on my case as a political prisoner. But she made investigations about my nationality status and she discovered that the renunciation of British nationality that I had gone through was illegal because it was based on an inaccuracy at the time of my renunciation.

Mr. HAYS. When did you renounce your British citizenship? Before you were in jail or after?

Mrs. BUDIARDJO. It was long before I was in jail. I renounced my British nationality in 1954. If I can just go into the detail of this very slightly; I had to present to the British Embassy proof that I had obtained Indonesian nationality. I did that. I did that on the basis of a statement that I was given by an Indonesian judge stating that by virtue of my marriage I was an Indonesian national. It was on the basis of that that the British Government accepted my renunciation. That was in 1954.

What happened was that in 1970, a British lawyer inquired about my nationality status and discovered that in fact I had not obtained Indonesian nationality until 1959, which rendered my renunciation invalid. The British Government eventually accepted her argument that my renunciation was invalid and my British nationality was restored to me. This was something about which I was quite ignorant at the time. It was something that happened while I was in prison. It does correct the impression created earlier as if I was jumping back and forth between nationalities at my convenience. And this is how I got my release.

Mr. FRASER. Just a few more questions is all I have.

We have to break once more. We will wind up in a few minutes.

[A recess was taken.]

Mr. FRASER. The subcommittee will come to order.

I think the record should show for a substantial part of the hearing in addition to Mr. Hays and Mr. Ryan that Mr. Rosenthal was present for a substantial part of the hearing and Mr. Harrington for a part.

I want to go into this question about the acceptance of these prisoners in their home communities.

Mr. Newmann, you referred to this directly in your testimony. But I would like to ask both of you, to what extent is there, leaving out the employment problem, as you described it, the requirement for a card—the Government of Indonesia has stated that there is a difficulty in community acceptance of some of these prisoners. What can you tell us about that beyond what you have already testified to?

Mr. NEWMANN. First of all the information that has been dispersed by the Government since 1965 is, I would say, very comparable to the McCarthy period in our country in the 1950's. In urban centers among government people there is a very strong anti-Communist information campaign. I think it is possible that in some neighborhoods someone coming back, having spent years in jail, out of ignorance may be feared by neighbors.

My own experience with prisoners I knew was that they did not experience that. I have not heard of actual cases where it has happened. I heard of only the Government saying that it is quite possible that this has happened.

But again my experiences have been with just a few people. Clearly there has not been this problem among family and relatives. I can conceive of it existing possibly in neighborhoods. But I would think that it is more likely not to exist, particularly after 10 years. But I can't give you much direct knowledge that it has.

Mrs. BUDIARDJO. My feeling about it is this. I am very concerned about the readjustment of released political prisoners in the community in Indonesia. But this is not for the reason that is presented by the Indonesian Government and the Indonesian authorities.

I don't know of any instance where a community has adopted an antagonistic attitude. I haven't seen things like this in the press. It doesn't mean to say they haven't been reported in the press. I don't read everything in Indonesia. But I do follow a certain amount of Indonesian press and periodicals and I have seen no reference to this.

Every time an individual in the Government speaks about this they don't speak about specific instances where prisoners have encountered hostility in their communities. But I would say that the adjustment problems for prisoners are enormous. There are psychological problems. The prisoners when they are released have been so long out of contact with their families that they literally don't know where they are. They have a problem of where they can go and live.

Although there is not a feeling of hostility there is certainly a fear that I think Mr. Newmann has indicated, a fear of being friendly toward an ex-prisoner because you may be seen to be sympathetic toward him or her. This does create quite serious problems.

The employment problem has already been dealt with.

Another concern of mine is that many of these readjustment problems are exacerbated because of harassment by the local authorities or by the military authority at whatever level it is. This harassment is very real. So what I am saying is that it is not something that exists within the community. But it is an attitude that is very widespread among local military officials who seek to extort money from ex-prisoners. Sometimes they think the prisoner has come out through paying somebody, that is to say, by means of a bribe. But often, it has nothing to do with that. It is just simply that an officer is utilizing his power against somebody who is very vulnerable. Therefore if the military officer says, "You have got to give me money or I will cause problems for you," it is quite difficult for an ex-prisoner to ignore that. These military officials can cause problems for people.

I should also explain that quite a lot of the ex-detainees have to report regularly to the military authorities for a period of time, sometimes 3 months. Sometimes it goes on continually. It quite often happens that when an ex-detainee comes to report, he or she will be expected to pay some money. It is difficult to say what that money is for. But the implication is that if the ex-prisoner doesn't pay—it may be a small or large amount—then maybe that ex-prisoner will have difficulties which might land him or her back in prison. So these are some of the problems of adjustment that I see there. I think they are very serious.

There are psychological problems because some of the prisoners have been in prison for 10 years. They are often left to their own resources and don't know where their family is or where they can settle down.

Yes indeed, there are enormous adjustment problems. That is not the result of inherent or deep-rooted hostility within the community toward these people, not at all. But as the result of either the harassment by the authorities or intimidation and fear among people that

if they show any sympathy toward these people, they could get themselves into trouble.

Mr. FRASER. Part of the questions this afternoon related to this issue of who was involved in the 1965 coup. You indicated that while you didn't believe it was a Communist coup effort as such that there were some Communists or PKI members who were involved.

Mrs. BUDIARDJO. I think so.

Mr. FRASER. My own recollection of that period is that for Indonesia—that whole episode, the effort at the coup, and the follow-on which brought on the loss of life for hundreds of thousands of people, clearly was an enormously traumatic period for the whole country. Without trying to assess moral responsibility, it obviously would have a profound impact on anybody running the government or trying to maintain order.

I put the question in these terms because one of the things that the Indonesian authorities say is that there remains a continuing problem with respect to those they are concerned about who may be prepared to join a movement to again seek to change the government I suppose by other than legal processes.

In other words from their perspective, things still are such that they cannot be confident that there are not people plotting or planning to create difficulty for the government. So they feel there is a continuing need to keep finding out who these people are, a need for intelligence activities as far as internal security and that if this is true it would influence their attitude about the release of people whom they suspect might add to their security problems.

What would you say about that general proposition I just enunciated? Either of you?

Mrs. BUDIARDJO. To carry out any kind of opposition activity in Indonesia today by legal process is not possible. There are no opposition parties in the real sense of the term in Indonesia today.

I think the threat to Indonesia's security doesn't come from the released prisoners as far as I know. I think the major threat to Indonesia's security in the last 2 years were the student demonstrations. I am not saying that the students wanted to overthrow the Indonesian Government because those who have been tried have stated in court that that was not their objective. What I am saying is that in those days in 1973 and 1974 many groups among the students were very critical of certain things the Indonesian Government was doing. These are people who actually were very supportive in the earlier period of the military regime in Indonesia.

So I think if you want to look for security problems in Indonesia they exist within the community because of the many problems that exist and because of the many causes of unrest that exist in Indonesia. I think the student demonstrations are a shining or a very remarkable example of this. What happened of course in those days, for the record we can just say that the students were shot at, were arrested, and were very violently repressed.

If you were to ask me what would happen if the prisoners were released—this is something I am very frequently asked. Many of the political prisoners were of course active political people. I don't know if my husband would pursue his political activity in Indonesia. My feeling about it is he has probably had enough for one lifetime. But

that is for him to decide. I couldn't determine that. For other people who are released, it is up to them. I think as citizens of Indonesia it is up to them to decide what they will do in Indonesia and what they will not do. If they break the laws they are arrested. If they don't break the laws they ought not to be arrested.

Of course in the Indonesian situation it is dangerous to do anything that is critical of positions of the government.

Another point, not to dwell on this at too great length, is that I would like the subcommittee to appreciate that many people who are being held—I don't know what category they are, B, C, A, or whatever—are in a very real sense not politically conscious people. That is one thing I would like to get into the record because in my experience in the prison where I was held, there were leaders of the Gerwani, which is the women's organization, leaders of the PKI, leaders of the trade union. But there were also just very simple housewives, people who were illiterate. That is not necessarily an indication of a lack of political consciousness. But there were among these prisoners many people who have no particular political "ax to grind." I don't know that I can say this about a majority of them but quite a lot of the political prisoners are not politically conscious people and do not represent any kind of danger whether legal or illegal to the Indonesian Government. But I can't accept that as an argument to keep people in prison or without trial.

Mr. FRASER. Mr. Newmann?

Mr. NEWMANN. When I look back at the period since independence I think there are some similarities between the Sukarno and Suharto presidencies. In Indonesia, in Java particularly, there is a very important value placed on consensus. It is called "Mushawara." When people gather around and meet, people don't go up and strongly state, "I am for this" or strongly state, "I am against this." They indirectly give the sense of their opinions. The way you treat others is of extreme importance. They don't want to put someone else in an embarrassing position and point their finger and criticize.

What Sukarno did was welcome the growth of political parties in the earlier days. This resulted in horrendous factions, particularly when the Communist Party was gaining such strength in the early 1960's. I think most informed students of Indonesian politics in Indonesia and outside would agree that in the last years he was balancing off the Indonesian Communist Party with the military and with the Nationalist Party, all vying for power in ministries and so forth. As I mentioned, a lot of critics were jailed.

I think the same thing is happening today in Suharto's administration. On the one hand they do not allow these political parties to flourish. Many of them were banned after the abortive coup. There is one main government party and a few smaller ones. But there has been no political development as we know it since 1965.

Yet, there is tremendous pressure. Apparently there are factions within the military, within the government group and I guess some forces in the economy. The economists have often come to disagree with some of the military generals in charge.

There is an inherent desire to get people to agree. Yet at the same time the leadership has found it necessary to repress those groups that are in direct opposition.

If we try to examine the public information available about the coup at that time it is well confirmed that the actual assassinations of these generals were carried out under the direction of the palace guard. Colonel Untung who I believe was tried and executed.

Mr. FRASER. Who are the palace guards?

Mr. NEWMANN. This was the presidential palace guard, a man named Colonel Untung was in charge of it. Apparently the members of his guard carried out the execution of the five or six generals.

The Indonesian Government has not made materials available to universities in Indonesia, or provided the opportunity to study this period, which is understandable, I suppose.

The only detailed scholarship that I know of was done by some professors at Cornell University. I can try to get a copy of that to try to submit to the subcommittee. It details documentation of the period showing the lack of confirmation of a strong Communist-oriented movement.

[A summary of the study submitted by Mr. Newmann follows:]

[From Interim Reports Series: Modern Indonesia Project, Southeast Asia Program, Cornell University, Ithaca, N. Y., 1971]

A PRELIMINARY ANALYSIS OF THE OCTOBER 1, 1965, COUP IN INDONESIA

(By Benedict R. Anderson and Ruth T. McVey with the assistance of Frederick P. Bunnell)

PREFACE

Although numerous accounts have been published of the genesis and character of the attempted October 1965 coup in Indonesia, many important aspects of that affair still remain very unclear. The fact that in most accounts so much of the picture has been painted in black and white, and in language of categorical certainty, has served only to paper over the enormous gaps in established knowledge of the event.

During the last few years transcripts of any of the political trials held in the wake of the coup have been released by the Indonesian government. The quantity is so vast that as yet none of the attempts to reconstruct the coup has evidenced a careful scrutiny and assessment of this material. But although there now exists this plethora of trial data, there are other documents of central importance which have still not been made public. Thus, both because of the sheer quantity of some of the materials and the unavailability of others, the task of any scholarly reconstruction of the events of 1965 remains enormously difficult. Nor, of course, has the political climate in Indonesia during the last six years been conducive to dispassionate research utilizing interviews with anything like a cross-section of Indonesian opinion. It will probably be some time yet before a reasonably comprehensive and sound analysis can be written.

In his present introduction to the paper here published, Professor Anderson describes the circumstances surrounding its preparation and the reasons why it was not previously published. Indeed, because of the avowedly tentative and provisional character of this early effort, there would normally be no reason to publish it any more than there would have been to publish the scores of other preliminary drafts prepared over the years by scholars working in the Cornell Modern Indonesia Project. However, this draft has been given a unique prominence. For it has been singled out by a number of those who have subsequently written accounts of the attempted coup, among whom all too many have misrepresented the authors' ideas and cited words or phrases of theirs out of context. Thus there are special reasons now for publishing this draft in its entirety—in fairness both to the authors and to all those interested in the events of 1965—so that readers can make their own assessments rather than having to rely upon doctored extracts and tendentious interpretations by writers hostile to the hypotheses advanced by its authors.

I have found myself in disagreement with some of the views presented in this paper; however, I believe that despite the limited materials available to the authors over the few months that they collected and analyzed their data, this draft,

which they wrote at the end of 1965, contains a number of important insights and a considerable amount of significant data which other writers have not taken into account. Thus, those interested in understanding the attempted coup of 1965, particularly if they bear in mind the caveats of Professor Anderson's present introduction, should find this paper useful.

Over the past few years Mr. Anderson and Miss McVey have been engaged in collecting and analyzing the more recently available materials bearing in the attempted coup with the object of writing a comprehensive in-depth study of that event and its background. On the basis of the high level of scholarship evidenced in their previous publications, I expect that their study when completed will be the soundest and most comprehensive yet to appear.

Djakarta, June 2, 1971.

GEORGE McT. KAHIN.

INTRODUCTION

In the immediate aftermath of the abortive "coup" of October 1, 1965, it was plain that a major turning-point in the history of Indonesia had occurred. But, if this was clear, virtually everything else about Lieutenant Colonel Untung's September 30th Movement was obscure, both to outside observers and to the vast majority of Indonesians. Next to nothing was known about the identity and history of Untung himself, or of his closest associates, their motives and aspirations, and their relationships to the major longstanding protagonists in the Indonesian political drama. The obscurity that surrounded Untung's movement, combined with its historic importance as the catalyst for the inauguration of military hegemony in Indonesia on the ruins of Sukarno's Guided Democracy, immediately made it the object of widespread discussion and speculation. It was in order to develop some factual basis for a more informed discussion of the September 30th Movement, and also to work out some preliminary ideas about its genesis and place in Indonesian political history, that in the last three months of 1965, Ruth McVey, Frederick Bunnell and I began to go carefully through the metropolitan and provincial Indonesian press, exchanging information as we proceeded. It soon became clear that in spite of our rather different approaches, we were coming to quite similar conclusions. The ideas we developed were presented at a number of informal seminars at Cornell University, and, while they were criticized sharply in many important respects, the response was favorable enough to encourage us to circulate them to a somewhat wider group of friends and colleagues for their information, comments and criticisms. Accordingly, Ruth McVey and I wrote up the two pieces, which together form the text that follows.

Because of the provisional character of our analyses, and because of their controversial conclusions, we asked our colleagues to treat them confidentially. At that time, January 1966, large-scale massacres were taking place in Indonesia, and it seemed not impossible that in such an atmosphere, if it became known that we have presented a hypothesis about the "coup" which ran counter to the official version, friends and acquaintances of ours, who had no knowledge of our analysis, might yet be held accountable. Our expectation that our text would remain confined to a small group of friends and colleagues soon proved to be illusory. At least one copy was reproduced in quantity without the permission or the knowledge of ourselves and our colleagues, and was subsequently circulated in Indonesia and elsewhere. It rapidly acquired some notoriety as the so-called "Cornell Paper."

Since that time, repeated, and often highly distorted, reference has been made to this "Cornell Paper" in the growing body of literature on the Untung "coup." It is, in part, in order to rectify these distortions for the historiographic record that we are publishing the "Cornell Paper" at this late date. So that the record will be absolutely clear, no attempt has been made to improve, update or otherwise change the original text, even though, as a rough draft intended for circulation among close friends and colleagues, it contains some off-the-cuff remarks couched in an informal style which would be quite out of place in a regular academic presentation.

Historiography aside, we believe that our text has intrinsic scholarly value in itself. Since it is based in considerable degree on an intensive combing of the contemporary (September-December 1965) metropolitan and provincial press, it contains significant data which has not been published elsewhere and may be of use to other students of the October 1, 1965 Affair. This data may be the more useful insofar as no full-length scholarly study of the Affair has yet appeared, though five years have elapsed since Untung's movement collapsed.

Our text also focusses on certain aspects of Indonesian politics which have been somewhat neglected in the scholarly literature. The first of these is the political volatility and complexity of the Indonesian military. That this aspect of Indonesian politics should have been largely overlooked is all the more surprising in that the history of the Army in particular has been marked by intermittent turmoil from the moment of its formation in 1945. The July 3, 1946 Affair, the 1948 Madiun Affair, the October 17, 1952 Affair, the June 27, 1955 Affair, the August 13, 1956 Affair, the abortive November 1956 coup, the military dissidence in the Outer Islands in 1957 and the PRRI-Permesta Rebellion of 1958 represent only the major crises that the Army experienced as it transformed itself from a decentralized, popular guerrilla force into a more professional centralized ruling group. While a great deal of attention has been paid to some of the other major actors in Indonesian politics, most notably President Sukarno and the Indonesian Communist Party, no comparable attention has been devoted to the politics of the group that brought about their downfall. If our text helps to stimulate serious political and sociological study of the Indonesian military, it will have served a useful function.

Secondly, our study tentatively tries to develop a perspective on Indonesian politics which does not concentrate exclusively either on the metropolitan elite in Djakarta or on isolated provincial centers, but rather on the frequently antagonistic interaction between the two. This perspective would highlight the great cultural chasm between the Westernized, polyglot and commercial world of the capital city and the traditionalist, but often radical-populist society of the impoverished Javanese hinterland. Existing studies of Indonesian political culture have tended to stress the vertical cleavages between the *santri* and *abangan aliran*, inter-ethnic competition, or the conflict between "Javanese-aristocratic" and "Islamic-entrepreneurial" orientations. What we are suggesting here is that the rapid social and political changes that have taken place since independence have generated a new type of cleavage, in part rooted in older divisions, but primarily deriving from the ambiguous position of Djakarta as the border area between the world of the great powers and the world of rural and small-town Java. Looked at another way, we are proposing that Java is just as much a *daerah* (region) vis-a-vis the center as are the various Outer Islands, and that it has its own style for expressing its *daerah*-ist dissent.

If these are the strengths of the text as they appear to us in 1971, we are no less aware of its many weaknesses. We probably concentrated too much on events in Central Java at the expense of other provinces as well as the capital city. The text clearly suffers from a serious lack of knowledge of the internal politics of the Indonesian Air Force, Navy and Police, all of which took a hand in the crisis. Because we were primarily concerned with discovering as much as we could about Untung and his friends, we neglected to offer any extended or sophisticated analysis of the dynamics of late Guided Democracy. We paid insufficient attention to the activities of Sukarno, the Army High Command, the Communist and other major political parties, in the months prior to the "coup." The result of this concentration on Untung and his associates is that the major groups of Indonesian politics emerge in the text surrounded with a certain aura of passivity. While it may indeed be that Sukarno, the Generals, the Communist leaders and others were as bewildered on October 1, 1965 as the text suggests, this should not obscure the fact that all of them had been engaged for months and years beforehand in complex political maneuverings which in their totality generated the situation which led Untung to act.

Furthermore, the data on which our text is based, while clearly important, are partial in their scope and do not include the great mass of material contained in the transcripts of the political trials that have been held since early 1966. Furthermore, our subsequent research on developments in the last years of Guided Democracy has convinced us that parts of our analysis were unbalanced and overly schematic. We regret that pressures of other academic commitments have so far prevented us from publishing an up-to-date analysis which would take full account of the new data now available. But it is the hope of Ruth McVey and myself that we will be able, in the not too distant future, to prepare the lengthy study that the subject deserves.

BENEDICT R. ANDERSON,
Cornell University.

JUNE 1971.

JANUARY 10, 1966.

DEAR ———: We have attempted to reconstruct the events immediately surrounding the Indonesian coup of October 1, 1965, in order to share the information we have collected thus far, and to present our ideas on the origin and course of the

affair. The accompanying report is a provisional description furnished for you to think about, comment on, and we hope, add to.

We thought it important to circulate this interpretation even in its present incomplete state because the sponsorship we assign to the coup is not one that has usually been considered; and we feared that if we waited until a definitive history could be undertaken the tracks of this group, and of others involved, might have been successfully wiped from the sands of time. You will understand, however, that because of the provisional character of the analysis, and because of the repercussions which knowledge of this report may arouse in some places, we do not wish it to receive further circulation. This copy, therefore, is for your eyes only. The material in it is common property; feel free to use it as you wish in publication, but please do not refer in any way to this document.

We look forward to receiving your comments, and we hope that if you receive information on the events surrounding the coup which might help fill out or alter the story, you will share it with us and with others. For it is only by putting the bits and pieces together over time that we can hope, with luck, to arrive at the full truth of the matter.

SYNOPSIS OF THE COUP ANALYSIS

The weight of the evidence so far assembled and the (admittedly always fragile) logic of probabilities indicate that the coup of October 1, 1965, was neither the work of the PKI nor of Soekarno himself. Though both were deeply involved, it was after the coup plans were well under way. They were more the victims than the initiators of events. The PKI was entangled before it knew what was happening; Soekarno mistakenly attempted to take advantage of the situation created by the deaths of six of his top Generals. The actual originators of the coup are to be found not in Djakarta, but in Central Java, among middle-level Army officers in Semarang, at the Headquarters of the Seventh (Diponegoro) Territorial Division.

The Diponegoro Division is the most Javanese of the major constituent units of the Indonesian Army, and displays much of the typical character of rural and small-town Central Java, both psychologically and sociologically. It shares with the society round it an intense pride in Javanese ways of life, a suspicion of outsiders (Westerners, Chinese, Indians, etc.). It has a deep faith in intuition and introspection; it feels strongly hostile to what it sees as metropolitan decadence of Djakarta, nostalgic for the days of the national revolution when Army and people were as nearly united as they ever could be. It is also intensely aware of the fissures in Javanese society which have been exacerbated by the penetration of "outside" ideologies, and intensely frustrated by the stalemate of Indonesian politics, the deteriorating economy, and the spiritual decline evinced by widespread corruption, "materialism", and Westernized life-styles. Though undoubtedly many of the Diponegoro troops were successfully brought over to the Communists' persuasion, the great majority, including the group which carried out the coup, are "young officer" types—Javanese style of course—who are not basically ideological at all and can probably more easily turn to "Fascism" of the Japanese type than to any real Socialism or Communism. There is, in fact, good reason to assume that at least the "brains" of the affair which seem to have included the Head of Army Intelligence for Central Java, as well as an American-trained Brigadier-General were strongly anti-Communist. They were, however, prepared to use the PKI for limited purposes to achieve their own quite separate goals. As we shall see, throughout the coup they kept the PKI completely bamboozled and under their own control.

The main objective of this Diponegoro group appears to have been the violent elimination of the political generals of the General Staff, who in their view had committed the cardinal sins of succumbing to the corruptions of Djakarta elite society, neglecting their former subordinates (General Yani and several others had been former Diponegoro officers), and consistently opposing and thwarting President Soekarno's external and internal policies—the first by silently undermining the Confrontation with Malaysia, and maintaining close ties with the United States, the second by strongly resisting the "radicalization" of politics, and the restoration of the revolutionary spirit of 1945, and by being so obsessed with the Communist problem that they were unable or unwilling to do anything to help develop the country. Suspicion and distrust of the General Staff was undoubtedly fanned by persistent rumors that some key Generals had been paid off by the CIA, regardless of the real truth of the charges. Undoubtedly private ambitions, dislikes, and frustrations also helped to goad the conspirators to action.

It appears that once having removed the political officers of the General Staff, the Diponegoro group expected Soekarno to resume full command of the country, and of an army in which they themselves or men they trusted would hold the key positions. Younger men whose promotions had been long delayed (Nasution had led the Army on and off for almost 15 years) would move up, the corrupt would be eliminated, and Javanese not Dutch would become the inside language of the military high command. There is no doubt at all that the conspirators, while suspecting that Soekarno might shun violent methods himself, believed that once the physical elimination of the generals had been accomplished, he would be thankful to be rid of his main political opponents, and would *post facto* reward his unexpected benefactors. Thus the coup was not intended against Soekarno, as many observers have claimed. Most of the conspirators' actions on the first of October are only to be explained as increasingly desperate efforts to persuade Soekarno to give them clear public support.

The timing of the coup appears to have been determined by a lucky series of "coincidences". First a trusted former subordinate of the Head of Army Intelligence for Central Java, namely Lieutenant-Colonel Untung, was transferred to Djakarta in early 1965 to become the commander of one of the three elite battalions in the Tjakrabirawa Palace Guard. The Diponegoro group now had "Their Man in Djakarta"—indeed in the Palace itself. Secondly, the great obstacle to success, the difficulty of finding a suitable pretext for bringing Diponegoro to Djakarta without arousing suspicion, was solved by the massive celebrations planned October 5 for the 20th Anniversary of Armed Forces Day. Traditionally each of the three Territorial Divisions on Java sent a crack battalion to take part in the military parades and demonstrations, and the Semarang officers appear to have arranged that the unit sent to Djakarta from Central Java was Battalion 454, which was not only ideologically in sympathy with them, but had quite recently been under Untung's command. Thirdly, although all the top generals were in Djakarta in preparation for Armed Forces Day, virtually all the top civilian leaders of any real political weight (Subandrio, Ali Sastromidjojo, Chaerul Saleh, Lukman, Njoto, etc.) were out of Djakarta, either in China or in Sumatra, so that the capital city was to an unusual degree in "military" hands, and free from civilian politicians.

Although Untung's strategic position made him the key to the whole coup, he was certainly not the "brains" of the affair, even in Djakarta. Other higher-ranking officers such as Col. Latief and Brig. Gen. Supardjo were also in the capital. Between these three, contacts were developed with like-thinking elements in the Indonesian Air Force, chiefly a small group of Majors at Air Force Headquarters and at the large Halim Perdanakusumah Airbase just outside Djakarta. The Air Force has had a long history of embittered rivalry with the Army, especially at the higher levels. The Army General Staff's effective withdrawal of support for the North Borneo campaign, which was officially under the direction of Air Marshal Omar Dhani, certainly increased this hostility. The role assigned to these Air Force Majors was twofold: (a) while not participating in the actual removal of the generals, they undertook to make the airbase available for Untung and his group, both as a 'sanctuary' where Soekarno and other political notables could be kept in secure isolation, and as the ideal place for maintaining rapid communications with Central Java; (b) if possible they would secure Omar Dhani's voluntary consent to all this. If not, they would 'take him into custody' and use him to bring in uninitiated Air Force 'outsiders' behind the coup.

The coup group seems also to have planned to exploit the PKI. On the one hand, they intended to use a very limited, fully controlled participation of lower level PKI elements both to flesh out their very limited manpower and to ensure that Soekarno would go along with them, since he would feel that with overt PKI participation, his whole "left", Nasakom politique against the Generals would be at stake. If vengeful rightist army officers were not to use PKI involvement to discredit this basic politique and perhaps destroy the PKI, Soekarno would (they hoped) feel all the more bound to give full support to their putsch. To make the point still clearer to Soekarno, and to prevent independent action by the Communists, Aidit was to be removed from his home and brought to the Halim Airbase. As we shall see, while the coup leaders subsequently gave nominal room to the PKI on their Revolutionary Council, they made no move to encourage the PKI to come out on the streets, kept the top PKI leader virtually incarcerated, and completely failed to enlighten other PKI leaders as to what was really afoot. The PKI remained completely at sea for the entire period of Untung's control of the capital.

The announcement of Untung's assumption of power over Djakarta Radio was to be the signal for his fellow-conspirators in Semarang and other parts of Central Java to move. The first step would be a strictly military coup in Semarang, against the Divisional Commander, Brig. Gen. Surjosumpeno. Similar military actions would follow in Jogjakarta, Surakarta and Salatiga, the key towns of Central Java. (As we shall see, nothing of the sort happened anywhere else in Indonesia, not even in East Java, where there are many powerful centres of Communist strength, but where, naturally, it was the Eighth (Brawidjaja), not the Seventh (Diponegoro) Division, which was in control.)

The coup was carried out largely to plan. But nonetheless three crucial mistakes were made: (1) General Suharto and General Umar, whom the coup group had assumed would be neutral or even favorable to their initiative, took swift and effective action in Djakarta to rally the bewildered army, navy and police against the coup. (2) The Diponegoro Division Commander managed to escape arrest and rally anti-coup support in Magelang. (3) When the "crunch" came, Soekarno hesitated and delayed making a decisive public declaration, till it became clear that any such proclamation would unleash civil war (since Suharto and West Java were on the move) rather than crown a successful internal Army coup. At this point Soekarno withdrew any hope of further cooperation with Untung, though he had by this time sufficiently compromised himself in Army eyes to make it unlikely he would ever regain his old unquestioned supremacy. Although apparently with Soekarno's blessing Aidit seems to have done his best to restrain the PKI from making any political response to the group's actions in Central Java (and was largely successful), Untung's involvement of Gerwani and Pemuda Rakjat people in the killing of the Generals, and a foolish hesitant editorial in the *Harian Rakjat* of October 2, were more than enough for the Army to ride a tide of public indignation, and destroy both the PKI and Soekarno's hopes for a Nasakom state. Since the coup (though the Army has privately begun a heavy internal purge and has insisted that the Air Force do the same), the Army has been largely successful in pinning the blame for what happened on the PKI (and, *sub rosa*, on Soekarno), both because of actual PKI involvement, however confused, and because all groups now in power wish to believe it, since for years they lived in growing fear of a possible PKI takeover.

Mr. NEWMANN. Nevertheless we do know what the Indonesian Government has said. We do know about the killings and political prisoners. So there is still a very strong fear of any kind of leftist activity.

As Carmel mentioned, in 1973 and 1974 the students were becoming more critical, not so much of the politics of the Suharto regime but of corruption within the government as well as a lack of distribution of economic opportunity throughout the countryside due to vast foreign investment and multinational corporation interests.

These issues were bothering the students. On several occasions, meetings which the students wanted to hold at universities were banned. They were not allowed to assemble. Arrests were made as well, after those—January 1974—riots.

Beyond the political prisoner problem there are real problems of true academic freedom, freedom to assemble and freedom of the press, again pointing to the importance of this interest in human rights.

I think it is important to draw a distinction between the committee's interest in trying to maintain universal human rights versus mixing it up with particular politics. I think that is the danger that existed this afternoon.

Mr. FRASER. You say the danger—

Mr. NEWMANN. Excuse me. In my mind that is what happened this afternoon. It was my first opportunity to appear before a sub-committee. I was taken aback by the lack of questioning in the human rights field, other than your own.

Mr. FRASER. It is a natural tendency on the part of all of us to wonder why someone is interested in the subject. It is a natural inquiry although it was carried out with more vigor this afternoon than usual.

We have kept you here at some length. Is there any sort of closing statement either of you would like to make? Anything we haven't covered?

I recognize that we are not getting into as much of the detail as might be desirable. We have had, I think, a good statement from both of you about the problem as you see it.

Let me just come back though on this question of release. Supposing all the so-called C category or B people were released, would the government in your judgment have reason to believe that this would substantially increase their security problems?

Mr. NEWMANN. I think the government itself feels that it would increase their security problem. My own judgment is no. I feel that the government has more power to control now than they really realize, certainly more than they did in 1971 during the elections, which hand over fist supported this government party. But yet there were still scores of reports in the Indonesian press and from individuals of the hardhanded ways in which villagers were forced to vote for the government party.

I look upon it as an unrealistic fear. There hasn't been any meaningful political organization in Indonesia for 10 years. I don't see the basis for any realistic fear should these 35,000 or 50,000 people be released.

It is clear by the government's actions that they really do fear this. It is again exemplary or repetitive of Indonesian politics in the Sukarno period. Yet the magnitude is much different. Mr. Hays was just simply factually incorrect in terms of the magnitude of political prisoners during the Sukarno period versus Suharto. The Indonesian Government recognizes that there are far more political prisoners being held, witnessed by the various ways in which they have tried to deal with these in the years 1966 through 1969 when there were 100,000 or more.

Trying to be an objective observer, I really can't see the substance of the fear that these people would cause security problems.

Mrs. BUDIARDJO. Perhaps I can just add something on that. My husband spent 10 months out of prison. He had the first 2 years in prison. Then he had a period of freedom, the 10 months from November 1967 to September 1968, when he was rearrested and I was arrested.

I think you have to understand the very heavy supervision that is imposed upon a person in a situation like that. He wouldn't have dreamed of doing anything political during that period. In fact he went to almost a completely reverse position. I was dismayed to see this because the experience had so shattered his confidence in any kind of political activity. This is because of the terrible experience he had in those 2 years. He realized how vulnerable he was as an ex-political prisoner, how easy it would be to pick on him if he did the slightest thing, even going to see people. Well, we had no friends, of course—you couldn't see old friends because they were afraid of having you to their house. If you were seen with an ex-political prisoner, people would feel you were organizing. So you wouldn't even do that. You

would just sit at home and do nothing, which is how my husband spent that 10 months. It was a tragic thing to see.

But to me—I think this reaction that I saw in my husband is typical. Before 1965 he was a political being. So basing myself on his own experience of when he was free, I think it is nonsense in many cases to regard these as people who are a threat to the country's security.

Mr. FRASER. Do either of you have any knowledge of the role of the ICRC, any special knowledge?

Mrs. BUDIARDJO. I have a bit, yes.

Mr. NEWMANN. I don't have any direct knowledge. I know they visited there. I think one of the documents Carmel has from an Indonesian in prison states the conditions under which the prison was prepared for visits.

Mrs. Budiardjo can you just give me a minute to find it?

Mr. FRASER. Sure.

Mrs. BUDIARDJO. I have got it here. This is a document I referred to earlier that came into my hands. As I was preparing this testimony it was sent to me. It deals with the prison situation in East Java. This is a recently written account.

[Excerpt from the letter referred to follows:]

LETTER FROM A PRISONER IN EAST JAVA

(i) Another important event to report is the visit by an International Red Cross delegation to investigate the conditions of *tapols* in Malang. Before the delegation's arrival, 18 *tapols*, five of whom were sick, were removed and taken to the Den Pom 083 (military headquarters) so as to prevent them from talking to the delegation. The removal of these 18 persons proves that the prison authorities were afraid that the secrets of their bestiality would be exposed and described to the delegation. According to information, tight precautions were taken at the time of the delegation's visit, which occurred on 5th September 1974, in order to prevent the delegation from making direct contact with the *tapols*. But the head of the delegation, Dr. Remy Russbach MD took a firm stand and said that the visit had the approval of the Indonesian Government. He expressed dissatisfaction with the way he was being treated as he was not permitted to conduct an unrestricted inspection. After permission was granted, he managed to escape supervision and entered some blocks to converse with several *tapols*. When he left, he managed to take with him a plastic bag containing a ration of food to prove how badly the *tapols* are being treated. (Without help from their families, it is impossible for the *tapols* to survive. Many would die from starvation, as indeed has happened in Surabaya.) The commanders informants told the commander about these secret interviews and as a result, three *tapols* were severely beaten in the prison yard, but thanks to their bravery, nothing escaped from their lips.

After the delegation's visit to Malang, the *tapols* began to receive vitamins and those who were ill were taken for treatment to Sukun Army Hospital. During Sulaiman's term of duty, sixteen *tapols* have died as a result of lack of medical treatment. Unfortunately, the delegation did not visit another smaller prison where eight women *tapols* are being held in conditions that are far worse than those of the men.

Mrs. BUDIARDJO. I just read that as a typical example of what happens when a Red Cross mission goes in. That happened also in 1971 when I was aware that a Red Cross mission came into the prison to which I was moved. The Red Cross mission was not allowed to speak to the prisoners. There were no interviews permitted and nobody did what this particular Red Cross chief did. They therefore were given in fact a false picture of the situation in the prison.

For example the prison where I was held was divided into two. One was for criminal prisoners, which was under civil administration. One was for political prisoners, which was under military administration.

The civil prisoners had a very large spacious well-equipped kitchen. The political prisoners had a very meager, badly equipped one, with a leaky roof and the equipment, the stove, and so on in there was hopeless and always breaking down.

The Red Cross mission that came in was shown the kitchen of the civil administration and was not shown the kitchen of the political prisoners' administration.

The result of course is that the Red Cross mission went out of that prison having quite a false impression of what the prisoners' conditions were.

Mr. FRASER. No interviews?

Mrs. BUDIARDJO. No, it was not permitted.

Mr. FRASER. Normally the Red Cross requires the opportunity.

Mrs. BUDIARDJO. I would have expected that. In 1972 I went to Geneva. I raised this question with people on the staff of the Red Cross. I expressed my concern and I gave a report to the Red Cross about my concern, that they had come in like that and whether they had given assurances that they would be allowed to interview, I don't know. We were on the receiving end. But the fact is that they didn't hold any interviews. This was generally the procedure.

There was also one occasion when an Indonesian Red Cross mission came in. They didn't speak to prisoners either. It just happened that the head of the mission knew one of the prisoners and he just passed the time of day with her. But there was no interview.

Mr. FRASER. Just one last question. Do either of you have any view as to whether or not continued U.S. military assistance to Indonesia affects the human right situation in Indonesia?

Let me rephrase it. If there were a termination of aid other than the political effect it might have is there any reason to think it would alter the government's capacity in relation to human rights?

Mr. NEWMANN. The Indonesian Government has all the military capacity they need. I think the U.S. Congress interest in introducing the preservation of universally recognized human rights into its aid legislation is a very appropriate way to try to insure those rights throughout the world.

I would imagine the Indonesian Government's interest in our economic and military aid is such that they would probably be inclined to improve the situation of human rights in Indonesia if that aid would be reduced because of the human rights problem in that country.

I think in the last year there are many signs pointing to the Indonesian Government's recognizing of Congress interest. Such as the visit of Ali Mortopo and the recent announcement of releases. The financial condition of the country, due to the state oil company overextending itself, is very weak. They need all the foreign exchange they can get.

They are the largest nation in Southeast Asia which is taking such a strong stance against what they call the threat from the north. They welcome military aid, as you know.

I would think the possibility of eliminating military aid to Indonesia based on these human rights concerns is a very positive approach for human rights in Indonesia.

Mrs. BUDIARDJO. I wouldn't add anything to the points that John Newmann made. Generally speaking, I would agree with him. But I

feel there are some aspects which need investigation. It is the fact that a lot of military officers, including those within the intelligence forces in the Indonesian Army, have received training in U.S. establishments either in the United States or in other installations, Okinawa and Guam. I am not sure. Certainly in Okinawa.

These are the people who are basically in charge now of the political prisoners. I know that a lot of Indonesian police officers have received training at the International Police Academy in the United States. What the status of that police academy is today I am really not quiet clear. I understand it has been closed down. Its function may have been taken over by other institutions. I am not sure about that.

But I think the committee would do well to consider the extent to which intelligence officers are or have been getting training within the military training program in the past or present and future, using the skills they have obtained during this training for implementation of repressive action in general and specifically repression with regard to the political prisoners, the methods of interrogation. There are methods of interrogation quite definitely, systems of interrogation, which are learned. These are not just things that people do out of ferocity or out of brutality although there is certainly some of that to it. There is a systemization to interrogation that is taught. I think it is a matter of concern as to how much of this training is obtained through the auspices of military training programs and made available through the use of the U.S. military aid program to Indonesia.

If you would investigate and see that this does not happen in the future it would inevitably change the situation. I think this question needs investigation.

Mr. FRASER. I have run out of questions.

Mr. NEWMANN. My only suggestion in addition to written testimony would be that the committee pursue hearings on this issue in an attempt to get a wider supplement of knowledge about Indonesia so that the committee has a more general view of what people understand to be the case. I imagine that in the new year you will have that opportunity. Many people, I think, would be willing to respond to you.

Mrs. BUDIARDJO. I have just one closing remark. I am thankful to the subcommittee, as I said in my statement, for this opportunity and also for the questions which have been asked here.

But I must also say quite candidly that I haven't been subjected to the kind of abuse that I was subjected to here today—I must say this quite honestly, to record my views—since I was interrogated by intelligence officers in prison. I would end with that remark.

Mr. FRASER. I can appreciate your feelings. We recognize that witnesses do feel put upon sometimes. But as long as everybody gets to talk and say what they believe—we are unable really to restrict each other as members. Often the members make strong statements which I know are uncomfortable.

But I appreciate the way in which both of you have responded. It has been very helpful.

Thank you very much.

Mrs. BUDIARDJO. Thank you.

Mr. NEWMANN. Thank you.

Mr. FRASER. The subcommittee is adjourned.

[Whereupon, at 6:15 p.m. the subcommittee adjourned, to reconvene at the call of the Chair.]

HUMAN RIGHTS IN INDONESIA AND THE PHILIPPINES

MONDAY, MAY 3, 1976

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
Washington, D.C.

The subcommittee met at 2 p.m., in room 2255, Rayburn House Office Building, Hon. Donald M. Fraser (chairman of the subcommittee) presiding.

Mr. FRASER. Today the subcommittee resumes its consideration of human rights in Indonesia and the Philippines.

The Congress has amended the Foreign Assistance Act to strengthen the provisions concerning security assistance and human rights. Under the provisions of section 502B, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of human rights unless there are extraordinary circumstances justifying such assistance.¹

Each year, the President is required to submit a report to Congress on the status of human rights in each country for which security assistance is proposed.² Moreover, at any time during the year Congress may require a special report with respect to a particular country. Following receipt of such report, Congress may terminate the security assistance to that country by joint resolution.

The governments of the Philippines and Indonesia are recipient of large amounts of grant military assistance and foreign military credits. The United States and the Philippines have begun negotiations on the air and naval base agreements which could result in new pledges of security assistance. Both of these countries face serious human rights difficulties.

Since President Marcos declared martial law in 1972, civil liberties have been drastically curtailed and many persons remain in jail for expressing opposition to President Marcos. In Indonesia the violation of human rights is most tragically exemplified by the more than 35,000 political prisoners who have been detained since 1965.

Our witnesses today are the Rev. Larold Schulz, executive director, Center for Social Action of the United Church of Christ and Dr. George Otto, Conference Minister of the Rocky Mountain Conference of the United Church. Rev. Schulz and Dr. Otto recently visited both Indonesia and the Philippines.

¹ For sec. 502 of the Foreign Assistance Act see appendix 1, p. 99.

² For report to Congress on the implementation of 502B see appendix 3, p. 108. This report was filed under the original version of sec. 502B.

Our other two witnesses will testify solely on Indonesia. Col. George Benson is associated with the Pertamina Oil Corp. of Indonesia. Prior to retiring from the U.S. Army, he served for 9 years with the U.S. Embassy in Indonesia. Prof. Ben Anderson is associated with the Cornell Modern Indonesia Project and has been a student of Indonesian affairs for many years.

I think perhaps we will proceed this afternoon with all of the witnesses appearing as a panel, after giving their statements, if that is agreeable. We will start now with Rev. Larold Schulz.

**STATEMENT OF REV. LAROLD K. SCHULZ, EXECUTIVE DIRECTOR,
CENTER FOR SOCIAL ACTION, UNITED CHURCH OF CHRIST**

Mr. SCHULZ. Thank you, Mr. Chairman and members of the committee. Dr. Otto is on his way and will join me later.

I would like to first state that the information in the written testimony is information that came to us during our visits to the Philippines and Indonesia. It is based on what we consider reliable sources.

We have long been concerned about the condition of human rights and justice in both countries and on the basis of information which was available to us before we went to those countries, we did make contact with a broad number of groups in an attempt to get further information about the situation in relation to human rights, both in the Philippines and Indonesia.

First, I would like to comment on the Philippines.

Let me ask, Mr. Chairman, do you want me to read this whole document or since it is before you, can I just comment on some of the highlights? What would be most useful?

Mr. FRASER. If it is agreeable to you, we would accept your statement and include the entire written statement in the record.

Mr. SCHULZ. I would like to do that.

Mr. FRASER. Without objection, we will incorporate your statement in the record and you can summarize.

Mr. SCHULZ. I would like to point out two or three major items which are contained in the written report. One is our impressions of and the information we gathered from our visit to Camp Olivas. Camp Olivas in Pampanga is one of the prisons where political prisoners are detained.

We met with Father Edico de la Torre and 18 others who had been detained since 1974. Our primary discussion with these prisoners was to determine the extent of the torture to which they had been subjected. We found out from them that every one of the prisoners had undergone torture except Father de la Torre. When asked why he felt he had not been tortured, he said it is because he is an ordained priest in the church.

We learned in the discussions that the type of torture which they had undergone was, from our understanding of human justice, completely beyond comprehension. I say at the bottom of page 2 what specifically some of it was.

We were deeply concerned about the way in which the women had been treated. We felt in some ways that the torture they had undergone was more malicious, although, we cannot say whether it hurt more or took more of a toll, but at least it was malicious and degrading.

We felt that the conditions under which the prisoners were being kept was, what we would call by all standards, adequate. That is to say, that our impression of the prison situation was that it would be acceptable in most countries. But what we are talking about is the torture that the persons went through after they had been arrested. We felt very strongly the pervasiveness of fear, and this inhibited the efforts of groups to organize around particular issues which concerned them.

I indicate in the testimony that it was not clear to the prisoners why they were in prison. I think that is a critical problem; that although some prisoners may now have a statement sworn out against them, most of the prisoners are not clear why they are in prison. They have been kept without charge and this creates a condition of fear. There are indications that some prisoners are aware that they were perhaps violating one of the decrees. That is to say, that there were several persons who were carpenters and they agreed that in the course of their work they had talked about the possibility of organizing together on a construction project that they had been working on to see if they could get their pay scale raised. They vaguely think that their arrest and their discussions about getting their pay scale raised are related.

I think this is a critical problem in terms of our understanding of the justice system; that they did not know for sure why they were there. I must say that part of my feelings about this comes from my own fear of being caught while we were in the Philippines.

In our discussions with people in the community, the primary concern was the effort being made by the Marcos regime to "clean up Manila," and to move poor people out of Manila into the countryside. We visited one of the sites to which people who lived in what are called "slums" in Manila had been removed, some distance from the city. There are no jobs and no housing when they get there. They have to build their own housing out of packing boards and crates. They have done it before and they are doing it again. The job situation in the country is such that the breadwinner is forced to take a bus at some expense into the city. Their pay scale is so low that it takes a large amount of their income to commute on a daily basis. So what the breadwinner has to do is to go in on Monday morning, find some place to live, which is difficult, and then come back on Friday evening. This is one of the great concerns that the community organization Zoto is addressing in the Tondo area of Manila.

We were constantly exposed to a sense of turmoil in our visit to Mindanao. Frankly, we were somewhat worried about our own safety. Just one anecdote about that—we were in the compound at Dansanlan College and it got dark and all of a sudden we started hearing police whistles and some of us began to wonder what the police whistles were. We asked our hosts about the whistles and we were told that they were the guards whistling back and forth. We asked why, and were told they had to notify each other that they were still alive. All night I tried to sleep with police whistles and a guard outside my window. During that night, the young man that I mentioned in the testimony was murdered there.

To think that this violent situation is limited to Mindanao would be a mistake. We heard a story from Senator Solonga about the incident of a shoemaker who had been arrested and nobody understood the reason for his arrest. Before the family was able to locate him he had been murdered. Our understanding of the reason was because a tenant who had rented from him had gotten upset by the fact that the shoemaker wanted to increase the rent and she had complained to a friend in the Government and the friend took care of the situation for her. This is to say that the violence that has existed for many years in the Philippines continues and today exists under the aegis of military force in the Government.

While we were in the Philippines there was an ambush in the northern section of Luzon and military people were killed in that. Part of our group was not far from where that took place on the preceding day. In fact, the day that we were in Illigan City, five persons were ambushed in a jeep and killed. We were in a jeep which had blood on the floor and bullet holes in it and when we inquired we discovered we were in a jeep in which five people had been ambushed and killed last December.

I want to make—and I think I am—the impression that it is a situation, in turmoil, and I also want to say that the information we received clearly indicates that the major reason for the maintenance of the Marcos regime is the support of the U.S. Government.

Our visit to Indonesia did not provide us with as much inside information. We did sense, however, the strong repressive nature of the government in Indonesia. It was obvious from our discussions with people both inside the church and people in the community that they were not free to talk as we felt people in some other countries do about the situation in which they find themselves.

I noticed in your introductory remarks that you mentioned the number 35,000—political prisoners. That is the figure that we have heard in the United States. The figure that we were given and which I have in reports here from sources that work with prisoners in Indonesia was that the number of prisoners is closer to 100,000. Perhaps all of these prisoners are not now in prison. That is what I was unclear about. Some of them may have been released.

The figure has been cited that approximately 500,000 persons were killed within a short period after the 1965 coup. In talking with people in Indonesia, the figure that we received was between 750,000 and a million.

These are the concerns that we would like to lift out of our testimony. We would be happy to have any questions directly about statements which we make in the testimony and have made orally.¹

[The prepared statement of Reverend Schulz follows:]

PREPARED STATEMENT OF REV. LAROLD K. SCHULZ, EXECUTIVE DIRECTOR,
CENTER FOR SOCIAL ACTION, UNITED CHURCH OF CHRIST

This statement is submitted by Rev. Larold K. Schulz, Executive Director of the Center for Social Action of the United Church of Christ. He is accompanied by Dr. George Otto, Conference Minister, Rocky Mountain Conference, United Church of Christ.

¹ The Embassy of the Philippines replied to the allegations in the above statement, see appendix 4, p. 116.

The United Church of Christ is one of the major Protestant denominations with just under two million members in about 6,900 local churches.

This testimony is based on firsthand information we received during a recent visit to the Philippines and Indonesia, as part of a study seminar of United Church of Christ staff. The seminar also included trips to India and Japan.

Our sources of information were broadly representative of the people in all the countries we visited. We received information on the economic, social and political aspects of the country.

We would first like to comment on the Philippines. We were in that country for seven days. Our itinerary took us to Manila and surrounding areas as well as to Baguio in the North and Mindanao in the South. We visited prison camps, talked to Filipinos of various political beliefs and economic status.

The information from these sources indicates that there is torture, and cruel, inhuman and degrading treatment and punishment of political prisoners in the Philippines. They are subjected to long detention without charges or trial, and have no recourse to due process.

Some of us had the opportunity while we were there to visit prisoners detained in Camp Olivias in Pampanga. Before we left on our trip we had heard of the maltreatment in this camp especially by a military unit called the MU2.

The group of prisoners we saw, all political prisoners, included Fr. Edicio de la Torre and others who had been arrested along with him. They had been on a hunger strike for the past several months in protest against the use of torture and violence as well as against their prolonged detention without clear charges or trial. They were arrested in December, 1974.

Our visit with this group was arranged by General Fidel Ramos, a nephew of Ferdinand Marcos and head of the Philippine Constabulary and National Police, Force.

General Ramos provided us transportation from Manila to Camp Olivias several miles away. When we arrived, we went to the camp commandant and handed him a list of the names of the prisoners we wanted to see. He was visibly shocked. He asked us how we got their names and was surprised to learn that information about their detention had reached the U.S.

We were allowed to see the prisoners alone for an hour and a half in which time they talked freely of their experiences. They came from middle to lower middle economic backgrounds and hardly any of them have had any political involvement except those involving union organizing.

With the exception of Fr. de la Torre, who is well-known nationally, all of them had been systematically tortured after their arrest. They described the variety of torture inflicted on them. It was an appalling story. Of the group of 18, 6 were subjected to electric shocks applied to their genitals, causing one of them to urinate blood. The instrument used was described by one as a Cranker Dynamo. In addition, they and others were pistol-whipped, repeatedly mauled, burned with cigarette butts. One man, Cenon Zembrano, had a flat iron applied to the soles of his feet. Another man was forced to masturbate in front of his tormentors. All had been tortured in one form or another. They also told us that everyone they knew of in that camp had been tortured.

We asked why the government continued to torture the persons it arrested. Their response: that torture has provided the government with a great deal of information and even if they extracted information from only a small percentage of those arrested, the government feels it is to their advantage to torture all in hopes of increasing that percentage. We asked what kinds of information the government sought. They replied, information on other persons hostile to the regime. Evidently this category included a wide latitude of individuals from mere questioning to those with really hostile intentions. In our discussion, we saw that this particular group's protests were generally related to economic justice and were in no way meant to indicate a violent overthrow of the Marcos government.

After having talked with this group, we asked to see some women prisoners including two women who were wives of the men to whom we talked in the first group. The women had also been tortured, perhaps more so in some cases than the men; they had been sexually abused and in most cases held incommunicado for long periods of time. In a more recent case, a woman was so badly tortured she had to spend 21 days in the safehouse. A safehouse is an isolated and oftentimes soundproofed place where prisoners are brought to be tortured.

Two of the women had given birth while in prison. Their babies are 10 months old now and the conditions under which they were forced to exist had made them sick. These mothers' continued detention was in violation of instructions which had been established by the Marcos regime, upon the prodding of the Philippine

church, which provides that in cases involving families with children, both parents were not to be detained at the same time.

In discussions with other persons in the underground and those "above ground" (including ministers and civic leaders) we learned of various other cases in which Filipinos have been arrested, tortured and in some cases met death at the hands of the Philippine military and police. It was clear to us that torture, maltreatment and death is common in the Marcos prison camps.

Outside the prison camps, there also existed an atmosphere of fear. We made contacts with the underground with great trepidation and fear for our personal safety. We had to be highly secretive and were constantly worried about being watched.

We managed to meet Trinidad Herrera, an organizer in Tondo, one of the slum areas of Manila, under the mantle of intense secrecy and security precautions. She is now one of the most wanted people in the Philippines because she has stood up for the rights of the poor people of Tondo. She had bucked Imelda Marcos, the new Mayor of Manila. Mrs. Marcos had ordered the slums torn down and the slum dwellers dumped in the countryside, leaving them there without jobs and houses, sewage facilities or water. All these in order to make room for more high-rise hotels for foreign tourists.

Trinidad Herrera, through the strong community organization she headed, resisted these efforts. Despite her status as official Philippine delegate to the UN Habitat conference in Canada, she had to go underground or face arrest.

When we traveled outside Manila, our impressions of the fear and resistance by the Filipino people were constantly reinforced. Mindanao is in real revolt. When we visited there, we were ourselves in constant fear of our safety. We experienced an example of violence. In the middle of the night, we were awakened by gunshots. The next morning, we learned that a young man had been killed by government troops supposedly because he was harboring other persons who were opposed to the government. When we spoke to local persons, they indicated that that was not true.

Our observations are that the "New Society" of President Marcos has meant only a restructuring of the oligarchy, breaking up some unwelcome rich and making room for the military and technocrats who are the ascendant class. A wide majority of Filipinos still earn less than 10¢ an hour.

One of the most lavish programs of the New Society is its public relations. We saw, on a Sunday afternoon, what was a definite effort to propagandize the young in hopes of a more stable base of support for the regime. A large group of youngsters in complete military dress, armed with real guns, were training as part of the "Youth for Marcos" paramilitary training effort. We also learned of four secret camps which trained poor but intelligent youngsters to be the future cadres of the Marcos regime. Training included informing and intelligence gathering activities.

We would like to make two statements: One, that it appears to us that the present Marcos regime is indeed a consistent violator of human rights. Two, that the protection of human rights and the concern for human rights must be of more importance than perceived U.S. national interests as represented by the U.S. bases. It is our understanding that there is a tendency in Congress to link the application of the human rights amendment to the preservation of those bases. We feel it is time that such shortsightedness be measured against our real long term national interest—the respect and friendship of the Filipino people.

In our discussions with persons of the underground in the Philippines we received information from them regarding negotiations for renewal of the leases on U.S. bases in the Philippines. Interestingly enough the information in the Philippines when we were there in February is that certain agreements had been made. Renegotiation talks were not supposed to have started until April 12, yet it is our clear understanding that the Defense Department has already promised \$40 million as annual rent payments for these bases. We strongly urge that this be examined further.

We have included as an addenda to this statement an analysis of the trend of U.S. military aid. Briefly it shows an astonishing fact—that U.S. military aid to Marcos has increased over 100 percent since the imposition of martial law. This sharp escalation of aid must be explained in clear terms. We feel all aid should be halted immediately.

Finally, if the U.S. Government is concerned about stability in terms of the total Philippine situation, we would suggest that under the Marcos regime there is a very unstable situation in most of the Philippines. We have information which we will share verbally if desired by this Committee regarding turmoil and the

dissension of the secessionists. Muslim secessionists in the south, the sugarcane workers in the central areas, communist revolutionaries, the clergy and even the heretofore passive citizenry. It is clear that the Philippines under the present government is in a highly volatile situation and we would suggest that it is not in the best interests of the U.S. to continue to support a regime which obviously has put itself as a constant aggressor against the human rights of a major portion of the citizens of that country.

We also visited Indonesia. Our visit to Indonesia did not provide us with as much "inside" information as we had regarding the Philippines. However, it is our impression that similar conditions exist in Indonesia as in the Philippines, except that in Indonesia the government is in far greater control than the Marcos government. We believe again that Indonesia is a consistent violator of human rights.

One member of our group said it was our impression that Indonesia had not moved far beyond the October 1965 coup situation. In talking to persons in Indonesia we learned a great deal regarding the continued imprisonment and torture of persons who were opposed to that government. It was clear that the number of political prisoners in Indonesia continues to be very high. But the thing that was constantly before us was the fear of persons with whom we talked about discussing the problem of political prisoners and the role of the government in their every day lives. The information that we received in Indonesia would lead us to believe that over 100,000 political prisoners are still incarcerated in one place or another in that country—this, on top of probably a million persons who were killed in 1965 and soon after. We did learn that among the political prisoners inside prison that all recreational activities, all educational activities have been prohibited; that political prisoners are being forced to do work that gives them no personal income, that provides income for the State; that very often it is impossible for the families to see the prisoners themselves. We were impressed by the efforts of many persons in Indonesia to raise questions about living conditions in that country. The economic contrast between the poor and the rich is most noticeable.

We received information regarding the many ways in which the Indonesian government makes it impossible for the common people in that country, the average citizen of that country to obtain enough income to even feed his or her family and yet at the same time we were given information regarding the great amount of money being made by generals and persons close to the top of the present regime.

Our information regarding Indonesia, as we indicate, is not as clear as that of the Philippines. However, we do have information which would lead us to believe that the present regime in Indonesia is a consistent violator of the human rights of persons of that country.

We appreciate the opportunity to share this testimony with you and we would be happy to make a more specific statement regarding the conditions there in relation to the questions which this Committee may ask.

Thank you.

ADDENDA TO PREPARED STATEMENT OF REV. LAROLD K. SCHULZ, EXECUTIVE DIRECTOR, CENTER FOR SOCIAL ACTION, UNITED CHURCH OF CHRIST

(Prepared by the Anti-Martial Law Coalition (Philippines))

U.S. Military assistance to the Marcos regime must be regarded as constituting one of the principal factors that account for the continued existence of the Marcos Government. In the three years after martial law, military aid increased by more than 100 percent over the total for the three years before martial law—from \$60.2 million (FY 70-72) to \$126.2 million (FY 1973-1975). In spite of the findings of human rights violations committed by the regime by this Subcommittee last year and growing opposition to military aid to dictatorships in popular U.S. quarters, the military aid figure for FY 1976 exceeded that for the FY 1975 by some 58%, increasing from \$32.2 million to \$55.4 million.

It appears that the proposed military aid for FY 1977, worth some \$41.4 million is even smaller than for FY 1976. This is, however, a superficial impression. The lower figure is largely accounted for by the decrease in the category of Excess Defense Articles, items whose supply has traditionally been irregular. If one focuses on the amount proposed for the Military Assistance Program (MAP) component and foreign military credit sales, the two principal components of the aid package, one would see that the total for both categories has actually increased by some \$2.6 million.

In this connection, there is hardly any basis to the assertion that military aid policy is oriented toward making the Philippines more militarily self-reliant. The facts are in contradiction to the Defense Department claims that since 1973, MAP aid has been in the process of being phased out "as soon as possible" in favor of FMS credit sales which have been characterized as the "bridge to self-sufficiency". MAP aid increased some \$15.0 million in FY 1973 to \$19.6 million in FY 1977 with a parallel increase in FMS credits from \$8.6 million in FY 1947 to \$20 million in FY 1977.

In his testimony last year before this subcommittee, Under Secretary of State Philip Habib, surely made a gross understatement when he noted that he was aware that some weaponry provided through the MAP was being used by the Philippine Armed Forces against Muslim insurgents in the South of the Philippines.

The U.S. is the principal supplier of arms to the Philippines, and in FY 1975, according to Defense Department figures, military assistance program aid accounted for about 60 percent of the value of all U.S. manufactured arms sent or sold to the Philippines. Indeed, according to some experts, U.S. military aid is of such a scale that in recent years it has been equalled to 20 to 30 percent of the Philippines defense budget. This aid has been invaluable to Mr. Marcos in expanding his armed forces from the premartial law figure of some 60,000 men to some 250,000 men at present. In sum, the Philippine army is almost literally an American equipped army, and given the fact that both the Philippine army and the Philippine constabulary now perform a major police function in the Philippines, American military ascendance must be regarded as having played a vital role not only in the campaign against internal insurgency in a sovereign country but also in the crushing of all forms of civil dissent.

Mr. FRASER. Thank you very much, Reverend Schulz. Dr. Otto, are you going to testify separately or respond to questions when we come to it?

Mr. OTTO. I join in the statement.

Mr. FRASER. Our next witness is Col. George Benson, the Washington representative of the Pertamina Corp. of Indonesia. Glad to have you, Colonel.

**STATEMENT OF COL. GEORGE BENSON, U.S. ARMY (RETIRED),
WASHINGTON REPRESENTATIVE, PERTAMINA OIL CO.**

Mr. BENSON. I want to thank you for the opportunity of coming here today and express my views. I am a retired Army colonel, now working as the Washington representative of Pertamina, the Indonesian National Oil Co. I have been associated with Indonesia for over 20 years. I have served and lived in Indonesia in an official capacity for a total of 9 years. My first tour of duty was 1956-59 as an assistant Army attaché, my second from 1962-65 on a loan to the Department of State as special assistant to the Ambassador, and finally from 1969-72 as Defense attaché. My present assignment with Pertamina has required on the average of four trips a year to Indonesia since 1973, the most recent being from the 22d of March to the 23d of April this year. I have been back about 2 weeks.

In spite of my experience, and time in Indonesia, I do not present myself to this committee as an expert on human rights and I regret that those persons whom I feel could best talk about this subject—prominent citizens from Indonesia regrettably have not been given an opportunity to come here and talk.

Indonesia is a country involved with the human rights issue. It is an issue that is familiar to the outside world and it is an issue that the Indonesian Government is acutely aware of. In handling the issue, mistakes have been made and, in retrospect, maybe some things could

have been done better. I am absolutely convinced, however, that the Indonesians have made and are making a sincere effort to resolve this issue.

To understand what has happened in Indonesia, let me review the history of this issue. In 1965, the Indonesian Communist Party was the largest Communist party in the world outside China and the Soviet Union. It had an estimated 12 million members. In only 15 years this party had risen from a crushing defeat in 1948 to become one of the strongest and most pervasive political forces in the country.

On September 30, 1965, this party triggered a coup, not against the Government but against the only other major non-Communist political force in the country, the Indonesian Army.

Communist elements in the military seized a few key installations in Jakarta, proclaiming a revolutionary government, kidnapped and murdered six of the top seven generals in the Indonesian Army. The seventh escaped with his life but his daughter lost hers. This coup attempt precipitated an explosion throughout the country—wide-spread fighting and in many areas, mass slaughter. These efforts were not directed or ordered by the Suharto Government because the Suharto Government at that time was not in power.

These 6 months represented the most severe crisis ever faced by the Indonesian Republic. As many as 100,000 Indonesians lost their lives. At the end of this period, several hundred thousand were in jail, accused of complicity in the coup.

The new government led by President Suharto faced the problem of what to do with the hundreds of thousands of people under detention. In a Western country the answer would have been simple: investigate their cases, indict those against whom there was a reasonable suspicion, and try them.

In Indonesia, this was literally impossible. Indonesia is a poor, developing country. The proportion of lawyers to the population is a tiny fraction of that in the West. The judicial system, the investigative apparatus and their entire administrative structure of the Government is infinitely below what we know in the West. The Government totally lacked the facilities to properly investigate or try these hundreds of thousands of cases. It had only two choices—hold them without trial or release them. Considering the events of 1965 and 1966, it is hardly surprising that it chose the first course.

This was and remains a violation of the generally accepted standards of human rights. I can only point out that this is not unique to Indonesia. In 1862, I believe, President Lincoln was faced with a somewhat parallel situation and he suspended the right of habeas corpus. Again in 1941, faced with a threat far less direct than that faced by the Indonesians in 1965, the U.S. Government detained how many thousands of Japanese-Americans and held them without charges for years.

Since the upheaval of 1965-66, the Indonesian Government has tried consistently to resolve this issue. It has, from the beginning, recognized a cruel dilemma. The Government recognized that people should not be held without trial. Yet, rightly or wrongly, the Government is absolutely convinced that the wholesale release of these prisoners would be a most severe and direct threat to the security of the nation.

This has been a dilemma for the Indonesians; not one they have welcomed. They have felt that in this unhappy situation they were obliged to give precedence to national security. In 1862 and 1941, rightly or wrongly, our leaders made the same choice.

But this does not mean that the Indonesians have done nothing. They have been working on this issue and they have made substantial progress. There are still 35,000 detainees in prison, by Western standards far too many. But more than 100,000 have been released in the past decade.

Let me emphasize this figure of 35,000. I know that certain organizations and the gentleman here to my right quote higher figures, some saying 50,000 and one even asserting that there are still 100,000 detained. The Indonesian Government has provided information to the U.S. Government, to other governments and to Members of the Congress, to confirm the figure of 35,000. The figure is accepted by the U.S. Embassy in Jakarta as accurate. The Indonesians are willing to go further to confirm this. As you know, sir, they have invited the chairman of this subcommittee to visit Indonesia and see for yourself.

As to the current situation and what to look for in the future, the Indonesians last October announced an accelerated effort to resolve the issue—1,200 detainees were released and several thousands more will be released this year. National elections are scheduled for May 1977. After those elections, it is my understanding that the Government will take a complete new look at the question of remaining detainees.

There have been numerous charges of mistreatment and neglect of these detainees. The conditions under which they are held by our standards are unsatisfactory. I doubt that they get enough to eat, and I doubt that they receive anything resembling adequate medical attention; nor do a large majority of Indonesia's people.

The average Indonesian has an income of less than \$200 a year. Millions are living on the edge of starvation and never see a doctor from birth to death. The detainees, in fact, are somewhat better off than this but I am sure their condition is not what we westerners would call adequate.

There have been accusations of torture. No doubt some torture has occurred, particularly during that period in 1965-66 when law and order had virtually broken down in much of Indonesia. The Indonesian prison guards are underpaid, poorly educated, some of them venal and some probably cruel. The average is probably below that of our prison guards at Attica.

But I have never seen any evidence to confirm that the use of torture is a deliberate Indonesian Government policy. As I understand it, the U.S. Government has not seen any such evidence either.

This is the human rights issue in Indonesia as I see it. It is neither as good as we would like to see it nor as bad as Indonesia's critics have claimed it to be.

Let me emphasize once again that I am not an expert but I do feel that I know the situation in Indonesia as well as any witness present. Mr. Chairman, thank you for this opportunity to come here today. I am prepared to answer any questions you or your committee members would care to direct to me. Thank you.

Mr. FRASER. Thank you very much. Our fourth and final witness is Prof. Ben Anderson.

STATEMENT OF BENEDICT O. ANDERSON, ASSOCIATE PROFESSOR
OF GOVERNMENT AND ASIAN STUDIES, AND ASSOCIATE DIRECTOR,
CORNELL MODERN INDONESIA PROJECT, CORNELL UNIVERSITY

Mr. ANDERSON. Mr. Chairman, I am a citizen of the Republic of Ireland, resident in the United States since 1967. I am an associate professor of government and Asian studies at Cornell University, and an associate director of the Cornell modern Indonesia project. I have been to Indonesia four times in my life, the first time for 2 years of fieldwork in 1962-64 and more recently in 1967-68 and finally in 1972. I am very grateful to this committee for providing me with an opportunity to testify on the status—

Mr. DERWINSKI. I know you have 20 pages. Would you just insert it or paraphrase it?

Mr. ANDERSON. I was going to take a couple of the sections that seem most important.

Mr. FRASER. Without objection, we will put your entire statement in the record and you can read such parts as appropriate.

Mr. ANDERSON. This is a matter on which I think there has been steadily deepening concern among many individuals in this country who have been to Indonesia and share my feeling of affection and admiration for the Indonesian people. Many people in 1945 and in 1950 hoped that Indonesia would go toward increased liberty after many generations of colonial control by the Dutch and Japanese, and I think it is sad to have to say that in fact this is very far from being the case.

Earlier testimony before the committee has already cast a good deal of light on the situation of many of these political prisoners. The Government, as Colonel Benson has indicated, says it holds about 35,000 such prisoners. I think that the government's different figures over the years and indeed over the last year are widely divergent figures, so it is hard to know exactly how many people are in fact behind bars.¹

Now, the picture that earlier testimony before this committee has presented is one of arbitrary arrests, absence of minimal legal safeguards, long periods of detention without trial or formal charges being preferred, miserable prison conditions and sporadic physical abuse. I would like to add here a few comments on recent indicators of government policies.

On December 2, 1975, Admiral Sudomo, who is the chief of staff of KOPKAMTIB, the command for the restoration of security, announced that there remained about 34,000 prisoners in category B. This is the category of people who are thought too dangerous to be given their freedom, but against whom there is insufficient evidence to warrant trial. He said that all these people will at some unspecified date be permitted to return to society, except for the 10,000 or so who have been sent to the penal colony on the island of Buru. Yet, at the same time, Admiral Sudomo indicated something rather different, which was that the Government has plans to send another 10,000 people to Buru over the next 4 years.

¹ See appendix 5, p. 117.

On December 2 of last year, Admiral Sudomo also announced the release of 1,309 prisoners in this category B and he explained that these people would have their freedom gradually enlarged from house arrest, to city arrest, then to country arrest. One might at first take this as an encouraging sign of government moderation, but 3 weeks later the admiral told the press that they have been arresting 500 people a year over the past few years.

Since the Government has told the world that category C prisoners, which is the lowest category, have all been released we must assume that the bulk of these 500 annual arrestees fall into category B, since it is the largest remaining category. So the supply of these B prisoners seems likely to continue for a good while.

In reference to category A prisoners, in the same statement of December 2, Admiral Sudomo indicated that a total of 767 category A prisoners, prisoners whom the Government does feel it has the evidence to try and convict, have in fact already been tried and convicted, at a rate of about 77 a year. At these rates, it will be another 16 years before the remaining prisoners in this group are tried, always presuming that no further category A prisoners are arrested in the meantime. This would mean, in some cases, imprisonment for 26 years without trial.

Conditions vary in prison camps a great deal. A recent report by church groups acknowledges these wide variations, but points to a particular serious situation with regard to nutrition, hygiene, and medical care in prisons in Ambarawa, Nusakambangan, Malang, Surabaya, Medan, and Serang. In a recent article in the New York Times, David Andelman wrote of a prison in Borneo where 200 prisoners, many of them under detention for 8 to 10 years, have been packed into 10 cells. The food consisted of a little rice and a thin soup of lukewarm water with an occasional vegetable or peel floating in it to give it a slight flavor. He added that beating with leather straps is still a part of the local interrogation process.

I would like to add here that the prisoners in Indonesia are not by any means exclusively those regarded as Communists by the Government. In recent years there have been a number of liberals—lawyers, journalists, and students—imprisoned as well. The Government discriminates between these different types of prisoners, all of whom are in there without charges being made against them. Generally speaking, the liberal prisoners are given better food, are not beaten up and so forth. Once liberal prisoners are released, they seem to be completely released. Ex-Communists are still subject to 2 years' progressively less rigorous surveillance and control.

The Government has repeatedly justified its unwillingness to release political prisoners on grounds of concern for their safety, claiming that Moslems and other strongly anti-Communist groups would not accept their return to society and would use physical violence against them. I do not know of any documented cases where this has happened.

General Nasution, whose little daughter was killed in the 1965 coup has recently said that prisoners "should be released while taking into account the prosecution of committed crimes and security requirements * * *" and that "An hysterical anti-Communist reaction is not called for. We should have confidence in ourselves and vigilantly assess the situation. What we need is a political system with

a Government which realizes the aspirations of the people in a democratic manner." We might note here that General Nasution is clearly criticizing the Government for what he sees as paranoid anti-Communist reactions and for a political system which in his view is not yet democratic or serves the community.

Finally, the well-known Moslem politician, H. Nuddin Lubis, the deputy chairman of the United Development Party, recently commented that releases should be made on the basis of law and justice. He said that basic human rights have been a matter of discussion in the community for a long time and people fervently hope that these rights would be implemented. For this reason, he added, it is essential to insure that anyone, including political prisoners, regarding whom there is no proof of guilt, be speedily released. They should not be allowed to remain in prison for years suffering hardships.

It is important to stress that here we have two representatives of beliefs and groups which have no reason whatever to be sympathetic to Communists; yet both feel that the present Government policy of neglect really cannot be allowed to continue.

I would like to make one final point with regard to the political prisoners, one that I make mainly because of what seems to be an extraordinary response given by the State Department to this committee on the matter.¹ May I quote here part of that text for the committee's attention:

Mr. McCloskey avers that "We understand that those who have been brought to trial have been accorded counsel and a reasonable opportunity to defend themselves." These bland words reflect either a regrettable lack of effort on the part of the Department, or what is close to deliberate deception. In fact, the large staff of the Embassy in Jarkarta could easily talk with lawyers who have defended political prisoners put on trial.

I would argue that the basic patterns have not changed much over 10 years. Let me quote from my notes on an interview with a lawyer involved in one of the earliest trials in 1966. "I was given the case 36 hours beforehand, with no time to prepare a proper defense at all. I was never allowed to see the defendant alone. The one defense witness I was allowed was coached by the military authorities in advance. The courts assigned me two army majors as aides, but all they did was keep watch over me. Before and during the trial the presiding judge gave interviews to the press commenting on the case." That is 1966.

After assisting last year in the defense of Mr. Asep Suryaman, an alleged Communist leader, the highly respected church leader and trial lawyer Mr. Yap Thiam Hien wrote a devastating commentary on the legal handling of the case.² He observed that the charges were presented to the accused 72 hours before the trial began and most of the allotted 72 hours had to be spent in finding some legislative basis for the charges. Defense requests for even 1 week to study the charges and the voluminous pretrial interrogation testimonies prepared by the prosecution and to see the accused in private were all denied. Remember that this request was for 1 week and some of these prisoners have

¹ See appendix 2, p. 102.

² See appendix 6, p. 118.

been in cells for 10 years. He was only able to see the accused in a chamber of the court under heavy military and police guard. Contrary to Indonesian criminal law, the judges heard the accused before hearing any prosecution witnesses.

When Mr. Yap and his team had the temerity to attack the legality of some of the charges on the grounds that they were not warranted by any act of Parliament, they were privately warned that this kind of "active" defense might mean they would not be permitted to defend Communists on trial again.

I think that although there are many other matters that could be raised here, I will stop and allow the rest of my statement to be included as part of the record.

[The prepared statement of Mr. Anderson follows:]

PREPARED STATEMENT OF BENEDICT O'GORMAN ANDERSON, ASSOCIATE PROFESSOR OF GOVERNMENT AND ASIAN STUDIES, AND ASSOCIATE DIRECTOR, CORNELL MODERN INDONESIA PROJECT, CORNELL UNIVERSITY

My name is Benedict O'Gorman Anderson, a citizen of the Republic of Ireland, resident in the United States since 1967. I am an Associate Professor of Government and Asian Studies at Cornell University, an Associate Director of the Cornell Modern Indonesia Project, and editor, since its founding in 1966, of the bi-annual multidisciplinary journal *Indonesia*. I carried out fieldwork in Indonesia in the years 1962-1964, 1967 and 1968. I was also briefly in the country in 1972.

INTRODUCTION

I am very grateful to this Committee for providing me with an opportunity to testify on the status of human rights in Indonesia. This is a matter on which there has been steadily deepening concern among the great numbers of individuals in this country who share my affection and admiration for the Indonesian people. After the sufferings imposed by Dutch colonialism, Japanese military occupation, and a long war for national liberation, it could have been hoped that thirty-one years of independence would have brought about a marked improvement in freedom and prosperity for the population. It is with great sadness that I confess my judgment that this hope is still very far from fulfillment. Earlier testimony before this Committee has thrown a good deal of light on the plight of no less than 35,000 political prisoners in Indonesia, many of whom have been imprisoned for over a decade without trial. I shall have something to say myself on this topic, but I think it would be a mistake to concentrate our attention so exclusively on these prisoners that we miss the wider picture of power increasingly concentrated in the hands of a tiny oligarchy, and the concomitant general decline of liberty and welfare among millions of their fellow-Indonesians. And so it is precisely to this larger picture that I would like first to turn.

THE PRESS

One of the best safeguards for the preservation of human rights in any society is a free press, which can air grievances, bring up serious social issues, and warn governments against abuse of power. This Committee very properly inquired about the freedom of the Indonesian press in its letter to the Department of State dated December 4, 1975. Unfortunately, the Department's response of December 16, 1975 is a depressing expression either of ignorance or disingenuousness. It is not just that, in response to the January 1974 riots in Jakarta, the Indonesian government closed down six of the most open-minded and responsible newspapers in the capital, including one owned by Mr. Mochtar Lubis, winner of the Magsaysay Award for courageous journalism and political prisoner under the Sukarno government; or that many of these newspapers' reporters have been put on unpublicized blacklists so that they can not find employment in their chosen profession. The fact is that except for a brief flowering in the early New Order period (1967-1970), the numbers of newspapers published has steadily declined to the point that fewer are being published today than in the late Sukarno

period, and their content is even more bland and uniform.¹ In a number of provinces, such as Riau, Bengkulu, Nusa Tenggara Barat, Nusatenggara Timur and Irian Barat, no newspapers are published now at all. The Indonesian Democracy Party (a government-induced "fusion" of existing non-Moslem parties) has no daily press outlet. The means used to repress the freedom of the press may be categorized as follows:

(a) *Licenses to Print*.—In 1965 the security authorities (Kopkamtib) compelled all publishers in the immediate vicinity of the capital to obtain such licenses. In 1973 the licensing requirement was extended to West Java, and after January 1974 to all of Indonesia. All such licenses must routinely be renewed on an annual basis, and may be summarily suspended at any time. This licensing system puts enormous arbitrary power in the hands of regional security commanders, and, especially in areas far from foreign eyes, is greatly feared (in part for financial reasons detailed below).

(b) *Licenses to Publish*.—All publications must have the approval of the Minister of Information. Since 1974 only one new license has been issued. During the past year the Minister has announced that the government will not issue any more such licenses; and that existing licenses will be subject to continual review, and may be withdrawn if, in the government's opinion, ministerial regulations are not being properly followed.

(c) *Intimidation of Reporters*.—This practice is especially common in the provinces. Reporters may be arbitrarily summoned and interrogated, on occasion, beaten. Proprietors may be warned that, unless certain reporters are dismissed, printing licenses may be suspended.

(d) *Financial Pressures*.—The survival of many publications depends on advertising. The authorities have threatened to withdraw government advertising and to use their influence to pressure private companies into withdrawing their patronage. "Simplification" (forced mergers) of troublesome provincial newspapers has been achieved by both such threats and by offers of financial subsidies for collaboration.²

(e) *Compulsory Subscriptions*.—Many government bodies are required to have their personnel subscribe to the official newspapers. This helps to keep these publications financially afloat while clearly discriminating against what little mildly critical or independent press survives.

(f) *Kopkamtib Briefing*.—On most matters of national importance, such as the invasion of East Timor, political prisoners, elections, and so forth, the dreaded Kopkamtib holds briefings, which while they have no formal legal force, nonetheless, in the present climate, have an intimidatory effect and ensure that a largely monolithic "press opinion" is conveyed to the reading public.

It must be remembered that few newspapers in Indonesia are financially secure. Editors have to worry about the future of their staffs in a society where unemployment is severe. Suspension of publication for even a short time, as well as withdrawal of advertisements, can have ruinous effects. It is no wonder that the Indonesian press today is extremely timid, and fails even to reach, let alone voice the aspirations of, millions of citizens.

¹ Aside from the Library of Congress, Cornell University's Olin Library has long had the most extensive holdings of Indonesian newspapers in this country. A study of the numbers of newspaper titles received there annually since 1963 provides the following table:

Years :	Number of titles	Years :	Number of titles
1963 -----	37	1970 -----	61
1964 -----	46	1971 -----	59
1965 -----	50	1972 -----	50
1966 -----	63	1973 -----	41
1967 -----	62	1974 -----	37
1968 -----	58	1975 -----	31
1969 -----	64	1976 -----	31

There is an element of low comedy in the Department of State's assertion (p. 6) that "between 1966 and 1974 the Indonesian press enjoyed a greater degree of freedom than existed almost anywhere in East Asia outside Japan." Aside from the indubitable fact that the Philippines press prior to September 1972, the Thai press after October 1973 and the Hong Kong press throughout were far freer than the Indonesian, it should be remembered that the entire left-wing press was destroyed by the Indonesian military authorities in 1965, and that to this day there is absolutely no public outlet for the views of millions of Indonesian citizens of that persuasion.

² This has occurred in West Borneo at the instigation of the Territorial Commander, and in North Sulawesi by the hand of the Governor.

EDUCATION

A healthy and free society needs an educated citizenry. In express recognition of this the 1945 Constitution, Article 31, Section 1, says "Every citizen shall be provided with facilities for education."³ One of the greatest successes of Indonesian governments in the years after 1945 was a massive expansion of education and an energetic anti-illiteracy campaign. Much of this early promise was destroyed in the massacres of 1965 when thousands of primary and secondary school teachers, students and college professors were killed, imprisoned or purged. For some years thereafter, admission to all schools was dependent on having an official document certifying noninvolvement in the 1965 coup. For millions of children who had relatives involved in left-wing organizations such certificates were either unobtainable or purchasable only with heavy bribes. But millions of other children have also been deprived of their constitutional rights by an educational crises for which the government, richer by far than any of its predecessors by virtue of the oil bonanza, is heavily responsible. In 1970, the Minister of Education noted that facilities existed for only 12.5 million of the 47 million children (27%) with the right to primary education. Only 127,000 youngsters out of 6.9 million (1.8%) were in institutions of higher education.⁴ He had commented earlier that even so there was an extremely heavy dropout rate in primary schools probably because the parental income of 67 per cent of the dropouts was in the neighborhood of four cents per day.⁵

But in addition to what might be kindly termed neglect, the authorities have repeatedly interfered with academic freedom: Formal discussion groups are forbidden, and students are employed to inform on one another. It is no wonder that today there are growing signs of anger and frustration on the part of some of Indonesia's most intelligent, energetic and idealistic young people.

POLITICAL RIGHTS

In the 1950s two genuinely free national elections were held in Indonesia, and the results showed a wide spectrum of political opinions among the population. The bulk of the vote was shared between the Nationalist Party, two Moslem parties, and the Communists, winning respectively 22%, 21%, 18%, and 16% of the vote, for a total of 77%. In 1971, the present government held a new national election. This time the Communist Party was banned, the Nationalist Party won 7% of the vote, the two Moslem parties 5% and 19%, for a total of 31%. A hitherto new organization called Golkar, essentially a state party, won 63% of the vote.⁶ Though the government officially took these results as a massive mandate, in the judgment of a variety of independent academic observers they were basically the product of manipulation and coercion. This judgment is based on the following facts:

(a) Millions of citizens who had been members of the Communist Party or its affiliates were officially banned from participation. However, in many rural areas such people were intimidated into voting for Golkar (see below).

(b) Under the terms of Government Regulation 6/1970 and a new doctrine called "monoloyalty" most civil servants were compelled to abandon party affiliation on pain of expulsion. (But since Golkar was not officially a party, they could join it and were strongly encouraged to do so.⁷ Voters in government service or in large enterprises were required to vote at their place of work rather than near their residences, providing additional pressure towards Golkar conformity.⁸

³ See the official English-language text contained in Muhammad Yamin, ed., *Naskah Persiapan Undang-Undang Dasar 1945* (Jakarta: Prapantja, 1959), Vol. I, p. 54.

⁴ *Indonesia Raya* (now banned), October 23, 1971, as cited in Ken Ward, *The 1971 Election in Indonesia, An East Java Case Study* (Melbourne: Monash Papers on Southeast Asia, No. 2, 1974), p. 195.

⁵ *Nusantara* (now banned), October 15, 1971, cited in *ibid.*

⁶ These figures are drawn from Herbert Feith, *The Indonesian Elections of 1955* (Ithaca: Cornell Modern Indonesia Project, Interim Report Series, 1957, reprinted 1971), p. 58 (figures rounded); and Masashi Nishihara, *Golkar and the Indonesian Elections of 1971* (Ithaca: Cornell Modern Indonesia Project, Monograph Series, 1972), p. 42 (figures rounded). It should be noted that Parmusi, one of the two main Moslem parties in the 1971 elections, only came into existence in 1968. But it appealed to the same constituency as, and contained a great many former members of the Masjumi, one of the two major Moslem parties of 1955, which had been banned by President Sukarno in 1960. Golkar, an acronym for Golongan Karya (Functional Group), was the government's electoral machine and in effect a political party, though this appellation was always officially denied.

⁷ See Ward, *The 1971 Election*, pp. 12, 32-34.

⁸ Ordinance of the Minister of the Interior No. 56/22, dated April 14, 1971, cited in Nishihara, *Golkar*, p. 38.

(c) Two-thirds of the chairmen of provincial electoral commissions and half the chairmen of district electoral commissions were military men.⁹

(d) The government security apparatus assumed the arbitrary right to screen party candidates, and roughly 20% on the original list were rejected.¹⁰ The Chief of Military Intelligence stated that the grounds for being screened out included: involvement in the 1965 coup, lack of positive support for development, and lack of support for Pantjasila Democracy and the Constitution.¹¹ These extremely vague guidelines gave virtually complete discretion to the authorities to eliminate those of whom it disapproved. In addition, candidates screened out were forbidden to participate further in the campaign.

(e) All posters, brochures and slogans had to be submitted in advance for approval by the authorities. Criticisms of government officials and foreigners were banned. "Partisan" use of Sukarno's name was forbidden.¹² Parties were required to ask permission from the authorities three days before holding any meetings, leaving plenty of room for arbitrary obstruction by sudden approvals or reversals.¹³ As for the major media, Dr. Nishihara observes:

"Like Golkar, the other parties made radio and television campaign speeches, but they were obviously censored in advance and only prepared texts were read. Presenting no alternative programs, the parties merely expressed support for General Suharto as President, Pantjasila democracy, the 1945 Constitution and development programs."¹⁴

(f) In the period prior to the electoral campaign almost all the parties suffered manipulations by the so-called Special Operations organization attached to the Presidency. In every case these interventions, taking the form of bribes of delegates to party congresses, warnings from the Palace that certain candidates for leadership were "unacceptable" and so forth, resulted in leaderships more beholden to the government than to their members.¹⁵

(g) Local authorities exercised a considerable amount of local-level physical coercion and obstruction, including arbitrary house searches, temporary arrests and so forth.¹⁶ An observer of the elections in East Java later wrote as follows:

"Brawidjaja brigades stationed in the larger towns dispatched troops to every region of the province to ensure that nothing happened in this week. In fact, however, the soldiers were used to intimidate villagers into voting for Golkar. Activities ranged from passive demonstrations of force, where as many as thirty soldiers entered one village to undergo "training," to active, forceful proselytizing among the villagers. Particularly in areas where Brawidjaja or RPKAD units had been involved in the carnage of late 1965, warnings were made that 'it will be like 1965 again if you don't vote for Golkar.'"¹⁷

If one bears in mind that the financial resources of the government party were overwhelmingly greater than those of its competitors, it is not surprising that the government was able, as it put it, to "success" the polling. And in the aftermath of the elections, the concept of the villages as a "floating mass" was launched, whereby the parties (but not Golkar) were forbidden to establish branches below the district level. This was justified on the grounds that simple villagers should not be distracted from getting on with development by irrelevant political issues.¹⁸

⁹ *Ibid.*, p. 13. The precise figures are: 20 out of 26 provincial-level chairmen, 142 out of 281 district-level chairmen.

¹⁰ *Merdeka*, January 18, 1971; and Lembaga Pemilihan Umum, "Daftar Tjalon Tetap Pemilihan Anggota Dewan Perwakilan Rakyat Tahun 1971 dari Orpol/Golkar" (mimeo., 1971), cited in *ibid.*, p. 25.

¹¹ Statement of Major-General Yoga Sugomo (presently head of the State Intelligence Agency, Bakin) in *Sinar Harapan*, March 4, 1971, and *Merdeka*, March 5, 1971.

¹² Presidential Order No. 68/October 27, 1970, article 4, cited in Nishihara, *Golkar*, p. 26.

¹³ Ward, *The 1971 Election*, pp. 13-14.

¹⁴ Nishihara, *Golkar*, pp. 35-36.

¹⁵ For detailed information on these manipulations, see: Ward, *The 1971 Elections*, pp. 16-17; Nishihara, *Golkar*, pp. 21-22; Allan Samson, "The Army and Islam in Indonesia," *Pacific Affairs*, 44, 4 (Winter 1971-72), pp. 545-565; Peter Polomka, *Indonesia Since Sukarno* (Melbourne: Penguin, 1971), pp. 134, 200-202; Harold Crouch, "The Army, the Parties and Elections," *Indonesia*, 11 (April 1971), pp. 177-191, especially pp. 186-188.

¹⁶ Nishihara, *Golkar*, p. 36.

¹⁷ Ward, *The 1971 Elections*, p. 158. Brawidjaja is the territorial army division of East Java. The RPKAD is the army's elite paratroop regiment. The "week" mentioned here refers to the government's ban on all political activity for one week prior to election day, ostensibly to ensure an atmosphere of calm.

¹⁸ On this concept of the "floating mass," see *ibid.*, pp. 188-192. It might be added that the Suharto government has broken a tradition left undisturbed even by the Dutch colonial regime, in insisting on the executive appointment of many village heads in place of the customary elective process.

It is obvious, I think, that the 1971 elections and their aftermath represent a severe violation of human rights. Unfortunately, there are already clear signs that the government intends to "success" the coming 1977 elections in much the same way.

In view of the fact that press controls are considerably tighter than in 1971, the chances for much genuine enjoyment of political rights seems very slim. The statement on August 26, 1975 by Interior Minister General Amir Machmud, the well-known "bulldozer" of the 1971 elections, that former Category C political prisoners will be entitled to vote this time round must be understood as making official the unofficial policy of dragooning such vulnerable persons into the Golkar machine.¹⁹

Other abridgements of basic freedoms

One of the most serious of such abridgements is the repression of worker's rights to organize freely and to strike for improved earnings and working conditions. The history of repression in this area goes back to the first nationwide proclamation of martial law in 1957. During the Sukarno era strikes were officially outlawed in so-called vital industries, and informally in most enterprises. However, there were large and competing nationwide unions, some communist, some nationalist, some Moslem, and some under military control. Partly with the aid of their parent organizations they were sometimes able to make their members' aspirations felt. In the New Order era, standing repressive practices have continued, while the countervailing power of political parties has been drastically reduced. For example, Minister of Manpower Sadli in 1972 called for the dissolution of the remaining links between unions and parties and urged the creation of a single union federation.²⁰ While small-scale localized strikes do periodically occur, the general government attitude can be gathered from the remarks of one of its most liberal members, the present Governor of Jakarta, who criticized workers involved in a rare strike in a textile factory for being "pretentious," and maintained that the mentality of the past, condoning threats, intimidation and strikes, was inappropriate to the needs of development.²¹ In fact, most unions today are basically company unions, and this situation is regarded in government circles as essential to the creation of an environment attractive to foreign investors.

Among peasants, the vast majority of Indonesia's population, the situation is a good deal worse. In the early 1960s, very moderate laws on land reform and the regulation of cropsharing agreements were passed. Since 1965 these laws have fallen completely into abeyance. Those who might wish to urge that the land reform laws be enforced are in grave danger of being branded as communists, and few care to run the risk. The sharecropping law, which established a national goal of fifty-fifty shares between landlord and tenant, is today widely violated. Scholars doing research in various parts of Java report that in the absence of any effective organization to protect tenant interests, the crop-division has swung in the landlords' favor sometimes to the proportion of 75 to 25, or higher.²² A similar lack of basic protections of the rights of the poor and the weak is evident in the frequent cases of peasants being forcibly extruded from their lands with little or no compensation, to make room for hotels, new government buildings, foreign-owned factories, and so forth.²³ In such cases peasants have almost no

¹⁹ See *Nation Review* (Australia), October 17-23, 1975. On the unofficial use of former communists and communist supporters by Golkar in the 1971 elections, see Ward, *The 1971 Election*, pp. 74, 164-166, and 171.

²⁰ *Angkatan Bersendjata*, February 2, 1972, cited in Ward, *The 1971 Election*, p. 184. Today, in fact, unions are not permitted in government agencies or in state enterprises.

²¹ *Ibid.*, pp. 184-185.

²² See Widya Utami and John Ihalauw, "Some Consequences of Small Farm Size," *Bulletin of Indonesian Economic Studies*, IX, 2 (July 1973), pp. 51-52, who reported that in the area of Klaten, Central Java, a 75-25 division in favor of the landowner was the "most common" practice. Cf. D. H. Penny and M. Singarimbun, *Population and Poverty in Rural Java: Some Economic Arithmetic from Sriharjo* (Ithaca: Cornell University, Department of Agricultural Economics, 1973), p. 34; and W. Röhl, "Bevölkerungsdruk und Siedlungsaktivität in Zentral-Java," *Geographische Rundschau*, 2 (1971), pp. 56-66, cited in Richard W. Franke, "The Green Revolution in a Javanese Village" (Ph.D. thesis, Harvard University, 1972), p. 109.

²³ Stories to this effect crop up quite frequently in the press. Because the government tends to view such occurrences as unrelated to national policy making, newspapers, particularly in the capital, have been able to report them fairly freely. For some recent examples, see the stories on evictions to make way for Pertamina-developed gas pipelines in N. Aceh, and on expropriation of rice-land without compensation for the construction of office buildings in Bengkulu, contained in *Tempo*, February 28, 1976. The young liberal economist Svahrir, put on trial for his alleged role in the 1974 Jakarta riots, took the occasion to criticize the government sharply for these arbitrary practices. See his defence speech, "Pleidool 7 April 1975" (mimeo., 1975), p. 5. The court subsequently sentenced him to six and a half years in prison.

recourse, unless they happen to get the support of the pitifully small and localized Legal Aid Institutes. These bodies formed by a minority of idealistic lawyers have been repeatedly harassed by the authorities in recent years; indeed their best-known proponent, Mr. Adnan Buyung Nasution, was recently imprisoned for many months without charges being filed, and was finally released only after considerable international interest was aroused about his case.²⁴ Similarly, it is common government practice to sweep up groups of "unwanted" mendicants in larger urban centers and either dump them at a considerable distance from the city or forcibly remove them to remote islands in the archipelago. Officially this transportation is to give them a new chance, but the mendicants' wishes in the matter are naturally never an issue.²⁵

The absence of many basic rights on the part of the poor and weak in Indonesia must be understood against the background of the alarming pattern of social change under the vaunted economic miracle of the Suharto era (to which foreign aid and the OPEC bonanza made major contributions). Some observers have claimed, in justification of an official venality so widespread that former Vice President Hatta has despairingly said that "corruption has become our national culture," that this is inevitable in developing countries, and there is always a trickle-down effect. Some trickle down there surely is, but the real picture is much more complex. Various studies show that in rural areas mechanization of agriculture and the green revolution, combined with population pressures and government authoritarianism, are making a small stratum of well-positioned villagers and low-level officials richer, while the rest of the population is getting poorer and weaker. For example, Makali's recent study of twenty Javanese villages demonstrates that precisely in the boom years 1968-69-1972-73 real wages declined by about one-third.²⁶ The young economist Syahrir has indicated that in 1968 about 65% of Indonesia's work force was in agriculture and that it got about 59% of the Gross Domestic Product. By 1974 these figures had become 62% and 44% respectively.²⁷ In villages recently studied by Penny and Singarimbun, the authors found that 37% of the families had no riceland at all, and 1.8% of the families held 27% of the land.²⁸ Mubyarto and Fletcher found in their village study that 0.6% of the families owned 20.4% of the land.²⁹ The growing gap between rich and poor is perhaps best symbolized by Penny and Singarimbun's figures showing that while the local daily wage rate for agricultural labor was 30 Rp. or about 8 cents, the price of riceland was between \$4,000 and \$5,000 per hectare.³⁰ At this rate it would take a laborer 450 years of total wages to buy a hectare of riceland. Studies of Chinese rural misery (in Kwantung) in the 1920s gave a figure of 105-120 years total wages, a statistic that even then made economists despair.³¹ The general picture of steepening social stratification, and a steady weakening of the position of the rural poor under the New Order is well summed up by a widely respected agricultural economist as follows:

"All of the changes mentioned above serve the function for the wealthy farmer or landowner of cutting the costs of rice-production, at the expense of small-holders and landless labourers. It is remarkable that these changes have occurred within the space of a few years. . . . The beginnings of the "green revolution" in the late 1960's more or less coincided with major political and economic changes at the national level, whose consequences at the village level should not be underestimated. On the one hand we have seen the "opening up" of the Indonesian economy, which has produced among other things an influx into city markets

²⁴ Mr. Nasution was detained for two years without trial or preferment of charges after the 1974 riots—then suddenly released in December 1975.

²⁵ See *Tempo*, December 13, 1975, for a recent instance.

²⁶ Magali, "Upah buruh tani pada tanaman padi dikaitkan dengan kenaikan produksi dan harga padi selama lima tahun di duapuluh desa sampel Intensifikasi Padi Sawah di Jawa" (Bogor: Agro-Economic Survey, 1974, mimeo.), cited in Benjamin White, "Population, Employment and Involvement in Rural Java" (mimeo., 1975), p. 14.

²⁷ Syahrir, "Pleidooi 7 April 1975," p. 6. Syahrir also observed that a fellow Indonesian economist has reckoned that today 20% of the population gets about 53% of GNP, 80% the remaining 47%. One might add here that income tax collection is minimal, amounting to about 95 cents per capita per annum. (See the recent article on taxation in *Tempo*, January 3, 1976.) This of course means that the rich contribute relatively little to government revenues and that the main burden of (indirect) taxation falls on the poor majority.

²⁸ Penny and Singarimbun, *Population and Poverty*, p. 10.

²⁹ Mubyarto and L. B. Fletcher, *The Marketable Surplus of Rice in Indonesia: A Study in Java-Madura* (Iowa State University, Department of Economics: International Studies in Economics, Monograph No. 4, 1966).

³⁰ Penny and Singarimbun, *Population and Poverty*, pp. 26 and 8. The rupiah figures, which I have roughly converted at prevailing exchange rates, were: Rp. 30 and Rp. 1,500,000 to Rp. 2,000,000.

³¹ Drawn from R. A. Smith, "Impasse in Java's Agriculture" (M.A. thesis, Monash University, 1974), p. 55.

of expensive and mostly imported luxury consumption-items (Hondas, radios, luxury textiles, and so on) and a concomitant wave of "consumerism," which has not failed to affect many wealthier villagers. On the other hand we have seen the "closing down" of most forms of political activity at the village level, so that powerful individuals in the village depend much less than before on the kinds of support which "patrons" generally need from their "clients"; furthermore, the altered political climate makes much less likely the kinds of pressures from below which labourers have previously brought to bear in Java when traditional harvesting arrangements have been threatened. . . . Borrowing the terms used by Scott . . . we may say that there has been a recent shift in the relative bargaining power of richer and poorer villagers."³²

Political Prisoners

It is against this broad background of erosion and even abrogation of human rights and welfare, that the situation of the *tapol*, or political prisoners, must be viewed. I believe that earlier testimony given before this Committee has already provided a revealing picture of the past and present experiences of these prisoners. It is a picture of arbitrary arrests, absence of minimal legal safeguards, long periods of detention without trial or formal charges being preferred, miserable prison conditions and sporadic physical abuse. I would only like to add here a few comments on recent indicators of government policy and the prisoner's lives.

On December 2, 1975, Admiral Sudomo, Kopkamtib Chief of Staff, announced that there remained about 34,000 prisoners in Category B—that group deemed too dangerous yet to be given their freedom, but against whom the government admits there is insufficient evidence to warrant a trial. He added that all of these people would, at some unspecified date, be permitted to return to society, except for the 10,000 or so already transported to the penal colony on the island of Buru, who would never be allowed to return to their homes.³³ (In the same month, however, at an informal briefing of concerned Christian leaders, the Admiral indicated rather that the government plans to send a further 10,000 people to Buru over the next four years.)³⁴

On December 2, Sudomo also announced the release of 1,309 prisoners in Category B, 1,003 of them civilians and 306 military. He explained that on "release," these people would, over a two-year period, have their freedom gradually enlarged from house arrest to city arrest to country arrest.³⁵ One might at first take this as an encouraging sign of a new moderation in government policy. Perhaps it is, but three weeks later the Admiral also told the press that in "recent years we have arrested on an average of 500 people a year in connection with the Gestapu/PKI Affair."³⁶ Since the government has insisted that the Category C prisoners have all been released, indeed, that the category no longer exists, we must assume that the 500 annual arrestees fall into Category B or A (prisoners destined actually to be tried). Since Category B is far larger than Category A, we can assume that most of these arrestees are Bs. This means that roughly for every 1,000 released, 400 or so are being imprisoned. The long term supply of such prisoners thus promises to be replenished indefinitely.

In his December 2, 1975 statement, Sudomo also revealed that there remained about 1,200 Category A prisoners, those whom the government feels it can bring to trial. He added that since 1966, a total of 767 detainees had already been tried and convicted:³⁷ an annual rate, I calculate, of about 77 persons. At current rates, it will be another sixteen years before the remaining prisoners in this group are tried, always assuming that no further Category A people are arrested in the interim. This would mean, in some cases, imprisonment for twenty-six years without trial. Under these circumstances former Minister Oei Tjoe Tat may perhaps count himself fortunate: he has recently been sentenced to thirteen years imprisonment, less the ten years already spent in pretrial confinement.³⁸

Conditions in prison camps clearly vary a great deal and it would be a mistake to assume that all are very bad. A recent report by concerned religious groups stresses these wide variations, pointing, however, to particularly serious situations with regard to nutrition, hygiene and medical care in prisons in Ambarawa, Nusakambangan, Malang, Surabaya, Medan and Serang.³⁹ In a recent article

³² White, "Population," p. 21.

³³ *Kompas*, December 3, 1975.

³⁴ Mimeographed typescript in my possession. The Admiral is a Christian.

³⁵ *Kompas*, December 3, 1975; ABC Asian News, December 7, 1975.

³⁶ *Kompas*, December 23, 1975.

³⁷ *Kompas*, December 3, 1975.

³⁸ *Tapol* (London), No. 15 (April 1976), p. 1.

³⁹ Mimeographed typescript in my possession.

in the *New York Times*, David Andelman wrote of a prison in Borneo where 200 prisoners, many of them under detention for eight to ten years, have been packed into ten cells. He reported that the food consisted of a little rice, and a thin soup of lukewarm water, with an occasional vegetable or peel floating in it to give it a slight flavor. He added that beating with leather straps is still a part of the local interrogation process.⁴⁰

It is worth pointing out here that the government discriminates in its treatment of different stripes of political prisoners. Several dozen liberal academics, lawyers, journalists and students were arrested after the January 1974 riot. Three of these have been tried and convicted. All but four of the rest have recently been released on grounds of insufficient evidence, after up to two years detention. I think we should welcome these releases, without forgetting the arbitrariness of the detentions or the sufferings they have caused. What I wish to point out, however, is that one of these detainees has commented recently that government expenditures on its "liberal" political prisoners were seven and one-half times those on alleged communist prisoners in the same prison.⁴¹

The government has repeatedly justified its unwillingness to release political prisoners on the grounds of concern for their safety, claiming that Moslem groups in particular and other strongly anticommunist forces in general would not accept their return to society and might use physical violence against them. In fact, as far as I am aware, there have been no documented episodes of this kind. And it should be noted that the strongly anticommunist former Defense Minister General Nasution, whose little daughter was killed in the 1965 coup, has recently said that the prisoners . . . "should be released while taking into account the prosecution of committed crimes and security requirements. . . . A hysterical anticommunist reaction is not called for. We should have confidence in ourselves and vigilantly assess the situation. What we need is a political system with a government which realizes the aspirations of the people in a democratic manner, with an apparatus that serves the community."⁴² Similarly, H. Nuddin Lubis, the Deputy Chairman of the United Development Party (the government-inspired fusion of former Moslem parties), commented last December that releases should be made on the basis of law and justice, not other considerations. He said that basic human rights have been a matter of discussion in the community for a long time and people fervently hope that these rights would be implemented. For this reason, he added, it is essential to ensure that anyone, including political prisoners, regarding whom there is no proof of guilt, be speedily released. They should not be allowed to remain in prison for years suffering hardships.⁴³

I would like to make one final point with regard to the political prisoners, one that I make mainly because of the extraordinary response given by the Department of State to the Committee's question on the matter. May I quote part of the text here for the Committee's attention? Mr. McCloskey avers that: 1. "We understand that those who have been brought to trial have been accorded counsel and a reasonable opportunity to defend themselves." 2. "The Indonesian Constitution does not grant protections to citizens against detention without trial. We are informed that the detainees held in connection with the 1975 coup attempt were arrested under provisions of an emergency powers law enacted by the Provisional People's Congress in 1966 for the stated purpose of restoring and preserving order and security. We do not have a copy of this law nor an outline of its provisions, but we understand that it takes precedence over ordinary criminal statutes . . . and does not include a provision limiting the length of time a person can be held without trial under its authority."

These bland words reflect either a regrettable lack of effort on the part of the Department, or a deliberate deception. Both the Indonesian Constitution and the Provisional People's Congress enactments are in the public record, and the large staff of the Embassy in Jakarta could easily talk with lawyers who have defended political prisoners put on trial.

⁴⁰ *New York Times*, November 30, 1975.

⁴¹ Former "liberal" detainee Mr. Yap Thiam Hien estimated that about Rp. 300 was spent per day on his fellow "liberals", Rp. 40 on "communist" prisoners. (Mimeographed typescript in my possession dated November 10-13, 1975). In an open interview given to the *Melbourne Herald*, December 16, 1975, Mr. Yap said that he and his group had been "very much favored" with regard to prison food. It should be noted, too, that freed "liberal" detainees suffer no further restrictions on their liberties, while "communists" (as detailed above) may suffer restrictions for as long as two years after leaving prison.

⁴² *Kompas*, July 28, 1975.

⁴³ *Kompas*, December 3, 1975.

In fact the basic patterns have not changed much over ten years. Let me quote from my notes on an interview with a lawyer involved in one of the earliest trials, in 1966:⁴⁴ "I was given the case 36 hours beforehand, with no time to prepare a proper defense at all." "I was never allowed to see the defendant alone." "The one defense witness I was allowed was coached by the military authorities in advance." "The courts assigned me two army majors as aides, but all they did was keep watch over me." "Before and during the trial, the presiding judge gave interviews to the press commenting on the case." After assisting in the defense of Mr. Asep Suryaman last year, the highly-respected church leader and trial lawyer Mr. Yap Thiam Hiem wrote a devastating commentary on the legal handling of the case. He observed that the charges were presented to the accused 72 hours before the trial started. Most of the allotted 72 hours had to be spent in finding some legislative basis for the charges. Defense requests for even a week to study the charges and the voluminous pretrial interrogation testimonies prepared by the prosecution, and to see the accused in private were all denied. He was only able to see the accused in a chamber of the court under heavy military and police guard. Contrary to Indonesian criminal law, the judges heard the accused before hearing any prosecution witnesses. When Mr. Yap and his team had the temerity to attack the legality of some of the charges on the grounds that they were not warranted by any act of parliament (for more on this see below), they were privately warned that this kind of "active" defense might mean they would not be permitted to defend communists on trial again.⁴⁵

As to the second assertion of the Department of State, I hope the following will suffice:

(a) The Indonesian Constitution, Article 28, says: Freedom of assembly and the right to form unions, freedom of speech and of the press and similar freedoms shall be provided for by law.

(b) Article 20: Every law shall be enacted [by the President] in concurrence with the Council of Representatives [Parliament].⁴⁶

In other words, only an elected Parliament, acting in concurrence with the President, may establish laws limiting basic freedoms. Certainly a Provisional People's Congress, its membership wholly appointed by the executive, has no such powers. The powers of even an "unprovisional" People's Congress, Article 3 of the Constitution specifies, are solely to "draw up the Constitution and determine the broad lines of national policy".⁴⁷ In other words, even this body has no law-making powers once the Constitution has been established.

I hope that I have said enough to justify my deep concern about the widespread abridgements and violations of human rights in Indonesia along a broad range of matters. I hope I have shown that the treatment of political prisoners is not an isolated blemish on an otherwise humane record. I would not deny for a minute that there are many sincere and idealistic people both inside and outside the Indonesian government who are seriously concerned about the situation and would very much like to improve it. The fact of the matter is, however, that under the present government, the channels for expressing concern are being steadily closed, and the risks involved increasing. I am afraid that I must conclude with the judgment that the problem lies not in individuals abusing their authority but with a government which has shown itself over a whole decade to be increasingly authoritarian, suspicious of its own citizens, and indifferent to the rights of the weak and vulnerable.

Mr. FRASER. Your entire statement will be made a part of the record. Thank you very much, Mr. Anderson. I think this would be an appropriate time to recess. We have to go to the House for a vote, so the subcommittee will stand in recess for approximately 10 minutes.

[A short recess was taken.]

Mr. FRASER. The subcommittee will come to order. Perhaps initially the question might be focused on the Philippines involving our first two witnesses and then on Indonesia. Is my recollection correct that after your visit to the Philippines or as part of it that you had a conference with officials in the Marcos government about what was found, would you tell us?

⁴⁴ Interview with a well-known Indonesian lawyer (name withheld), July 19, 1967.

⁴⁵ See the letter of Mr. Yap Thiam Hien to Mr. MacDermot of the International Commission of Jurists, dated August 28, 1975, appended to this testimony.

⁴⁶ Yamin, ed., *Naskah Persiapan*, pp. 54 and 52. My italics.

⁴⁷ *Ibid.*, p. 50.

Mr. SCHULZ. Yes.

Mr. FRASER. Could you tell us a little bit about your meeting with them and what came of it?

STATEMENT OF DR. GEORGE OTTO, CONFERENCE MINISTER, ROCKY MOUNTAIN CONFERENCE, UNITED CHURCH OF CHRIST

Mr. OTTO. Primarily, their position was that it is not the intent of the Marcos government to utilize torture, et cetera, and that if and when this occurred—and he would probably say when—it was at the time of arrest and it would be their intention to punish those persons who were responsible in their own military establishment. That would be their chief defense or rationale for this.

Mr. FRASER. In other words, you were saying that if there was torture, it was not authorized or tolerated by the central government.

Mr. OTTO. That is right, and when it did occur, it was usually at the point of arrest and at the time of interrogation rather than after persons had been detained, where they maintained that they had better control.

Mr. FRASER. That seems to be a common procedure. Torture is part of the interrogation process.

Mr. OTTO. That is right.

Mr. FRASER. Ordinarily, torture is not inflicted after someone has been in detention for a while, but it is associated with interrogation centers and the interrogation process. But notwithstanding, their assertion was that they did not approve of torture as an interrogation method?

Mr. OTTO. That is right, although there was a strong admission, "That yes, it does take place."

Mr. FRASER. Did you obtain any information that would give you a basis on which to judge that the Government's denial of any complicity in the torture was accurate?

Mr. OTTO. It would be hard, if in truth people had been tortured which that seems to be a rather common kind of thing for a reasonable person to conclude that everything is being done to eliminate it. It is a continuing, ongoing pattern.

Mr. SCHULZ. When we interviewed the women in prison, I specifically asked 2 of them—incidentally when we met with the 18 men as far as we could tell we were in private, although we could not tell whether there were any devices, but there were no guards around us.

When we spoke with the women, we were being watched very closely and the women were somewhat hesitant about sharing information with us. When I pressed them about whether they knew who their torturers were, two women stated that they had seen their torturers at Camp Olivas, both of whom were military personnel, one a major. If she gave the name, it wouldn't have done any good, because we couldn't carry any notes.

Mr. FRASER. This suggested the army itself was directly involved.

Mr. SCHULZ. She said that; yes.

Mr. FRASER. I think the other point you made was that many of these people did not know why they were being detained.

Mr. SCHULZ. I think that is a very important point in terms of human rights and justice, because although they were aware that they

had been involved in some discussions about increased wages and a couple of students said that they had been involved in setting up a student organization, no charges had ever been handed to them so that they knew exactly.

Mr. FRASER. When were you in the Philippines?

Mr. SCHULZ. In the third and fourth weeks of February.

Mr. FRASER. Of this year?

Mr. SCHULZ. Of this year. In the week immediately preceding our arrival in the Philippines there were arrests. The information we received in the Philippines was 300 people. The information we received from U.S. sources put the number as high as 500 persons arrested in relation to organizing around the tearing down of the slums.

Mr. FRASER. In Manila?

Mr. SCHULZ. Right. Do you understand that situation?

Mr. FRASER. That is the new area that is under Mrs. Marcos.

Mr. SCHULZ. She is now the mayor of Manila and since the International Monetary Fund is coming for a conference she wants to clean the place up and she is making a strong effort to move the slum people out into the country and the slums are being bulldozed and cleared. A community organization, Zotio, protested and we got information while we were there that about 300 people had been arrested.

Mr. FRASER. The people that you saw in detention, these weren't necessarily the ones that had been arrested?

Mr. SCHULZ. None of them were. All those we talked to in prison had been in prison for some period of time, since January 1, 1975, at least.

Mr. FRASER. For 1 year, then.

Mr. SCHULZ. That is right. Most of them had been arrested in 1974.

Mr. FRASER. You are talking about people in detention who had been there for 1 or 2 years or more and who had still not been charged.

Mr. SCHULZ. That is right.

Mr. OTTO. You inquired about Government responses. We did meet with the dean of the law school at the University of the Philippines and he maintained that the court system does work, but it was when it worked. People were detained without charge and once the charges were brought, then the legal system supposedly works, and I would assume he is correct. But if you are in prison a year or two without definite charges; is that a working of the system?

Mr. FRASER. Were the people who were being detained without charges able to have access to lawyers?

Mr. SCHULZ. Yes; but it really didn't do them much good. They had talked to lawyers. One of the other Senators—I forget whether it was Diokno—had been the attorney for several others.

Mr. FRASER. Did you get any indication during your visit if there were any plans by the administration to proceed toward the implementation of the new constitution in the Philippines?

Mr. OTTO. The new constitution which was adopted provides for martial law. But the answer to your question is no. It was discussed, but there was no such feeling.

Mr. FRASER. I think the next step is a constituent assembly, and President Marcos had delayed that several years.

Mr. OTTO. They suspended martial law long enough to allow people to assemble to discuss the constitution, and evidently it was rather

threatening and it was less than a week that this was allowed to take place. It was really for a very brief time.

Mr. FRASER. Do you have any notion of how many people you think are in detention?

Mr. SCHULZ. No, and from all the people I talked to in the Philippines, there were no figures. I would like to say that I spent the equivalent of about 12 hours of time with people in what would be called the underground in the Philippines and at many points I have to say it appeared to me that the information access that they had was somewhat less than the information that I receive in the United States through a wide variety of sources which is pooled together so it is available to us here.

What I am saying is they have to maintain their secrecy so much that it is difficult for them to have intercommunication in the Philippines. They are not able to put together the whole picture as well as it can be put together here.

Mr. FRASER. Did you have any opportunity to talk to some of the church leadership in the Philippines on this problem of political prisoners?

Mr. OTTO. Yes.

Mr. FRASER. What did you learn from that?

Mr. OTTO. The message was hope, which addresses the future. They are concerned. The General Secretary at one point was detained himself and released very quickly in a couple of days. Some of the staff had been detained. The government would have me believe that these are Christian radicals in a small part of the church. One of the most free hours would be at Sunday morning worship service. But Marcos by name is not mentioned and it is a place where assembly still takes place. This leads me to say the private side of U.S. involvement that is written in the testimony is that the U.S. Government policy is very important to the Marcos regime as well as to the opposition.

Mr. SCHULZ. Let me just make a comment which I think would be useful. I said to the pastor of the church that we attended "I don't see how you could preach that kind of a sermon." I was uptight about the situation. He said "I have a firm belief that the only way that we can maintain our freedom is to exercise it."

Mr. FRASER. I guess my last question is do you have any views as to the practical impact of U.S. military assistance to the Marcos regime in relation to the human rights situation?

Mr. SCHULZ. My feeling is that it is in fact the U.S. military aid that maintains the Marcos regime and if this aid were pulled back and they did not have access to the money and the power and the clout and weapons that the United States provides, there might be a great amount of turmoil. I think there certainly would be, but I have to say that I think the Marcos government would be put on untenable ground.

I would like to go on to say that there is a clear indication that it is the U.S. aid which is also maintaining many of the guerilla movements against the Marcos regime. Fifty percent of the weapons used by insurgents in the south are U.S. weapons.

Mr. OTTO. The feeling is that the United States is involved on both sides of the conflict and the wake of our involvement is felt throughout the Philippines.

Mr. FRASER. What is the status of Senator Aquino, who had been in prison for some time and had embarked upon a hunger strike?

Mr. SCHULZ. He is no longer on a hunger strike.

Mr. FRASER. Is he still in detention?

Mr. SCHULZ. Yes; there has been some discussion about the possibility of his being released.

Mr. FRASER. They were involved in some pretrial procedures at the time he went on a hunger strike. Do you know if he has been tried?

Mr. SCHULZ. He has not been sentenced.

Mr. FRASER. Mr. Derwinski.

Mr. DERWINSKI. Just to be sure I understand the matter here, Reverend Schulz, your trip to the Philippines and Indonesia was an assignment from the United Church of Christ, I presume.

Mr. SCHULZ. It was part of a study seminar.

Mr. DERWINSKI. The United Church of Christ funded it; it was a direct church activity?

Mr. SCHULZ. That is right.

Mr. DERWINSKI. Do you have active missionaries in those countries?

Mr. SCHULZ. Yes; we do.

Mr. DERWINSKI. I don't doubt your statement, but there is something here that arouses my interest. You stated in your testimony that your visit to one of the detention camps was arranged by General Fidel Ramos, a nephew of the President, that he provided the transportation and I guess he gave an order to the camp commandant to cooperate with your requests to see certain prisoners; you saw them alone and they recited the tortures they had undergone. It is curious why they would be so cooperative when the testimony you received was obviously not helpful to them. How do you analyze that?

Mr. SCHULZ. I think there are two reasons for that. General Ramos spoke to the entire group and he, along with several other representatives of the government who met with us, appeared to be open and cooperative in trying to answer all the questions we were raising. At one point I raised a question regarding torture in the prisons and he said that Amnesty International had visited the prisons and he in fact also included Representative Fraser's name as one of the visitors in the Philippines and stated that he was willing to show anybody around.

At that point, having information about the incarceration of the prisoners, I asked him if it would be possible for us to go to Olivas. I didn't indicate that I had the names of the prisoners. I think at that point he thought we would just go up to Olivas and look around. The commandant at the prison was visibly shocked when we gave him the names of the 18. They were shocked that we knew who they were and they asked how we received the information. I said that the information was widely available in the United States. I think that his idea was to show us around Olivas and that we would not talk to anybody who would give us much information.

Mr. DERWINSKI. You make your reference to the fact of turmoil throughout the country and you make reference to Communist revolutionaries and the sugarcane workers. Are any of these movements coordinated, to your knowledge?

Mr. SCHULZ. I would say no. I would say that there is very little coordination between the insurgent groups.

Mr. DERWINSKI. That is all I have about the Philippines.

Mr. FRASER. Mr. Benson, I want to raise one question with respect to procedure. You said in your statement that you regret that persons whom you felt could best talk about the subject of human rights in Indonesia had not been given an opportunity to come here and talk. We had invited suggestions from the Indonesian Government on witnesses. They had given us several names of Indonesians who are in Indonesia, and we have indicated that if they were in the country—we don't have the money to bring them here—if they were in the United States, we would be willing to hear them.

Mr. BENSON. As I understand the sequence, you wrote a letter to General Ali Murtopo on the 12th of January referring to the first set of hearings you held on the subject of human rights in Indonesia. The general replied with a letter to you on the 4th of February. In that letter General Murtopo offered the names of some prominent Indonesians your committee might care to call. I understand it wasn't until last Tuesday, 27th April, that your committee replied stating that you would be happy to have some of these people testify.

Mr. FRASER. I think the problem is we don't have a way to bring them here.

Mr. BENSON. I think they are so interested in the subject that they would get them here if there was time.

Mr. FRASER. In any event, it is an invitation that is open. It need not be today or the opportunity is forever lost.

I have one other question about your statement. You say at the end of the period following the coup that there were several hundred thousand people in jail accused of complicity in the coup when in fact most of them never had any charges against them. That is my understanding.

Mr. BENSON. There have not been charges in a formal sense, but following the period after the Suharto government came to power the Communist Party was outlawed. The Government made the determination that it was the Communist Party that started this whole upheaval and they made another determination that members of the party were directly involved and those participating and supporting the party in this whole effort were, involved in the coup and were placed in custody.

Mr. FRASER. I can appreciate that they may have had these ideas in their minds. The question is whether they had set out any formal charges because your phrase is "accused of complicity." Were they in fact ever provided with written charges?

Mr. BENSON. I would doubt that most of them were, but many of them were, the people in category A were provided written charges. The large group, category B numbering about 30,000 is a group that the Government is continually working to rehabilitate, and to release back into society. Category C group have all been released. Originally there were over 100,000 detainees involved in this issue and now the number is down near 35,000.

Mr. FRASER. According to the figures that I think you provided, the rate at which they may have their cases disposed of would indicate that many of them are likely to be there for quite a few more years.

Mr. BENSON. I think that is true; yes, sir. One point I would like to make in relation to the handling of the case: I have about five good

friends of mine that are military lawyers that have been working on this problem since about 1967.

Mr. FRASER. They are lawyers in the Indonesian military?

Mr. BENSON. Yes, sir. They have been charged with preparing the cases for trial and this, as I mentioned in my statement, is one of the basic problems of moving ahead to either try them or release them; they just do not have the legal people available that they can pull off other things. They still have a nation of 130 million that they are trying to govern. They have a very elaborate development program underway.

Since this problem started, in the last 10 years the population has increased by about 20 million. This is a country trying to develop and the Indonesians just don't have the resources to apply to this specific problem to resolve it any faster.

Mr. FRASER. It is my impression that there was a considerable degree of understanding of the problems facing the Suharto government following the coup effort which was enormously traumatic. You indicated that you thought 100,000 people were killed. The figures I have heard run to a quarter of a million or so. Obviously, it was enormously traumatic for the country.

The problem that really troubles the people is that after 10 years, many detainees have never been given a chance to have a hearing. This has to be—well, you expressed it yourself. There is obviously a very real concern for the human side of the problem.

Mr. BENSON. Sir, I will admit it is slow. There is no doubt about that. But on the other hand, my experience is the Government is aware of the problem. Particularly in the last few years since things have settled down, they are making progress in the economic area and they are beginning to apply more resources to the issue. I think that under the circumstances they are going about as fast as they can possibly go.

Mr. FRASER. Just one other thought. We were told by representatives of the Indonesian Government that came to visit me that one of the problems was the acceptance of these people back into the community.

Mr. BENSON. Yes, sir.

Mr. FRASER. What puzzles me a little about that is, if that is true—and I am sure there must be an element of truth in it—why they would then be so dangerous. In other words, if there was a fear on the part of the Indonesian Government of people against whom they did not have a case or any kind of a trial or hearing, if these people were released back into their communities and there is antagonism, the likelihood that they would proselytize on behalf of some revolutionary movement could be curtailed by public sentiment and there would be no sympathy for them or their points of view. Doesn't the Government argument sort of argue against these people posing a real danger?

Mr. BENSON. The group you are talking about do not pose any kind of political threat.

Mr. FRASER. We are talking about category B.

Mr. BENSON. Category B. The concern on the part of the Government is that there have been cases of people that have been released back into their original villages and were completely outcast, not accepted. This figure of 100,000 that were killed or a million as stated by Mr. Schulz indicates the viciousness of the problem that existed

10 years ago. There is a genuine concern on the part of the Indonesian Government about the personal safety of these people if they are released in large numbers.

Mr. FRASER. So this is what we might call a protective detention for their benefit?

Mr. BENSON. For their benefit; yes, sir.

Mr. FRASER. Which suggests that the gates might be left open and they might volunteer to stay in there?

Mr. BENSON. It might suggest that, but that is not what I am saying.

Mr. FRASER. You are saying it is for their benefit.

Mr. BENSON. For some of them, yes. The Government is concerned that any large release of these people just wouldn't be accepted by the communities themselves. I received this information from missionaries that I have known in Indonesia for the last 20 years, some of the nuns that are working with some of these people in Java. They are aware of the cases and they were complaining about the bitterness of the people in the villages toward prisoners. So there is a concern about this particular side of the problem.

Mr. FRASER. But your view is that these category B's do not represent a political threat at this time.

Mr. BENSON. They represent more of a security threat because if they released 20,000 of them tomorrow and they put them back mostly on Java, there could be the same thing that happened in 1965 and 1966; there would be a breakdown in security with its unfavorable aftermath and reaction. I don't think the Government is going to opt for that choice. This is not to say that they are not trying to rehabilitate them; they are.

Mr. FRASER. You referred to General Nasution which was interesting, because he was the one surviving general and I remember the time of the tragedy of his daughter. I think he escaped out the back door and over the fence. But his view apparently is not in accord with present Government policies. Where is he today in terms of the political situation?

Mr. ANDERSON. Out.

Mr. FRASER. Out in what sense?

Mr. ANDERSON. He is too senior, too well known, and too "historical." They are not very happy with him. A report that he prepared on state policy while he was still chairman of the Provisional People's Congress was actually suppressed by the Government because it was thought to be too critical. But he is one of those very unusual individuals in Indonesia who is virtually invulnerable. He is not liable to arrest for almost anything he does.

He is too well known and too well respected. He has a strong Moslem constituency. His personal probity is well known and is very unusual among the senior officers corps.

Mr. BENSON. What Ben just told you is not quite right. I know General Nasution very well and I had lunch with him about 3 weeks ago and when he was here in Washington I saw him frequently for about a month. He is definitely out of the military. There are no restrictions on his travel. He can go any place he wants in the country. He can say anything. Some of the things he says the Government doesn't like.

I have talked to him about some of the business in relation to some areas where he is very critical. He said, "Well, it is very easy for me." He said, "I don't have any responsibility. I have the audience. I can go and talk and people listen to me." He is constantly on the road in Indonesia. I am aware of no attempt to restrict his movement nor his actions, nor what he says. He gets a lot of good press coverage.

In a way, he is a little bit of a safety valve in the system. So I wouldn't look on him as being unduly persecuted or anything like that. He is not.

Mr. ANDERSON. I didn't mean to suggest that he is persecuted; quite the opposite.

Mr. FRASER. I was more interested in the fact that he expressed a view toward Government policy, toward his people. Having experienced his own personal tragedy—

Mr. BENSON. But he would be the first to admit that it looks a lot different on the inside than the outside.

Mr. FRASER. Mr. Derwinski.

Mr. DERWINSKI. Mr. Chairman, I would like to clarify what Colonel Benson said, the question of the release of all prisoners. Do I understand you to say that there is concern about public reaction in certain localities when this type of person returns?

Mr. BENSON. Yes, sir.

Mr. DERWINSKI. It isn't just the concern as to what the impact of 34,000 political critics would suddenly be?

Mr. BENSON. No.

Mr. DERWINSKI. You are making the point that the individuals themselves would face certain animosity?

Mr. BENSON. That is what I am led to believe.

Mr. DERWINSKI. Has there been a pattern of this kind of thing then?

Mr. BENSON. It is my understanding there had been some resentment, but you have to understand, sir, that this group is now 10 years older and regardless of whether the Government puts them in category A, B, or C, as they are released in the eyes of most of the people in Indonesia, they are part of that vicious, atheistic, Communist movement that tried to destroy their government and they are not welcome.

Mr. SCHULZ. May I comment on that? We discussed this with a number of people at what I would call the grassroots level in Indonesia. The colonel has suggested that if the prisoners were released into the community, somehow the communities would rise up like a pack of wolves and drive them out. We got a different answer from people we talked to in Jakarta and Sumatra.

The guilt by association process worked so strongly after the coup that people were killed, murdered, taken away because they had known someone who had known someone. Because the reality of that situation is still fresh in the minds of the people, when a person returns from incarceration to the community that person is shunned in a way similar to the way religious groups of our German-Dutch heritage have shunned people in fear of guilt by association. If I talk to that person, therefore I am myself tainted with that person's guilt and that person is not welcome in the community because of fear of such association.

It is the pervasive fear that exists everywhere in Indonesia that creates that situation. That is my impression, at least.

Mr. DERWINSKI. Professor Anderson, on page 14 of your testimony you touch on the same subject. I want to be sure I understand the figure properly. You take note of the fact that there are about 34,000 prisoners. If I understand you correctly, 10,000 of those 34,000 are at the penal colonies on the island of Buru and the other 24,000 as you described them, are too dangerous yet to be given their freedom, but the Government doesn't have sufficient evidence to warrant a trial and that these 24,000 at some point would be released. In other words, 24,000 basically should be released at some point. At least that is the general intent. But 10,000 seem to be already assigned to permanent prison; is that correct?

Mr. ANDERSON. Well, my understanding in fact is that this is the external or public policy: namely, that eventually all the people not sent to Buru will be released over time. But my testimony includes some further information which we recently received. The chief of staff of KOPKAMTIB says the Government is thinking along different lines, namely, that 10,000 of the category B people would be sent to join the 10,000 that are already there, so that 24,000 out of the 34,000 or so would be permanently in this place.

Colonel Benson may not feel that this is a penal colony, but I think it is significant that though the Government has offered wives the option of joining their husbands in this community, only a very small number of these, I think 279 in all, have consented to go. So it obviously isn't a very attractive place for family life, from the point of view of these women. So we are unclear what the Government really has in mind. There are two voices: a public and a private one and we are not sure which is the real one. But it is obviously a matter of some concern.

Mr. DERWINSKI. As long as I am looking at your statement, may I direct your attention to page 19 of your statement. Your contention there that the present parliament in Indonesia does not meet the standards that you feel an elected parliament should have.

Mr. ANDERSON. Do you mean page 19?

Mr. DERWINSKI. I am referring to specifically your statement.

Mr. ANDERSON. I am sorry, I got the wrong page.

Mr. DERWINSKI. On page 19 you state that "only an elected parliament acting in concurrence with the president may establish laws limiting basic freedom." In other words, it is your contention that the laws enacted by the present parliament are in fact unconstitutional?

Mr. ANDERSON. No. What I was trying to point out is that the State Department, in justifying the way in which these legal cases were handled, has said that they are based on a law passed by this body, the Provisional People's Congress, which supersedes existing law. My point is simply that there is no constitutional basis for that claim. For such a law to be properly enacted, this should be done by an elected parliament, not by a body which is wholly appointed by the executive and has no real legal status. So it is a criticism of the State Department argument. In another place in the testimony I also criticized the present parliament which was elected by procedures which are very far from being—

Mr. DERWINSKI. Mr. Chairman, it might be interesting if we had Mr. Habib or Ambassador McClosky here with Professor Anderson and could thrash out this issue.

You have devoted a good part of your academic career, I understand, to a number of Indonesian subjects. You have had some practical experience there. What would be your prognosis as to the situation in Indonesia 10 years from now?

Mr. ANDERSON. I think a great deal depends on——

Mr. DERWINSKI. Mind you, you are not going to be held accountable for everything that happens over the next 10 years, but just your prognosis.

Mr. ANDERSON. It is difficult to avoid saying anything that isn't superficial. My guess is that a government rather like this one will be in power 10 years from now. But I doubt that the present leaders of the Government will still be there. There are very few political forces in Indonesia that now have the freedom or the capacity to organize in such a way as to allow them to compel a serious change in the kind of administration that exists. There could be a coup from inside the army, but at the moment it doesn't look very likely to me. The possibility of removing the Government by any other means is certainly remote now.

You have to understand the trauma of 1965 and that a serious opposition is extremely difficult to develop. I think the Government is fairly secure, maybe not the individual top people, but the whole basic structure of the Government is fairly solid.

So when General Nasution says "we should be confident," I think there is some reason for that thinking.

Mr. DERWINSKI. Professor Anderson, I understand that you know Professor Emerson at the University of Wisconsin.

Mr. ANDERSON. Yes, indeed.

Mr. DERWINSKI. I understand he is a recognized authority on Indonesia.

Mr. ANDERSON. I don't know if anybody is a recognized authority, but——

Mr. DERWINSKI. He testified before Mr. Wolff's subcommittee and I quote from that testimony: "Cutting military aid will not free political prisoners." He went on and speculated that this cutting off aid, this kind of pressure might actually increase official anxiety and produce more pressure. What is your judgment on that; either on that viewpoint or more specifically what is your judgment as to terminating or reducing our military assistance and economic assistance?

Mr. ANDERSON. Well, it is a very difficult question to answer. My sense is that if you look at our involvement in military aid, I gather it is in the range of \$19 million or is supposed to be. Compare that with the wealth of the Pertamina Oil Co., which has been so rich that it could run up debts in the neighborhood of \$9 billion. Pertamina could easily purchase what we give them. So it seems to me the importance of the military aid is above all symbolic, indicating that the United States approves of the Indonesian Government. If we were to remove that military aid, it would not affect them economically, but rather in a political way.

Whether that would lead them to liberalization on the question of individual rights, I am not sure. But we won't know until we try. Certainly the gentle kinds of pressure that have been generated over a number of years haven't been very successful so far.

People have always argued that "this is a bad time to press them now. Let's wait another 2 years." Two years later always turns out to be another bad time and so forth. It seems to me we are not going to lose a great deal if we reduce or eliminate the military aid. That is basically my idea.

Mr. DERWINSKI. Thank you, Mr. Chairman.

Mr. FRASER. Mr. Ryan.

Mr. RYAN. I am sorry I wasn't here for more of the testimony, but things keep coming up. Reverend Schulz, do you subscribe to the often-stated comment that the uprising on September 30, 1965, was actually a revolt by army officers as opposed to the Communist Party?

Mr. SCHULZ. I have not evolved my own theory. I certainly heard many different theories while we were in Indonesia. We heard five or six that I had not heard before. So I have no real theory that I can accept for my own about that situation.

Mr. RYAN. Professor Anderson, do you have any comment, on the legitimacy of the argument that the uprising of Indonesia on September 30, 1965, was by disgruntled army officers as opposed to an organized coup by the Communist Party in Indonesia?

Mr. ANDERSON. I think it is a plausible theory, yes. That does not mean that it is true, but it is plausible.

Mr. RYAN. How about you. Colonel Benson?

Mr. BENSON. I left Indonesia after a 3-year assignment about 2 months before the coup. The day after the coup I was here in the National War College and I was taken out of the War College and was put on a task force in Mr. Bundy's office who was Assistant Secretary of State and followed the whole affair very closely. I am convinced and I believe the evidence is overwhelming that the coup was 100 percent PKI, Indonesian Communist Party controlled, direct by the party, no doubt in my mind.

Mr. RYAN. What do you use as the basis for your information?

Mr. BENSON. My own personal experience in talking with many of the officers involved. In fact, of the six generals killed, I knew five of them personally very well. In addition, there is an exhaustive study by the CIA entitled "Indonesia: 1965, The Coup That Backfired." December 1968 authored by Mrs. Helen Louise Hunter. This was unclassified only a matter of a few months ago. The study clearly states in its conclusion that the PKI was behind the coup 100 percent.

Mr. RYAN. I have a copy of that here, Mr. Chairman. It is too thick to go into, but I would like to read a paragraph if I may because of the conclusion that exists. You just had three different people who are here testifying before a congressional committee on the validity of the statements that are made and you have three different views as to what constitutes the truth of the thing.

I know that in this country, which has a lot greater reservoir of understanding, regarding freedom of speech, and in my own State of California in 1943, American citizens by the tens of thousands were picked up and put into a concentration camp and kept there for more than 2 years. Even now as a former teacher of history in high school it is hard for me to find any kind of comment in this country about that particular action. I know that when I was a teacher of history and this goes back a good many years now, even to mention the fact that Executive Order 9036 ordered the incarceration of

American citizens of Japanese ancestry was unheard of. It was a matter which was not in any history books and to bring it up as an example of our own mistakes in trying to handle ignorance and difficulties in this country, we overlooked that one and still do.

In the case of Indonesia, which has a long way to go to achieve the luxury of the educational facilities, the standard of living, the historic tradition and precedence that we have here, to lock up thousands of the citizens of that country for political reasons is not without precedent at least.

When we talk about torture, I think its beyond the bounds of anybody's idea of civilized treatment. For any nation that engages in that, and to the extent that occurs in Indonesia or any place, it is to be condemned from the beginning. But if we had the kind of revolution that was attempted in Indonesia in September 1965, it is my own conclusion that this country wouldn't have 35,000 or 50,000 political prisoners. We would have a good deal more than that.

The reason I mention all of this is because it is a key consideration as to whether or not those who are in prison today are in prison because they advocated the violent overthrow of the government that is in existence at the time. If they have carried out or tried to carry out that violent overthrow by force and violence, that constitutes the same kind of insurrection which in this country would be punishable by a prison term.

So whether this was in fact a Communist-led attempt or simply a few officers vaguely referred to becomes rather important to consider as to what constitutes assistance or sympathy or opposition of hostility to the Government of Indonesia.

Using that as a kind of reference, this is a CIA conclusion or part of it which I would like to read, and I am as critical as anybody in this country about the CIA misdeeds. But the CIA's misdeeds is one thing; their accuracy is something else and I don't question their accuracy. I question their damn fool judgment on occasion over what they do.

In any case, this is what it says in the second paragraph of conclusions of the CIA report. The central role of the PKI in planning the coup has been pointed out in this book, which if you read it, forms very interesting reading:

The evidence is overwhelming that the PKI made all the major decisions, including who would lead the movement, what military units would be involved in the operation, when the coup would take place, how the political campaign in support of the coup would be managed and what changes in the government would be made as a result of the coup. AIDIT themselves made the more important decisions such as when the coup would take place and who would be on the revolutionary court. General Syam, the chief of the PKI special bureau seems to have made most of the other decisions, subject of course to AIDIT's approval, and so on.

Are you familiar, Professor Anderson, with this CIA report?

Mr. ANDERSON. Yes, I saw it recently.

Mr. RYAN. What is your comment on the accuracy of that report, as such?

Mr. ANDERSON. I think it is a very professional job. I think the lady that did it did it very well. But there are problems with the analysis, one of them being that a great number of the people who were involved in the first days of the coup were killed before they could provide testimony, including the chairman of the Communist Party. In fact,

most of the Communist leaders suffered that fate. Particularly important, I think, is the group of military officers in Central Java who were killed just after the coup. The province of Central Java for a time was under the coup group's control. It has always been puzzling why, if it were really a Communist coup as a whole, a military takeover should occur only in this one province. This was one of the reasons that led Ruth McVey, Fred Bunnell, and myself in 1966 to suspect that the coup's origins were more complicated than the military authorities declared them to be.

I think it is instructive that to this day there is still no Government white book on the coup. Although it has been promised at various times, I have been told informally by some military officers that they don't feel they can produce this book for various reasons: inter alia, that it would say too much about the complex internal politics of the Indonesian military, which they don't want out in the open.

MR. RYAN. The only point I would like to make in the hearing with regard to Indonesia is that this report does exist. I think it has an important bearing on the policy matters before this subcommittee in regard to military assistance to Indonesia as an independent nation. There is still enough not known about what happened to warrant its inclusion, at least by reference, in the testimony of the record. I think it is essential that any final recommendation on the part of this subcommittee reflect the information that is contained herein.

I am concerned about the United States assisting in the systematic dehumanization of people and governments. But that can occur from the left as well as the right. We were concerned when it happened in Russia. It happens there daily. I am concerned when it happens in China, India, Africa, Brazil, or in Chile. Whatever its particular stripe, it still comes out the same if you are a victim of it and I only suggest to this subcommittee that in dealing with functions regarding the activities that relate to human rights in various countries, that there be as much objectivity pursued as possible. Because there are those who have, I think, testified in the past before this committee who have used the compassion for human beings as a subterfuge within which to gain some kind of advantage for a political movement out of power.

In the particular case of the Communists in Indonesia, there is no doubt in my mind that were they to come to power tomorrow, there would not be much difference between the manner in which they treat human beings and the way the Government in power does today. I don't make the judgment either way as to which one is better, I just say that is the area of the problem.

The same thing is true in the Philippines with Reverend Schulz' testimony. The fact that it exists there is a matter of some concern. But it is what this committee does in the way of sanction that is the matter for the committee to decide.

That is all I have.

MR. FRASER. Do any of the witnesses want to comment?

MR. SCHULZ. I just can't help but say that I think the basis of the decisions made by a democratic government has to be based on compassion for individuals as you suggest, and I think that this is the strongest basis upon which decisions should be made. The information that we received from our visits leads me to believe that if we really have compassion for the broad majority of citizens in those

countries, we will cease to provide military assistance. I don't say the other types of assistance, but military assistance to that government.

Mr. DERWINSKI. At that point, Reverend Schulz, let me just check one or two points in your testimony. You indicated this recent visit to India and Japan, is that correct?

Mr. SCHULZ. Yes.

Mr. DERWINSKI. While you were in India, did you check on the status of the parliamentarians or press there?

Mr. SCHULZ. Yes, we did and that is another testimony. Needless to say, I feel there are problems in India. We spent an hour and a half with Mrs. Gandhi. I also spent about 2 hours with a person who had been in jail and was free at the time we were there.

Mr. DERWINSKI. Specifically how long were you in Indonesia?

Mr. SCHULZ. Nine days.

Mr. DERWINSKI. You made a reference to not having as much inside information in Indonesia as you had in the Philippines.

Mr. SCHULZ. That was perhaps an unfortunate thing.

Mr. DERWINSKI. What did you mean by inside information? Was this relations with the so-called underground?

Mr. SCHULZ. That is right. I have to say that in Indonesia, people appeared to be afraid to talk and there was no place that information flowed freely. It was a very difficult job to get information from the people we talked with in Indonesia. I was afraid. They talked freely in the underground in the Philippines.

Mr. DERWINSKI. In Indonesia, did you have more need for interpreters than you did in the Philippines?

Mr. SCHULZ. Yes, the language problem was somewhat more difficult, although we did have with us a person who was able to translate very freely. In the Philippines most of the time we communicated in English.

Mr. DERWINSKI. It is always a concern to me when our committee travels to visit any country for a few days and then comes back as a real expert. In other words, was this your first visit to Indonesia?

Mr. SCHULZ. Yes; these were first impressions.

Mr. DERWINSKI. Was it just the two of you?

Mr. SCHULZ. No; there were 25 of us.

Mr. DERWINSKI. How many of the 25 had been to Indonesia before?

Mr. SCHULZ. About six or eight.

Mr. DERWINSKI. Had any ever been stationed there?

Mr. SCHULZ. Yes; one had and he in fact set up many of the arrangements and provided the contacts.

Mr. DERWINSKI. What about the concern, especially the point Mr. Ryan made was interesting. That when you speak of compassion you had this 1965 coup and countercoup and somewhere there has to be compassion for the victims of the original Communist coup. I think the families whose loved ones suffered at this time probably have a right to keep that in mind.

Mr. SCHULZ. Have you been to Indonesia?

Mr. DERWINSKI. Yes, I am not an expert.

Mr. SCHULZ. I am not either, and I think I share with you these impressions. But that coup is—I don't think it is forgotten at any point in the common life of the leadership of that country, it is pervasive. In fact, there was one person in our group who commented

that the country really has not moved beyond that. It was pervasive in everything we did.

I have to say that I think one of the reasons that Professor Anderson is correct in saying that there will not be a change in the government is that I think the major portion, perhaps 95 percent of the people with the leadership ability that led the country were in fact killed in the 1965 aftermath of the coup. So you have both sides, certainly.

They took us to the home of one of the murdered generals. It is a memorial. I sensed there how the coup had particularly affected the country. You are made aware of the suffering on the part of the generals and their families. But I was also aware of the suffering on the part of many countless individual people who lost loved ones who just disappeared.

My interest really was in the political situation. The other people were interested in food and hunger and development and things like that. So my questions were directed to this and I felt that the death of so many people was so traumatic that today people still live in fear and can't communicate openly about their situation.

Mr. DERWINSKI. I have one last question.

Mr. ANDERSON. If I could comment here, I think that there is another side to this, that in a funny way the Government has an interest in keeping the memory of that period alive. The internal security apparatus never stops reminding people of these events. I think there is an element of genuine grief and anger about what happened. But there is more involved. Perhaps not everybody knows this, but the killings took place on the morning of October 1, 1965, and bodies were found, I think 72 hours later. By that time the military had taken control of the press, and radio and television and a series of photographs of the bodies were circulated all over the country along with newspaper articles, all of which claimed authoritatively that these generals had had their genitals cut off and their eyes gouged out by the Communists.

But at a trial held about a year later the testimony included medical examinations of the bodies and these give no evidence of any mutilations, gougings, and so forth. This shows that these stories were put around by the Indonesian military in the early days after the coup to generate political support for what they were about to undertake. The effect of this campaign was and is very important because today there are many Indonesians who believe this image of the coup as an atrocity. I thought it was important to have this in the record.

Mr. DERWINSKI. You just refreshed my recollection. In the 1965 coup by the Communists, there was, wasn't there, also a racial factor? Wasn't there a heavy participation of the Chinese community?

Mr. ANDERSON. No, I don't think so at all. The Chinese community in fact is rather apolitical in Indonesia. The Chinese are an alien minority.

Mr. DERWINSKI. What are the racial conflicts that still exist in the country?

Mr. ANDERSON. The Chinese are an immigrant minority and traditionally there has been resentment about the key role they have played in the economy. So when there is an upheaval, there are riots against the local Chinese population. This has occurred frequently

over the last 100 years and a bit of that happened in 1965, but surprisingly little. The percentage of Chinese killed was much lower than one would have predicted beforehand.

Mr. SCHULZ. We were told that generally the Chinese community is thought of as being on the right in political-economic terms.

Mr. DERWINSKI. Is this presently constant?

Mr. SCHULZ. Even in 1965 they were considered to be the capitalists, the moneymakers.

Mr. DERWINSKI. Do you have a comment, Colonel?

Mr. BENSON. The Communist troops killed the six generals. Four of them were killed in their homes and two of them were taken alive. I am not sure of the information that Professor Anderson refers to, but I have seen a lot of documentation on the fact that the Gerwani, a women's Communist organization, were involved in the torture process. They were thrown down a well and came up 6 days later and I would agree that the army did use what happened for its own purpose, because this is a Moslem country. Desecrating the human body is a very vicious thing in the Moslem religion and the pictures that I have seen of the bodies—I am sure the army didn't do that to their own generals. They are pretty horrible and it had the impact that it had, and it was a dramatic impact.

Mr. ANDERSON. I would be happy, if the committee is interested, to send the committee the military doctors' reports on those deaths. These are official Government documents. My sense is that the bodies looked very bad because in a tropical climate corpses deteriorate very quickly and anyway most of the published photographs were quite blurred. After several days at the bottom of a well, the corpses had begun to decompose quite drastically and looked terrible.

But the Government doctors themselves do not confirm these gross stories, which, I think, were quite cynically used.

Mr. FRASER. I have an unrelated question, but one which interests me. This reference to the large debt by the Pertamina Oil Co., I didn't understand the allusion there. What does that refer to?

Mr. BENSON. Ben made the statement, sir. Maybe he could explain it then I could explain my side of it.

Mr. ANDERSON. As you may have been reading in the press, the state oil company had been financially troubled. I heard recently from a high American official that the debt of Pertamina is in the neighborhood of \$9 to \$10 billion. I believe the Government itself has come up officially with a figure something like \$7 to \$8 billion.

Mr. FRASER. What does that flow from, you mean the capital investments made?

Mr. ANDERSON. It came from borrowing on short term from New York banks and so forth.

Mr. FRASER. For the developing of the oil?

Mr. ANDERSON. A lot of projects. They have villas they are building and hotels and steel complexes and airplanes. It is in effect a state within a state. It has its fingers in almost every major area of economic life.

Mr. FRASER. Its loans are not confined to the development of petroleum?

Mr. ANDERSON. By no means.

Mr. BENSON. The \$9 billion appeared in a press article in a magazine called Tempo, which is the Indonesian equivalent of Time Mag-

azine, and the impression given was that there were \$9 billion of bad debts, but this isn't true at all. If you take a steel complex that Pertamina was directed to put together by the Government, the investment there was something like about \$1.5 billion. There is a large LNG project that I visited just 2 weeks ago and the investment there is \$1.9 billion. There is a refinery in Cilacap which is about \$200 million. There is a fertilizer plant which is going to be about \$400 million and if you put all this together, it adds up to somewhere in the vicinity of \$9 billion, most of the money earmarked to specific projects.

A small percentage of that was used for some projects domestically, housing projects that were built, motels that were built in Java and in Bali. They built 28 tankers for international tanker operation at a time when the tanker market died about a year and a half ago. I could go into more detail. I don't have it handy here. That is a Pertamina problem.

Mr. SCHULZ. The figure we received from several sources when we were in Indonesia is that the part related to housing development, the motels and so forth, is approximately \$3 billion, which is a third of that \$9 billion.

Mr. BENSON. I think your sources are wrong, sir.

Mr. SCHULZ. Maybe so.

Mr. FRASER. Just one last question that I would like to pursue. Reverend Schulz referred to the reluctance of the Indonesian citizens to talk about some of the issues we were discussing this afternoon. I would like to ask the other two witnesses what their impressions were about that. Is there a fear generated from contemporaneous policies of the Government, or just what is your understanding of certain public attitudes?

Mr. BENSON. I am sure our answers will be exactly opposite, but I have been involved in Indonesia for over 20 years and I have never had any trouble talking with anybody at any place on any subject. Most of my contacts have been people in the Government or the military that are part of the establishment. I have a lot of friends that are not part of the establishment as such and again I have never had any trouble discussing things with them.

But I can understand the position that Mr. Schulz was in, just coming in from out of town and asking what is the problem with the Government. I don't think you would get much of a response.

Mr. ANDERSON. My sense of it is this. The problem is that the only people who can really discuss the issue of the prisoners are people who are institutionally protected. Thus, church people are in the strongest position. The Government apparently doesn't want to appear openly harsh with the churches if it can help it.

A number of senior officers are Christians: Catholics and Protestants. The best information we have on political prisoners comes from church people. They are best able to talk with these prisoners. It is much harder for anyone who is not religiously affiliated in some way. Lawyers have tried to do something about it. Two of the most prominent liberal lawyers, Mr. Yap and Mr. Buyung Nasution, have been detained for about 2 years without charges being preferred and then released without any real explanation, except that there was no basis for trying them.

Press freedom has drastically declined over the last few years and very few newspapers are available now. There were more in the

Sukarno period. There has been a great deal of harassment and pressure on the press which again is detailed in my prepared testimony, so I won't go into it here. But it is very important, I think.

One other thing which makes for a good deal of fear in the villages is the way in which the killings were carried out in 1965-66. In some cases, it was carried out by military men coming in from the outside. In other cases, the military gave guns and so forth to local civilian groups. A lot of these people stayed in the villages and they know that they were the ones who did the killings. So when the prisoners come back to the villages, obviously it is going to be a very tense situation. The killers may be afraid of revenge. It is a terrible situation in a village where everybody knows who did the killings; the atmosphere of fear is because the murders were done locally, not exclusively by the authorities.

So if you are in the village and want to talk about prisoners, it isn't an abstract issue. It relates to the memory and pasts of very specific people in the village community. I think this is a very serious problem and there is not much that even the Government could do about it even if it wished. It is right down there at the grassroots level.

Mr. FRASER. I had thought a large number of those who had been killed were Chinese, but apparently not.

Mr. ANDERSON. There were a fair number, but proportionately I think not very high.

Mr. FRASER. They weren't singled out as a kind of target group?

Mr. ANDERSON. In a few local areas they were, but generally speaking they weren't.

Mr. SCHULZ. Most of the Chinese were in the more urban areas and they have not been a highly political group.

Mr. FRASER. Somehow this allegedly had some tie to the support that mainland China was supposedly giving to the PKI and supposedly the Chinese connection there was an important thing.

Were they pursuing the notion that arms were brought in from the outside?

Mr. ANDERSON. They are not now making it an important part of their analysis or their statements of what the coup was all about; and in fact I don't think there is any basis for this claim. They never proved it, for one thing. It was part of that whole propaganda campaign to get massive popular support for the change of regime.

Mr. FRASER. My thanks to all of you for your testimony today and your responsiveness to the questions. It has been very helpful to us. We had one other set of hearings on this issue with respect to Indonesia and I should add I expect that our interest in this matter stems from the fact that the United States has had something more than an ordinary relationship with Indonesia.

We have to keep underscoring how other nations govern is really their responsibility and not ours, but our responsibility grows out of any special relationships that we maintain with other groups. On that basis, we continue to make these inquiries. I am sure this will not be the last such hearing. But we are enormously grateful to you this afternoon and thank you very much.

The subcommittee stands adjourned.

[Whereupon, at 4:32 p.m., the subcommittee adjourned, to reconvene subject to call of the Chair.]

APPENDIX 1

EXCERPT FROM THE CONFERENCE REPORT ON THE INTERNATIONAL SECURITY ASSISTANCE AND ARMS CONTROL ACT OF 1976 (H.R. 13680) (H. REPT. 94-1272, 94TH CONG., 2D SESS.) (PUBLIC LAW 94-329)

* * * * *

TITLE III—GENERAL LIMITATIONS

HUMAN RIGHTS

SEC. 301. (a) Section 502B of the Foreign Assistance Act of 1961 is amended to read as follows:

“SEC. 502B. HUMAN RIGHTS.—(a) (1) It is the policy of the United States, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, to promote and encourage increased respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. To this end, a principal goal of the foreign policy of the United States is to promote the increased observance of internationally recognized human rights by all countries.

“(2) It is further the policy of the United States that, except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.

“(3) In furtherance of the foregoing policy the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

“(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Coordinator for Human Rights and Humanitarian Affairs, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. In determining whether a government falls within the provisions of subsection (a) (3) and in the preparation of any report or statement required under this section, consideration shall be given to—

“(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

“(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

“(c) (1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, the Secretary of State, shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Coordinator for Human Rights and Humanitarian Affairs, with respect to the country designated in such request, setting forth—

“(A) all the available information about observance of and respect for human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;

“(B) the steps the United States has taken to—

“(i) promote respect for and observance of human rights in that in that country and discourage any practices which are inimical to internationally recognized human rights, and

“(ii) publicly or privately call attention to, and disassociate the United States and any security assistance provided for such country from, such practices;

“(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

“(i) extraordinary circumstances exist which necessitate a continuation of security assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

“(ii) on all facts it is in the national interest of the United States to provide such assistance; and

“(D) such other information as such committee or such House may request.

“(2) (A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

“(B) The term ‘certification’, as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

“(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within thirty days after receipt of such request, no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted.

“(4) (A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

“(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

“(C) The term ‘certification’, as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

“(D) For the purposes of this section—

“(1) the term ‘gross violations of internationally recognized human rights’ includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, and other flagrant denial of the right to life, liberty, or the security of person; and

(2) the term ‘security assistance’ means—

“(A) assistance under chapter 2 (military assistance) or chapter 4 (security supporting assistance) or chapter 5 (military education and training) of this part or part VI (assistance to the Middle East) of this Act;

“(B) sales of defense articles or services, extensions of credits (including participations in credits, and guaranties of loans under the Arms Export Control Act; or

“(C) any license in effect with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Arms Export Control Act.”.

(b) Section 624 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

“(f) (1) There is established in the Department of State a Coordinator for Human Rights and Humanitarian Affairs. The Coordinator shall be appointed by the President with the advice and consent of the Senate. He shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy. The Secretary of State shall carry out his responsibility under section 502B of this Act through the Coordinator for Human Rights and Humanitarian Affairs.

“(2) The Coordinator for Human Rights and Humanitarian Affairs shall maintain continuous observation and review of all matters pertaining to human

rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy including—

“(A) gathering detailed information regarding humanitarian affairs and the observance of and respect for internationally recognized human rights in each country to which requirements of sections 116 and 502B of this Act are relevant;

“(B) preparing the statements and reports to Congress required under section 502B of this Act;

“(C) making recommendations to the Secretary of State and the Administrator of the Agency for International Development regarding compliance with sections 116 and 502B of this Act; and

“(D) performing other responsibilities which serve to promote increased observance of internationally recognized human rights by all countries.”.

* * * * *

APPENDIX 2

EXCHANGE OF CORRESPONDENCE BETWEEN CHAIRMAN DONALD M. FRASER AND THE DEPARTMENT OF STATE—DECEMBER 1975, FEBRUARY AND MARCH 1976

DECEMBER 4, 1975.

HON. ROBERT McCLOSKEY,
*Department of State,
Washington, D.C.*

DEAR MR. SECRETARY: The Subcommittee on International Organizations is planning a hearing on human rights in Indonesia. Special attention will be devoted to the long-term political prisoners. The hearing is scheduled for Thursday, December 18 at 10:00 a.m., in Room 2200 Rayburn House Office Building. Public witnesses will be invited to testify at this session. Subsequently, perhaps in January, the subcommittee will be asking the Department to testify. For the first hearing, the subcommittee would appreciate having the Department's replies to some questions pertaining to the status of the political prisoners. May we have these replies by December 16? The list of questions is attached. We would appreciate having ten copies of your replies.

Your kind attention in this matter will be most appreciated.

Sincerely yours,

DONALD M. FRASER,
Chairman, Subcommittee on International Organizations.

QUESTIONS ADDRESSED TO THE DEPARTMENT OF STATE BY CONGRESSMAN DONALD M. FRASER, CONCERNING HUMAN RIGHTS IN INDONESIA

1. What have been the legal and judicial facilities permitted to detainees held for alleged involvement in the attempted coup of 1965? Have they been permitted the services of lawyers at any time during their detention? Were they formally served with a warrant the time of their arrest? Were they formally served with a detention order indicating the law(s) under which they had been arrested and have been detained?

2. Does the Indonesian Constitution grant protection to citizens against detention without trial? What provisions, if any, are contained in the procedural codes regarding the length of time a person can be held without charge or trial? Do these provisions apply in the case of detainees held in connection with the 1965 events, and if not, under what regulations are these provisions deemed not to apply?

3. What laws are used as the basis for the arrest and detention of persons because of alleged involvement in the 1965 events?

4. How many of the detainees have been tried? How many death sentences have been passed down? How many of these sentences have been executed? How many sentences of life imprisonment have been passed down? Are convicted prisoners held for offenses in relation to the 1965 events granted remissions for good behavior? What legal facilities are granted to detainees coming for trial to conduct their defense?

5. How many detainees are being held without trial? How many of these have been held since 1965? Since 1966? Since 1967, 1968, 1969, and 1970? How many were arrested on allegations of involvement in the 1965 events during the past year?

6. Could a list be supplied of prisons, work camps and rehabilitation centers where detainees are being held? Could the list also indicate the number of detainees being held at each of these places? How many women are there among these detainees? How many of the women (or men) are accompanied by children?

7. By what procedures are the detainees classified into several categories? Is there any procedure for informing the detainees of their classification?

8. What facilities are granted to the detainees and convicted prisoners to keep in contact with their relatives? Is letter writing permitted for all detainees? What arrangements are made to inform relatives of the whereabouts of a relative in detention? To inform them in case of illness of the detainee? To inform them in case of the death of a detainee?

9. What is the food ration for each detainee? What are they provided with in addition to food? What medical facilities are provided in prisons and camps?

10. What measures are taken to protect detainees against torture and other forms of maltreatment during interrogation and detention?

11. The Government of Indonesia has recently announced a plan to release additional detainees. Would you please clarify the terms of this plan? Has the Government made a commitment to release all the detainees over a certain number of years?

12. When does the government plan to complete all the trials scheduled?

13. What specific incidents have occurred of local communities not wanting to receive a detainee back? What steps are taken by the authorities to protect friends or relatives of returned detainees against discrimination or victimisation for being friendly or sympathetic towards released detainees?

14. What facilities are granted to released detainees to readjust to society, to get jobs or to provide them with a livelihood?

15. The Government has explained that certain detainees are sent on rehabilitation programs. Is any time limit fixed for a detainee to be on such a program? What remuneration is given to a detainee in recompense for work performed on such rehabilitation? In what way are detainees on such programs or in other circumstances protected against the abuse of their labor power?

16. If a commission of enquiry is permitted to enter Indonesia to investigate the question of political imprisonment, would the commission be permitted to make its investigation of prisons and places of detention under the following conditions: (a) being served by an interpreter of its choice; (b) visiting places which the commission itself selects; (c) speaking to detainees or prisoners privately and without restriction? To what extent has the Government of Indonesia cooperated with international organizations and international non-governmental organizations?

17. What restrictions are placed on the freedom of the press?

18. What restrictions are placed on trade union organizations (a) for state employees, (b) for employees in private enterprise?

DEPARTMENT OF STATE,
Washington, D.C., December 16, 1975.

HON. DONALD M. FRASER,
Chairman, Subcommittee on International Organizations, Committee on International Relations, House of Representatives

DEAR MR. CHAIRMAN: We have your letter of December 4, informing us of the scheduled December 18 hearings on Indonesia by the Subcommittee on International Operations and enclosing a series of 18 multi-part questions on human rights in Indonesia.

We recognize the importance of the human rights question in our relations with Indonesia and we are anxious to cooperate as fully as possible with the Subcommittee. We do, however, have certain difficulties with these questions, which we understand were drawn up for the Subcommittee by Mrs. Carmel Budiardjo of the British TAPOL organization. A number of them concern details of the domestic activities of Indonesian government agencies, Indonesian domestic legal procedures and their application, and physical conditions within individual Indonesian detention facilities about which the Department, unfortunately, has little or no information.

We have forwarded a copy of the questions to our Embassy in Jakarta. We are not optimistic that the Embassy can be of much help within the time-frame, however, since an attempt to answer many of the questions will require referral to various Indonesian government agencies.

In the following paragraphs we will attempt to respond to the questions as fully as information is available to us. Our replies are numbered to correspond to the numbers of the questions as given in the enclosure to your letter.

1. Among the detainees held in connection with the 1965 coup attempt, we understand that those who have been brought to trial have been accorded counsel and reasonable opportunity to defend themselves. We have no information as to

the availability of counsel for those not yet brought to trial. With regard to warrants and detention orders, again we have no direct information but we doubt that they were in general use during the period when most of the detainees were arrested. The great majority of those now in detention were among the several hundred thousand arrested in the months following the attempted coup. The coup attempt itself, the murder of six top military leaders by the plotters and the unsuccessful attempts by the PKI to stage uprisings in various areas a few weeks later, resulted in a period of virtual anarchy in much of Indonesia during which it is generally believed that more than 100,000 people were killed in internecine strife. It is unlikely that arrest warrants or detention orders were the rule during that chaotic period.

2. The Indonesian Constitution does not grant protection to citizens against detention without trial. We are informed that the detainees held in connection with the 1965 coup attempt were arrested under the provisions of an emergency powers law enacted by the Provisional Peoples Congress in 1966 for the stated purpose of restoring and preserving order and security. We do not have a copy of this law nor an outline of its provisions, but we understand that it takes precedence over ordinary criminal statutes and that it does not include a provision limiting the length of time a person can be held without trial under its authority.

3. See answer to question 2 above.

4. According to informal but authoritative Indonesian sources, the total number of persons tried for complicity in the 1965 coup attempt is approximately 800. Neither the names of those tried nor the sentences imposed on those found guilty have been revealed by the Indonesian Government. It is our impression that, although death sentences may have been imposed, there have been no actual executions in recent years. We have no information regarding remission of sentences for good behavior.

5. The Government of Indonesia states that the number of persons now in detention is approximately 35,000, a figure which our Embassy in Jakarta accepts as accurate. We believe that higher figures quoted by private sources are either outdated or exaggerated. We do not have a breakdown as to the dates of their arrest, but we know that the great majority of them were detained during the 1965-66 period mentioned in the above answer to question 1. We are told that interrogation and investigation of the many thousands arrested during that period produced evidence implicating others, and that the continuation of this process has resulted in the further detention in subsequent years of a relatively small number of other persons, primarily armed forces personnel, alleged to have been involved in the 1965 events. We cannot say how many have been detained in later years, but we expect that it would be less than ten percent of the total.

6. The Government of Indonesia has never provided a list of facilities where the detainees are being held nor a breakdown of the number held at the various places of detention. It is possible that this information is known to the International Committee for the Red Cross (ICRC) in Geneva but as you know, Indonesia and the ICRC have agreed that material gathered during the ICRC inspections of the detention facilities is not to be made public.

7. The detainees have been divided into three categories: "Class A" prisoners, against whom substantial evidence of complicity in subversive acts is said to exist and whom the Government intends to bring to trial under existing treason and subversion laws; "Class B" prisoners, believed to be members of the Indonesian Communist Party (PKI) who were closely associated with PKI subversive activities and therefore represent, in the Government's eyes, a threat to security but against whom there is as yet insufficient evidence to bring formal charges; and "Class C" prisoners, who were suspected of activities in support of the Indonesian Communist Party less serious than those of the other categories. There is a further "Class X" category covering those not yet assigned to one of the foregoing categories. While the evidence has been somewhat ambiguous on this point, we believe that all Class C prisoners have been released. We are unaware of the procedures for informing individual prisoners of their classification.

8. Information regarding the conditions of detention and privileges accorded detainees in communicating with their families and relatives may be known to the ICRC in Geneva as a result of its inspections of the detention facilities. As noted above, however, we are not privy to this information. We do know that in the case of the largest detention center, the resettlement camp on Buru Island, families are permitted to join the prisoners, although reportedly few have done so.

9. See answer to question 8 above.

10. The question seems to prejudge the situation somewhat as regards torture and maltreatment of detainees. Charges of mistreatment have been made but

we have not seen confirmatory evidence of this. Once again, the only outside entity in a position to comment with some authority on this question would be the ICRC. There is certainly no indication, however, that the Indonesian Government in any way condones torture or resorts to it as an instrument of policy.

11. The Government of Indonesia has announced that it is intensifying its efforts to resolve the issue of the detainees, but it has not made public the details of its plans. One announcement indicated that approximately 1,300 prisoners either had been released in recent months or would shortly be released. Indonesian officials have said informally that their plans call for the release of an additional 2,500 detainees over the next year and that they hope that the rate can be accelerated after that. We know of no commitment by the Indonesian Government to release all of the remaining detainees within a specified time. Since this would include "Class A" prisoners, we doubt that such a commitment exists.

12. To our knowledge, the Indonesian Government has never specified a date for the completion of all the trials it expects to hold.

13. Hostile local reaction to the return of released detainees to their former homes has been cited by Indonesian authorities as a continuing problem, but we have very little specific information in this area. Incidents that may have occurred have not been publicized by the Indonesian Government nor do we know what steps have been taken by the Government to overcome local antipathy to the released detainees when they return to their homes. There have been statements by an opposition political party and by Moslem groups expressing their disapproval of the release of detainees.

14. This question is not entirely clear to us. If it is intended to ask what special services the Indonesian Government provides the released detainees in readjusting to society and in obtaining jobs, we know of none. The released detainees would presumably be entitled to the same range of social services and aids as the general population. Indonesia is still one of the world's poorest major countries, however, and most of the services commonly available in wealthier countries are either non-existent or rudimentary.

15. We are aware that the Indonesian Government has announced rehabilitation programs for certain of the detainees—most specifically for those in the Class B category—but we have not been given a description of the content of these programs.

16. The first part of this question is a hypothetical one that only the Indonesian Government would be in a position to answer. Its answer presumably would depend to some degree on what is meant by "a commission of inquiry". As to the extent of the Indonesian Government's cooperation with international organizations, we believe it has been reasonably satisfactory. In 1971 and again in 1974, the ICRC sent missions to Indonesia which visited the detention facilities at the Indonesian Government's invitation. A Subcommittee of the UN Human Rights Commission reviewed charges against Indonesia in connection with the detainees in early 1974. Indonesia attended meetings of the Subcommittee and submitted a statement on the detainees; the Subcommittee accepted the statement and removed Indonesia from its agenda. Indonesia's relations with the non-governmental organization, Amnesty International, on the other hand, have been marked by some acrimony. Indonesian officials have been especially critical of articles in various Amnesty International publications which, in their view, distort the events of September-October 1965 which gave rise to the problem.

17. The rigorous suppression of the Indonesian press during the latter part of the Sukarno era was reversed by the present government. Between 1966 and 1974 the Indonesian press enjoyed a greater degree of freedom than existed almost anywhere in East Asia outside of Japan. Following the outbreak of severe riots in Jakarta in January 1974, however, a number of publications were closed by the government. Since that time, the press has been far less free to criticize the government or its senior leadership, although criticism of specific actions and policies of the government is accepted. There is no formal censorship. The method employed to keep the press in line consists primarily of informal after-publication warnings by officials when individual articles are felt to go beyond accepted bounds.

18. The current atmosphere in Indonesia is quite favorable for the development of trade unions. Their formation and development have been advocated publicly, on several occasions by President Suharto and by the Minister for Manpower Dr. Subroto. The President has publicly stated that he would like to see trade unions formed in every private enterprise and that he wishes the labor movement, management and the Ministry for Manpower to cooperate toward this end.

Trade unions must register with and be approved by the Ministry for Manpower, after which they are allowed to engage in collective bargaining and other normal union functions. The right to strike is contained in Indonesian labor law. It is, however, forbidden for essential industries. Official policy encourages the settlement of labor disputes by arbitration and conciliation as being more suited to the Indonesian cultural heritage and to Indonesia's status as a developing nation. Civil servants and other government employees are not allowed to form or to join unions. One large former union composed mainly of civil servants, the teachers' union, has been changed into a professional association and continues to function largely as before.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

FEBRUARY 3, 1976.

HON. HENRY A. KISSINGER,
*Secretary, Department of State,
Washington, D.C.*

DEAR MR. SECRETARY: The subcommittee held a hearing on December 18, 1975 concerning the situation with respect to political prisoners in Indonesia. Two witnesses testified: Mrs. Carol Budiardjo, member of TAPOL (Committee for the Release of Indonesian Political Prisoners), and John Newman, Assistant Program Officer, Officer for Asia and the Pacific, Ford Foundation.

During the hearing questions were raised concerning the credibility of Mrs. Budiardjo as a witness on this subject. On the other hand, I do not know of anyone who has questioned the factual presentation which she gave concerning the political prisoner situation in Indonesia.

It would, however, be very helpful to the Committee if the Department would carefully and thoroughly review the transcript and give its considered judgment concerning the accuracy and completeness of Mrs. Budiardjo's testimony. In what respect, if any, would the Department differ with Mrs. Budiardjo's testimony. Did Mrs. Budiardjo leave unsaid matters which the Department believes would give a more complete picture of the situation? In her testimony, she commented on some of Secretary McCloskey's replies in his letter of December 16. Would you have any replies to her comments?

A copy of the transcript has been delivered to the Human Rights Officer of the East Asian Bureau, Don Harris.

The subcommittee does intend to hold further hearings on Indonesia in March, it would be useful to have the Department's comments before those hearings take place.

Your kind attention in this matter will be most appreciated.

With best wishes, I am,
Sincerely yours,

DONALD M. FRASER,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., March 4, 1976.

HON. DONALD M. FRASER,
*Chairman, Subcommittee on International Organizations,
Committee on International Relations,
House of Representatives.*

DEAR MR. CHAIRMAN: Thank you for your letter of February 5 regarding the testimony of Mrs. Carmel Budiardjo on human rights in Indonesia at the December 10 hearing of the Subcommittee on International Organizations. You inquire as to the Department's judgment concerning the accuracy and completeness of Mrs. Budiardjo's testimony.

The Department has reviewed the transcript of Mrs. Budiardjo's testimony. The bulk of her statements consists of descriptions of alleged specific instances of torture, mistreatment of prisoners, attempts by Indonesian authorities to mislead the ICRC, and similar misdeeds which Mrs. Budiardjo claims to have witnessed personally or to have learned about from her personal contacts. She has also based a number of similar assertions on documents said to be in her possession. (Thus on page 7, "I have information in one document that I shall be reading from . . ."; on page 13, "I received another document . . ."; on page 17, "I refer to a document I will submit to the committee . . ."; and so on). Her method of presentation and the

lack of evidence from other sources make it impossible to judge the veracity of the many specific allegations. Under the circumstances, we can only reiterate the comment in my letter of December 16 to you, that we have seen no indication the Indonesian Government in any way condones torture or resorts to it as an instrument of policy.

With regard to the more general statements made by Mrs. Budiardjo in her testimony, the assertion that there is "complete confusion and contradiction" over the number of detainees held in Indonesia does not correspond to the facts as we know them. The Indonesian Government has confirmed specifically on a number of occasions that the number is approximately 35,000 and we have no basis in fact to challenge this figure.

We also note Mrs. Budiardjo's assertion that the Indonesian Communist Party was not involved in the coup attempt of September 30, 1965. The assertion is belied by a large body of evidence. Knowing of your interest in this aspect of the matter, we will be sending you under separate cover a copy of a recently declassified comprehensive study of that period in Indonesian affairs.

Beyond these points, what remains of Mrs. Budiardjo's testimony appears to be largely in the realm of personal judgment and interpretation of fact rather than the presentation of new information. Her testimony regarding her own background and her role in the former Sukarno regime raise questions as to her impartiality and her motivation in presenting this material. At the same time, we recognize that the importance of the human rights question in Indonesia is in no way vitiated by the testimony of a single witness.

We have reviewed Mrs. Budiardjo's criticism of several of the numbered responses in my December 16 letter answering the questions posed in your letter of December 4. In each case, we believe our original response to be correct.

With best wishes.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary for Congressional Relations.

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APPENDIX 3

REPORT TO THE CONGRESS ON THE HUMAN RIGHTS SITUATION IN COUNTRIES RECEIVING U.S. SECURITY ASSISTANCE

The Foreign Assistance Act of 1961, as amended, has contained in recent years several provisions regarding respect for internationally recognized human rights in countries receiving United States security assistance. Section 32 of the 1973 Foreign Assistance Act contained a provision expressing the sense of Congress that assistance should be denied to any government practicing the internment or imprisonment of its citizens for political purposes. Sections 25 and 26 of the 1974 Act limited the amount of assistance that could be made available to Chile and the Republic of Korea. Section 46 of the 1974 Act further added a new Section 502B to the basic Act which expressed the sense of Congress that, except in extraordinary circumstances, security assistance should be substantially reduced or eliminated in the case of any government found to engage in a consistent pattern of gross violations of internationally recognized human rights, and established certain precepts and definitions. Specifically, Section 502B requires the President to advise the Congress of the "extraordinary circumstances necessitating" the proposing or furnishing of security assistance to any government which has been determined to be "engaging in a consistent pattern of gross violations of internationally recognized human rights . . ." ¹

The Foreign Assistance Act of course is designed to support many U.S. interests, among the most important of which are U.S. security and the protection of fundamental freedoms and human rights. This is illustrated in the act:

"The Congress declares that the freedom, security, and prosperity of the United States are best sustained in a community of free, secure and prospering nations. In particular, the Congress recognizes the threat of world peace posed by aggression and subversion wherever they occur, and that ignorance, want, and despair breed the extremism and violence which lead to aggression and subversion. The Congress declares therefore that it is not only expressive of our sense of freedom, justice, and compassion but also important to our national security that the United States, through private as well as public efforts, assist the people of less developed countries in their efforts to acquire the knowledge and resources essential for development and to build the economic, political, and social institutions which will meet their aspirations for a better life, with freedom, and in peace."

Similarly, the statement of policy of Part II of the Foreign Assistance Act states:

" . . . It is therefore the intention of the Congress to promote the peace of the world, and the foreign policy, security, and general welfare of the United States by fostering an improved climate of political independence and individual liberty . . ."

It is thus clear that the Foreign Assistance Act recognizes both the need to protect basic human rights and freedoms in all countries and the importance of protecting U.S. security interests. The question presented is what is to happen when one of these objectives cannot be accomplished without prejudicing the other in our relations with a particular country.

We view Section 502B as an authoritative expression of Congressional concern for human rights in all countries receiving security assistance. The Executive Branch shares this concern and agrees with the Congress that the promotion of human rights and fundamental freedoms throughout the world is an important and legitimate goal of our foreign policy.

Accordingly, the Department of State has issued a series of instructions to U.S. missions in the field calling for comprehensive reports on the human rights situation in each country. The first of these instructions was issued on April 4 of last year and went to a total of 68 posts. Its text is contained on page 283 of the Record of Hearings before the Committee on Foreign Affairs of the House of

¹ The full text of section 502B is attached.

Representatives on the Fiscal Year 1975 Foreign Assistance Request. Further instructions were issued over succeeding months and culminated in a cable regarding Section 502B to all diplomatic posts on January 17, 1975 with a follow-up circular airgram on February 14, 1975. The texts of both are attached to this Report.

In response to these instructions each mission submitted to Washington its classified analysis of the human rights situation within the country in which it was located. The Department studied these analyses extensively.

The results of this study, as might be anticipated, present an uneven picture. Virtually all governments acknowledge the UN Universal Declaration of Human Rights of 1948 as stating accepted goals. Many embody such rights in their constitutions. Nevertheless, with or without claim that they act pursuant to exception clauses of Declarations, Constitutions or Conventions, many states appear to be in violation of various rights and freedoms. Some countries, of course, present more serious evidence of violations than others.

Repressive laws and actions, arbitrary arrest and prolonged detention, torture or cruel, inhuman or degrading treatment or punishment, unfair trials or other flagrant denials of the rights of life, liberty and the security of the person are not extraordinary events in the world community. These are all too common, occurring within both those countries receiving U.S. security assistance and those that do not.

Human rights abuses follow no pattern. They are not limited to types of political regimes or political philosophies. Abuses take place in both the Western and Eastern Hemispheres. They are carried out by and against persons of virtually all races and major religions of the world.

This stark fact reflects many realities of the world including the types of insecurities in many regions which have caused States of Siege or States of Emergency or martial law to be proclaimed.

In drawing these somber conclusions, it must be said that the worldwide longing for life, liberty and the pursuit of happiness which the Universal Declaration embodies persists unabated, with greatest poignancy, doubtless, where repression is most severe.

The fact is that there are nations in all parts of the world in which the people and leadership place high priority on the enjoyment of human rights. Indeed, such nations are the leaders in the international effort to advance the human rights cause. The United States itself has sought for many years to play an important role in this effort.

However, experience demonstrates that the political, economic, social and cultural problems which cause seemingly intractable human rights abuses to occur need to be resolved before real improvements in human rights conditions can apparently take place—with or without bilateral or international pressure. In most of the world the problems associated with poverty and the evolution from traditional to more modern societies seem to take precedence over respect for human rights.

CONCLUSIONS

When we consider using security assistance as a possible lever to improve the human rights situation in a particular country we are faced at the outset with at least two fundamental questions:

(1) Would the substantial reduction or termination of security assistance to that country damage our own national security?

(2) Would the substantial reduction or termination of security assistance improve or worsen the human rights situation in that country or make it more difficult to make our views known?

We know that some members of Congress feel that the U.S. Government should simply disassociate itself from repressive governments, even if such actions would have no effect on human rights problems there. Others feel that if our security interests (or other kinds of national interests, for that matter) are strong enough, these interests should prevail. Our view is that while both security interests and human rights are important, each country needs to be looked at individually to determine where our predominant interests lie in every case.

We believe, in the spirit of Section 502B and the statements of policy quoted above, that the USG should take positive actions to improve human rights wherever possible. There are many ways of doing so, however, by direct and indirect means, such as diplomatic representation, multilateral efforts in concert with other countries, educational and exchange programs and the pressures of public and private opinion.

Renewed efforts are underway both within the Department itself and in AID to develop new programs with particular focus on the betterment of human rights in various countries around the world. These include new emphasis on human rights concerns in programs sponsored by the Department's Bureau of Educational and Cultural Affairs and an effort to continue open and cooperative relationships with relevant sections of the American Bar Association, with the Lawyer's Committee for Civil Rights under Law, the International Commission of Jurists, the World Peace through Law Center, Amnesty International and many other organizations concerned with human rights. AID is planning to do more important work in this area. Examples of possibilities are programs to improve the capability of legislatures in human rights matters, technical assistance to provide competent legal advice from local counsel and exchange programs between law schools with particular emphasis on human rights problems.

Our security assistance programs are designed to meet U.S. security interests as well as those of other countries. The reduction or termination of security assistance thus can have a direct adverse effect on our own security.

In particular instances, moreover, the reduction or termination of security assistance may be wholly ineffective so far as improvement of human rights conditions in a particular country are concerned or may serve only to impair whatever influence we otherwise might have been able to wield in this regard.

Obviously, if reduction or termination of security assistance to a country would adversely affect U.S. security interests and be unlikely to produce a favorable impact on the human rights situation there, other means should be sought to promote human rights and make clear the U.S. position.

As noted, suppression of human rights or failure to provide adequate protection for them is in many cases symptomatic of a basic insecurity on the part of the government in a particular country. It is possible, therefore, that U.S. security assistance, by contributing to the economic stability of such a country or by enhancing its sense of security from outside attack, may serve to improve local attitudes toward the protection of human rights.

The situation in each country must always be weighed individually and assessed on the basis of careful analysis as to where U.S. interests with respect to security and human rights lie and how they can best be served.

In view of the widespread nature of human rights violations in the world, we have found no adequately objective way to make distinctions of degree between nations. This fact leads us, therefore, to the conclusion that neither the U.S. security interest nor the human rights cause would be properly served by the public obloquy and impaired relations with security assistance recipient countries that would follow the making of inherently subjective United States Government determinations that "gross" violations do or do not exist or that a "consistent" pattern of such violations does or does not exist in such countries.

Quiet but forceful diplomacy continues to be the most effective way both to reduce the perception of insecurity that burdens so many governments and to convey the U.S. concern on human rights issues to such governments. The Executive Branch shares the Congress' desire to encourage improved human rights observance wherever possible. We shall reinforce our bilateral efforts and we intend also to provide vigorous support for human rights issues in multilateral fora, similar to the U.S. initiative on torture proposed by Secretary of State Kissinger in his September 22, 1975 address to the UN General Assembly. Such efforts will be given priority attention and all necessary high-level support.

Administration witnesses will be prepared to discuss this subject further during the course of the presentation to both Houses of Congress of the Administration's requested program for FY 1976.

SECURITY ASSISTANCE AND HUMAN RIGHTS

SEC. 46. Chapter 1 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 502B. Human Rights. (a) It is the sense of Congress that, except in extraordinary circumstances, the President shall substantially reduce or terminate security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman or degrading treatment or punishment; prolonged detention without charges; or other flagrant denials of the right to life, liberty, and the security of the person.

"(b) Whenever proposing or furnishing security assistance to any government falling within the provisions of paragraph (a), the President shall advise the Congress of the extraordinary circumstances necessitating the assistance,

"(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation by such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross and any body acting under the authority of the United Nations or of the Organization of American States.

"(d) For purposes of this section, 'security assistance' means assistance under chapter 2 (military assistance) or chapter 4 (security supporting assistance) of this part, assistance under part V (Indochina Postwar Reconstruction) or part VI (Middle East Peace) of this Act, sales under the Foreign Military Sales Act, or assistance for public safety under this or any other Act."

[Telegram]

To: AMB Buffum S. Jmealum.

From: SECSTATE Washington D.C., To all Diplomatic Posts:

Subject: Human Rights Reporting.

1. Deputy Secretary Ingersoll, in a letter to Chairman Morgan of the House Foreign Affairs Committee dated July 28, 1974, promised updated post reporting on significant human rights developments generally, and in light of section 32 of Foreign Assistance Act of 1973. The Deputy Secretary further promised to extend such reporting to countries not receiving assistance. Facts obtained from this reporting will be used in formulating our policies and in considering, country by country, what we should do to promote respect for and observance of human rights both for their own sake and in response to increasing congressional interest, e.g. section 46 of the Foreign Assistance Act of 1974. The reporting will be particularly needed to backstop 1975 FAA presentations and to prepare the U.S. follow-through on the U.S.-supported initiative against torture at recent U.N. General Assembly.

2. Posts will recognize that information provided cannot be exhaustive. Moreover, in regard to countries which are relatively exemplary in their concern for human rights it should suffice to indicate the basic legal guarantees and other circumstances that make them so, their most recent positive contributions in the area (e.g., initiatives in the UNGA, new legislation, etc.) and any problems that an objective statement must include. The Department expects that posts will refer freely to prior reporting and to publications which are or can be made available to the Department. The reporting requested is needed first of all for Department reviews of policy relating to countries in which the possibility emerges of a pattern of human rights violations. In such reviews, as Deputy Secretary Ingersoll wrote Chairman Morgan on June 27, we keep in mind options ranging from quiet diplomacy and the normal procedures of international organizations on to other possible forms of action.

3. Such information is also needed to respond to congressional and public inquiries. Naturally, in so doing we must at all times be as candid as possible and at the same time be sure to protect our legitimate security interests. In the human rights area, such basic information as the nature and operation of the legal system is largely a matter of public record and can be presented in an objective and non-polemical manner.

4. In line with above, posts should provide by Friday, Feb. 28, 1975, by airgram, a documented and up-to-date appraisal of the record, current status and prospects of host governments in discharging their obligations under international law to respect human rights and fundamental freedoms, including, of course, those of their own nationals. Posts should also report whether those in authority ignore, condone, encourage or direct activities of officials tending to violate the human rights and fundamental freedoms of people, especially through unlawful killing, arbitrary arrest and detention, torture, unfair trials, denial of freedom of movement, religion, opinion, expression, assembly or association or through deprivation of right to take part in the government. Reference should, of course, be made to prior relevant reporting to void duplication or repetition.

5. The Department is aware that relatively brief statements could be made for well-established constitutional democratic governments, while a more carefully analytical statement, as well as documentation to the extent available, would be required in other instances.

[AIRGRAM]

To: All Diplomatic Posts, Amconsul Cape Town, Amcounsel Durban, Amconsul Hong Kong, Amconsul Johannesburg, Amconsul Lourenco Marques, Amconsul Luanda, Amconsul Port Moresby, USMission Geneva, USMission New York.

E.O. 11652: N/A.

Tags: PFOR, PINT, PORG.

From: Department of State

Subject: Human Rights.

Ref: (A) State 012320 of January 17, 1975.

Date: February 14, 1975.

The present airgram is to provide posts with important information relevant to their work on human rights.

Reference A refers to the decision of the Deputy Secretary to ask for further reporting. Two letters (June 27 and July 28, 1974) from Deputy Secretary Ingersoll to Chairman Morgan of the House Committee on Foreign Affairs and a memorandum from the Deputy Secretary to various Assistant Secretaries show how the matter has developed. They are attached (Tabs A and B).¹

An important passage in the letter of June 27th reads, "Finally, we take seriously our obligation under the United Nations Charter to promote respect for and observance of human rights and fundamental freedoms for all. No matter where in the world violations of human rights occur, they trouble and concern us and we make our best efforts to ascertain the facts and promote respect for human rights and fundamental freedoms. At the same time, it must be recognized that the United Nations Charter does not prescribe how to fulfill that obligation in respect to particular violations by others. Thus there are usually complex questions of policy and tactics to be considered in deciding whether and how the United States can best seek to discharge its obligations in a particular case consistent with its commitment to other goals, including that of maintaining international peace and security. Such questions include the seriousness of the violation, the various options for United States action, and the consequences of inaction." The legal basis for this position is developed in a memorandum of law that summarizes the development of the international duty of states to promote and respect the human rights of all persons (Tab C).

Posts may not have all the more important legal texts readily available and for this reason the following are furnished:

Provisions of UN Charter relevant to human rights (Tab D).

Universal Declaration of Human Rights (Tab E).

Common Article 3 of the Geneva Conventions for the Protection of War Victims of 1949 (Tab F).

Article 36 of the Vienna Consular Convention of 1963 (Tab G).

ECOSOC Resolution 1503 establishing UN Human Rights Commission procedures for dealing with governmental and non-governmental complaints of violations (Tab H).

Declaration of Principles . . . concerning Friendly Relations . . ., (General Assembly Resolution 2625 of October 24, 1970 (Tab I)).

In addition, there is furnished United States Policy in the Promotion of Human Rights Abroad, a study by the Department's Historical Office, dated June 24, 1974 (Tab J).

As is stated in the Deputy Secretary's letter of July 27 (Tab A), a Special Assistant for Human Rights will be appointed in the Deputy Secretary's Office. The following have been designated Human Rights Officers for their respective Bureaus: AF—Mr. Julius W. Walker; ARA—Mr. George Lister; EA—Mr. Robert L. Walkinshaw; EUR—Mr. Daniel Goott; and NEA—Mr. Richard C. Searing.

In addition, Mr. Warren Hewitt is in charge of human rights in IO as Deputy Director of the Office of United Nations Political Affairs and is assisted by Mr. Frank Crawford. Mr. Charles Runyon has been designated Assistant Legal Adviser for Human Rights and other Assistant Legal Advisers will continue their already deep involvement in this work.

INGERSOLL, *Acting.*

¹ Reference documents are not reprinted in this publication.

DEPARTMENT OF STATE

TELEGRAM

Subject: Human rights: 1976 reporting requirement.

1. A principal goal of U.S. policy is to promote increased observance of internationally recognized human rights by all countries. To this end (ref. A) Dept. has informed Congress it is eliciting reporting from all posts on significant human rights developments to establish facts relevant to furtherance of this policy. Additionally, such reporting serves purpose of responding to specific human rights legislation as well as increased number of congressional and public queries.

2. Human rights reports submitted by post in response to ref A have provided valuable background information for many purposes, including making of decisions on bilateral and multilateral issues. They formed basis for department's internal review of human rights problems in connection with formulation FY 1976 security assistance program. Though human rights country reports on individual countries were not sent to Congress as part of FY 1976 security assistance congressional presentation, pending security assistance legislation may make it necessary to provide country-by-country human rights analyses. These reports, if eventually required, will be based largely on mission submissions requested later in this message.

3. Posts are no doubt aware of considerable public and media attention to human rights questions in U.S. foreign affairs. In Congress primary focus of this attention has been in connection with the restriction of economic and security assistance to recipient countries where there are serious deficiencies in observance of human rights with respect to the security of the person, or, alternatively, to diminish U.S. identification with repressive practices. Department has resisted concept automatic cut-off of assistance because of human rights violations, citing possible danger to U.S. security and other interests and ineffectiveness of such cut-offs for long-term improvement human rights observance in most countries. Pending security assistance legislation nevertheless gives executive branch responsibility for following human rights observance by foreign governments and also ties assistance to such observance.

4. Common theme of International Development and Food Assistance Act of 1975 (REF C) and pending security assistance legislation is announced policy against providing U.S. assistance to governments of any country which engages in "a consistent pattern of gross violations of internationally recognized human rights."

5. International Development and Food Assistance Act of 1975 does not require that Executive branch report to Congress which countries exhibit such a pattern but nevertheless the Executive branch will have to gather all necessary information relevant to questions as to whether such a pattern exists so that assistance programs are designed to "directly benefit the needy people in such country." (FYI: authorizing legislation for funding of U.S. contribution to Inter-American Development Bank and African Development Fund as passed by House and favorably considered in Senate Foreign Relations Committee includes human rights restrictions similar to those in foregoing aid legislation.)

6. Pending security assistance legislation in House includes language which would require Executive branch, on request of either House, to provide all information on human rights performance and with respect to any country, statement whether country's performance raises a "serious question" of a "consistent pattern" in sense of paragraph 4 above. Senate bill which passed on February 18, 1976 does not require such statement but would make department submit "a full report on the human rights practices of each proposed recipient of security assistance as part of the congressional presentation materials each year". Further, on subsequent request of either House Department would have to submit additional statement setting out 1) detailed description of human rights practices in any country; 2) steps taken by United States, to discourage practices inimical to human rights in such country, to call attention to such practices and to dissociate any U.S. assistance from such practices and 3) opinion of Secretary of State whether exceptional circumstances warrant continued assistance notwithstanding such practices and if so, description such circumstances and extent to which assistance should be continued.

7. Pending security assistance legislation in House (but not recently enacted development assistance legislation) would also require Executive branch to state (1) steps United States has taken to discourage practices inimical to human rights on part of offending governments, and to promote respect for and observance of

human rights in that country and (2) steps being taken publicly and privately to call attention to such practices and to dissociate United States and security assistance programs from such practices.

8. New Development assistance legislation and pending security assistance legislation include variations on IDFA that in appraising and reporting human rights records, consideration will be given to relevant findings of appropriate international organizations including non-governmental organizations having consultative status with the United Nations (International Committee of the Red Cross, Amnesty International, International Commission of Jurists, International League for the rights of man, etc.) and organizations acting under the authority of the United Nations or of appropriate regional organization of States and extent of cooperation of governments with such organizations.

9. In defining "a consistent pattern of gross violations of internationally recognized human rights," all versions single out primary congressional interest in torture or cruel, inhuman or degrading treatment or punishment, and prolonged detention without charges. Nonetheless, it is clearly congress' intent that reporting, analysis and policy decisions should take account of the whole range of human rights and fundamental freedoms to which the United States is committed under articles 55 and 56 of the UN charter.

10. Department will need information and analysis from all posts in countries receiving U.S. Development Assistance or Security Assistance (Map, FMS, Security supporting assistance, military education and training, FMS cash sales and commercial purchasers of defense items) to enable it to respond as fully as possible to requirements anticipated new legislation. Request reports by airgram to reach department by March 15. Telegraphic summaries concentrating on issues of primary congressional concern (torture, cruel, inhuman or degrading treatment and prolonged detention without charges) should be provided when Airgram pouched in order to take account vagaries pouch delivery. Posts in countries receiving both development assistance and security assistance should make only one submission of necessary information requested below. In updated, restructured report posts should incorporate, by reference earlier relevant reports. A list is included in para. 14 of development assistance countries and SA countries.

11. All other posts with important human rights problems should update reports submitted in response to ref. A outlined as suggested in para. 12 below by April 15. In remaining posts where human rights situation exemplary or unexceptionable, brief reports only are to be submitted.

12. The following is suggested outline for reports on countries with human rights problems:

(A) summarize important ordinary legal guarantees.

State whether a "state of siege", "state of emergency," martial law or the like exists and whether constitutional provision for such a state of exception is provided.

(B) Discuss factually and concisely actual practice of government with respect to human rights under relevant articles of universal declaration of human rights (ref. B. tab. E).

The pattern which will emerge from this analysis will be helpful in establishing a correct and balanced understanding of the country's human rights record and putting violations, if any, in perspective. We reiterate, however, that legislative history of standard which could potentially trigger assistance cut-offs is initially directed towards forceful violations of the person (including forced confinement), i.e. articles 3, 4, 5, 6, 9, 10 and 11. However analysis status other rights is often crucial in assessing justification of violations of person (e.g. detention of protester may be justified as being for maintenance law and order but examination of law itself impinges on rights of opinion, speech, assembly, etc.)

(c) State any evidence bearing on question whether government condones or encourages its officials in violations of human rights with respect to killings, arbitrary arrest and prolonged detention, torture and other inhuman or degrading treatment, unfair trials or other flagrant denials of the right to life, liberty and the security of the person. What administrative controls and criminal sanctions inhibit such practices?

(d) Summarize available relevant recent reports and findings of appropriate international organizations (para. 8) and comment on their accuracy and relevance especially in light posts' own reports and findings.

(e) State what diplomatic or other steps (para. 7) the Embassy has taken to discourage human rights violations including those described under para. 12(c) and to promote respect for and observance of human rights in such country. Also, state whether and how U.S. security assistance has been dissociated from any violations.

13. Posts in countries with acute problems of the type described in para. 12(c) should make particularly full and analytical reports with appropriate internal classification.

14. Assistance recipients:

(a) countries receiving development assistance are:

AF

Cameroon, Central African Republic, Chad, Ethiopia, Ghana, Guinea, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritania, Mozambique, Niger, Rwanda, Senegal, Sierra Leone, Somalia, Swaziland, Tanzania, Upper Volta, and Zaire.

ARA

Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Guyana, Haiti, Jamaica, Panama, Paraguay, Peru, and Uruguay.

EA

Indonesia, Laos, Philippines, and Thailand.

NEA

Afghanistan, Bangladesh, India, Nepal, Pakistan, Tunisia, Yemen, Sri Lanka, and Morocco.

(b) Countries likely to make FMS cash purchases or which are receiving one or more of following kinds of security assistance, characterized by principal assistance provided: Map material, FMS credits, military training and security supporting assistance.

AF

Ethiopia,¹ Gabon,⁴ Ghana,² Kenya,² Liberia,² Mali,⁴ Nigeria,⁴ Senegal,² and Zaire.¹

ARA

Argentina,¹ Bolivia,² Brazil,² Ecuador,² El Salvador,¹ Guatemala,¹ Mexico,² Nicaragua,¹ and Panama.¹

Colombia,² Costa Rica,⁴ Dominican Republic,¹ Haiti,² Honduras,¹ Jamaica,⁴ Peru,² Uruguay,³ and Venezuela.²

EA

Australia,⁴ Republic of China (Taiwan),¹ Thailand,¹ Japan,⁴ Korea,¹ Indonesia,¹ Fiji,⁴ New Zealand,⁴ Philippines,¹ and Malaysia.¹

EUR

Austria,² Belgium,⁴ Canada,⁴ Denmark,⁴ Finland,² France,⁴ Germany,⁴ Iceland,⁴ Italy,⁴ Luxembourg,⁴ Netherlands,⁴ Norway,⁴ Portugal,⁴ Spain,¹ Turkey,¹ United Kingdom,⁴ and Yugoslavia.⁴

NEA

Afghanistan,¹ Bahrain,⁴ Egypt,⁵ India,¹ Iran,⁴ Israel,³ Jordan,¹ Kuwait,⁴ Lebanon,¹ Morocco,¹ Nepal,¹ Oman,⁴ Pakistan,¹ Saudi Arabia,⁴ Sri Lanka,¹ Tunisia,¹ and Yemen.¹

¹ Map.

² Training.

³ FMS credit.

⁴ Likely FMS cash purchases.

⁵ Security supporting assistance—Klissinger.

APPENDIX 4

CORRESPONDENCE FROM THE EMBASSY OF THE PHILIPPINES TO CONGRESSMAN DONALD M. FRASER CONCERNING THE PROPAGANDA CAMPAIGN OF THE ANTI-GOVERNMENT ELEMENTS IN THE PHILIPPINES

JUNE 1, 1976.

HON. DONALD FRASER,

Chairman, Subcommittee on International Organizations, Committee on International Relations, U.S. House of Representatives, Washington, D.C.

SIR: This has reference to the testimony of Rev. Larold Schulz and Dr. George Otto of the United Church of Christ before the Subcommittee on International Organizations of the House Committee on International Relations on May 3, 1976.

Contrary to the impression conveyed by the above-named witnesses, the Philippine Government, pursuant to its traditional adherence to the protection, promotion and preservation of human rights, has consistently extended fair, decent and humane treatment to all prisoners or detainees, even to those who have participated in armed conspiracy against the Republic.

When President Marcos proclaimed martial law to prevent a communist takeover and effect much-needed reforms, he immediately instituted measures and safeguards to insure the just and orderly administration of the cases and persons of those apprehended for their involvement in the armed conspiracy against the government and in other illegal and criminal activities detrimental to national security and public order. A system was established to assure the welfare and well-being of those detained. This includes provisions for the immediate prosecution of any member of the military organization committing any abuse against any detainee. It is realized that in any big organization and in a country of 7,000 islands as the Philippines, isolated instances of abuse would be inevitable, but these are illegal and unauthorized and efforts would be taken to correct them and prevent their recurrence.

With due respect to Rev. Schulz and Dr. Otto, the charges of violation of human rights contained in their testimony emanated from detainees at the Rehabilitation Center of Camp Olivas, Pampanga, who have been waging a persistent propaganda campaign against the government to becloud the charges filed against them. It is of public knowledge that the cases against them have been properly filed and investigated, and that several hearings have already been conducted by the military tribunal where these cases are pending trial. The evidence against the accused were thoroughly evaluated by government prosecutors who arrived at the conclusion that such evidence were strongly supportive of the charges of rebellion and conspiracy to commit rebellion filed against them. The constitutional rights of the accused have been protected by the government even as it is determined to prosecute them for violating the laws of the land.

The Subcommittee on International Organizations was previously informed of the action of the Philippine Government against erring members of the military organization found to have exceeded their authority or committed any form of abuse in the treatment of detainees. A full-dress investigation of the charges of maltreatment of detainees at the Rehabilitation Center in Camp Olivas, Pampanga, was ordered and carried out in early 1975. On the basis of the findings, court martial proceedings have been initiated against the erring military officers and enlisted personnel. The Committee was likewise informed in detail of additional measures to insure correct and decent treatment of all detainees and of the continuing government campaign to eradicate the undesirable elements in the military organization and other law-enforcement agencies in the country.

The Philippine Government has allowed representatives of foreign governments and organizations and international entities to visit detention centers in the Philippines and talk freely with the detainees so that they can confirm the fact that it is providing the necessary and adequate facilities within its capability and extending fair, decent and humane treatment to the detainees. It has welcomed recommendations for further improvement of conditions in these rehabilitation centers and implemented the necessary remedial measures.

We are confident that the Subcommittee on International Organizations will consider with care the distorted reports and deliberate attempts aimed at casting the Philippine Government in a bad light and see through the propaganda campaign of the anti-government elements in the Philippines.

Thank you for your kind consideration.

With assurances of my high regard and esteem.

Very truly yours,

MARIO C. BELISARIO,
Deputy Chief of Mission Charge d'Affairs, a.i.

APPENDIX 5

STATEMENT OF THE GOVERNMENT OF INDONESIA ON THE LOCATION, CLASSIFICATION, AND NUMBER OF DETAINEES

POLITICAL DETAINEES (G-30-S/PKI) AS OF SEPT. 30, 1976

Location of detainees	Classification			Total	
	A	B	X	1975/1976	1974/1975
Aceh	2	42	6	50	47
Sumatra Utara	49	1,446	245	1,740	1,648
Sumatra Barat/riau	57	2,639	22	2,718	2,718
Sumatra Selatan	23	638	359	1,020	962
Kalimantan Barat	103	354	197	654	654
Jakarta Raya	450	740	503	1,693	1,693
Jawa Barat	126	1,216	370	1,712	1,667
Jawa Tengah	325	5,685	1,333	7,343	7,343
Jawa Timur	463	1,179	376	2,018	2,018
Nusa Tenggara	32	354	-----	386	331
Kalimantan Timur	70	1,074	5	1,149	1,076
Kal. Sel. Teng	106	275	283	664	651
Sulawesi Ut/Teng	94	1,176	23	1,293	1,293
Sulseltra	18	350	306	674	674
Maluku	2	712	-----	714	689
Pulau Buru	-----	9,811	-----	9,811	9,798
Irian Jaya	-----	23	1	24	47
Pusat (Teperpu)	20	77	158	255	99
Total	1,940	26,791	4,187	33,918	33,410

(117)

APPENDIX 6

LETTER FROM JOHN YAP THIAM HIEN ADDRESSED TO MR. NIALL MACDERMOT, SECRETARY-GENERAL OF THE INTERNATIONAL COMMISSION OF JURISTS, AUGUST 28, 1975, CONCERNING THE TRIAL OF ASEP SURYAMAN

INTERNATIONAL COMMISSION OF JURISTS,
Geneva, Switzerland.

DEAR MR. MACDERMOT: This is to inform you that today the case of Communist defendant Asep Suryaman charged on 4 counts: conspriacy, sedition, armed revolt and subversion has been concluded at first instance by the District Court of Central Jakarta (Pengadilan Negeri Jakarta Pusat). The verdict, as expected, is: guilty as charged, and sentenced to death. Defendant immediately lodged an appeal to the High Court of Jakarta. He was defended by a defence counsel consisting of confreres Tamrella and Arman Abdulrachman Saleh of and appointed by Legal Aid at the request of the Court, and myself at special request of defendant. The two Legal Aid attorneys were given a fee of Rp. 15,000.00 (less than US.\$35.00) each by the Government for the whole trial which started on July 3rd, 1975. The honorarium included expences for stationary, lunch, seeking of relevant legislative products and the fotocopying thereof, transport to and from prison, my office and my home for conferences. Nevertheless I am proud and happy to say that my young colleagues have shown a remarkable dedication and courage in the performance of their difficult task (All the Legal Aid attorneys have been selected from applicants after a thorough test by a panel of interdisciplinary non-governmental academicians under my chairmanship. They now enjoy salaries of Rp. 40,000.00 per month, less than US.\$100.00).

Incidents during trial

It may be of interest to note that during the trial the following incidents occurred due to differences of opinions regarding matters of procedural law and the interpretation and application thereof between defence counsel on the one hand and the Court and/or the Public Prosecutor on the other.

(1) At the commencement of the trial defendant requested the Court to have my person added to defence counsel which comprised the two above-mentioned appointed Legal Aid attorneys. At first Court showed reluctance to comply with defendant's request, but after a short dispute and at the insistence of both defendant and Counsel, Court agreed. At the next and the following sessions defence counsel comprised the three of us.

(2) The statement of charges had been read and a copy thereof was given to defendant in prison 3 days before the start of the trial.

At the following session on July 3, the prosecution read the charges and thereafter Defence Counsel requested for a week's adjournment in order to be able to study it together with the thick volume of typed testimonies of 21 Prosecution witnesses, and to make transcriptions thereof, or to be given a set of copies of the documents, also to see defendant in prison. The request was rejected and instead a time limit of three days was granted. That day, and for the first time, Counsel was allowed to see defendant in one of the Court's chambers under the watchful eyes and ears, of a group of soldiers and policemen. The later were keeping themselves discretely at a seeing distance. (At a later stage defence counsel had to protest with success against Prosecutor's order to his subordinates to stay within hearing distance). The statement of the charges of 36 typed pages was handed over by defendant to counsel to be copied one for each of us.

(3) Two out of three allotted days were used to run about to diverse places looking for legislation mentioned in the statement of the charges. At the third day on July 5th, defence counsel was ready to read their 6 exceptions under submission of a number of substantive laws, presidential ordinances and decrees of the Provisional People Constituent Council (Majelis Permusyawaratan Rakyat Sementara, for short MPRS) as of 1965-1973. There was one exception, submitted on my own responsibility, about the incompetency of Courts in general to try communists or alleged communist, because of inconceivability of being impartial

on the ground of existing legislations and of the prevailing juridical and political constellation which labels communist as State Enemy Number One. The above challenge was rejected by the Court without any legal argument, but with the reproof that as defence held to the principle of the presumption of innocence of the accused defence should also uphold the presumption of impartiality of the Court.

(4) When Court—out of habit and in violation of substantive procedural law—was going to hear defendant Defence Counsel objected and requested on the ground of law that witnesses of the Prosecution be heard first. Heated arguments arose on the matter of law vis-a-vis routine, habit. Objection overruled. But at the instruction of Defence Counsel defendant persisted in refusing to answer all the Court's questions. This left the Court no other course than to proceed and hear the witnesses.

(5) Other incidents related to objections against Prosecutor's efforts to have the Court receive without regard to existing law as exhibits (1) a written testimony of Military Police Officer and (2) a number fire-arms, handgrenades, pamphlets and booklets. The subsequent persistent refusal of defendant on defence instruction to answer questions on the two matters elicited angry retorts from Prosecutor of "obstruction of proceeding" and vehement request to evict Defence Counsel from the Court-room. However Court overruled Prosecutor's objections and request. In relation to these incidents in Court the Association of Judges (IKAHI) issued a statement which was widely published accusing defence's exception as contempt of Court and counsel's abovementioned instructions to defendant as obstructions against court proceedings, stating at the same time as their interpretation of the law and standing practice—which was definitely in contravention of the criminal procedural code—that defendant was to be heard before prosecution witnesses (As rebuttal an article has been sent to the newspaper KOMPAS on August 19, but I am still awaiting the appearance thereof in print).

In its closing address Defence Counsel reaffirmed its previous exceptions and stated that:

(a) Prosecution had failed to prove its case;

(b) There is no Act of Parliament that bans the Indonesian Communist Party and that forbids the teaching of Marxism-Leninism and the spreading thereof. (N.B. One of the bases of all previous charges against communist defendants and alleged perpetrators of the 30 September 1965 abortive coup has been the Order of 11 March 1966 of President Sukarno then chief of Armed Forces to the Commander of the operation for security and order, General Sukarto (SUPER-SEMAR) and the MPRS-Ordinance No. XXV/MPRS/1966 dissolving the PKI, declaring it as a forbidden party, and banning the teaching and spreading of the communist doctrines. However this Order and ordinance is a contravention of article 26 of the 1945 Constitution which guarantees the freedom of assembly, association, speech and dictates these guarantees be further regulated by law (Act of Parliament). In pronouncing sentence Court qualified this defence as a "dangerous submissions, as strengthening the communist cause and as not in accord with the code of ethics of the advocates' profession, and that it may entails criminal actions".

(c) Consequently Defence-Counsel demanded acquittal and immediate release of defendant.

In my closing remark, again on my own account and responsibility, I read a written plea for the immediate release of all those political prisoners who have not been properly charged and for whom there is no evidence to be found to bring them to trial, and for a more speedy trial of those cases where there does exist evidence of the commission of criminal offences. See enclosures for which there is no translation available.

In a previous private talk with an official I was advised that the kind of defence put up did not find favour with the administration and that it was under study for possible future action, which may among others consist of exclusion from defending other communist cases.

With that possibility in store I have found it advisable to write you in detail about the defendant's case. Please forgive.

In conclusion, the WCC Fund for Reconstruction and Reconciliation of Indochina is scheduled to meet in Geneva from 28-30 September 1975. I do not know whether I'll be permitted to attend.

With best regards,
Yours sincerely,

JOHN YAP THIAM HIEN.



