

## INDONESIA: STUDENTS JAILED FOR PUNS

Two Indonesian college students who emceed a rock concert in Yogyakarta, Central Java, were sentenced to two a half years on charges of blasphemy and insulting a group in public for a brief exchange in front of a student audience in which they punned on several phrases from the Quran. Antonius Ambar "Moko" Widiatmoko, 26, a literature major, and Bambang Wahyu Nirbito, 29, a social science major, were arrested in May 1992 and found guilty on October 3, 1992 by the Yogyakarta District Court. Both are serving their sentences in Wirogunan Prison, Yogyakarta. Their case represents not only a violation of the internationally-recognized right to freedom of expression; it also is a case study in government abuse of the judicial process. Asia Watch, which has obtained the complete dossier of documents in the case, calls on the Indonesian government to release the two students immediately and unconditionally.

### Background to the Arrests

The concert had taken place on May 2, 1992 at the Accountancy Academy (Akademi Akuntansi YKPN) in Yogyakarta. Bambang and Moko, both students at the prestigious Gajah Mada University, were popular masters of ceremony in the city, and both were skilled at traditional Javanese wordplay known as peleset where syllables are inserted or changed in words to alter their meaning. Bambang is a Muslim; Moko is a Catholic.

According to the trial documents, the program began on Saturday night, May 2, around 9 p.m. when Bambang, Moko and two members of the organizing committee went on stage. The warm-up band began a drum beat as if to simulate the large drums used in Javanese mosques to call the faithful to prayer. Moko reportedly said, "Allahuakbar" or "God is great" while looking at the drummer, and changed the traditional Muslim greeting of "Peace be upon you with the mercy and blessing of God" to "Peace be upon you, heavy metal experts." The first number of the band was a song whose title led Bambang to twist its meaning to refer to a family planning campaign called "Condom 25." Then, as a follow-on to the condom joke, he punned on a Quranic verse exhorting the faithful not to commit adultery so that it became "Commit adultery to your satisfaction." The audience of 500 students roared with laughter. Moko and Bambang then made a joking reference to a powerful verse of the Quran called "Ayat al-Kursi." The word "kursi" means chair in Arabic and Indonesian, and Moko said, "the chair together with the other furniture." It was by all accounts a fast, spontaneous exchange of puns between the two to a largely appreciative audience, although a few students who testified as witnesses said they were offended and walked out.

When Bambang and Moko had finished their introduction, they remained on stage as the rock group performed. Around 11 p.m., a well-known and very popular heavy metal band took the stage and as the students got out of their seats and began to dance and try to get on the stage, an academy official responsible for student affairs called an early halt to the concert, with two groups left to perform. The hall was emptied by about 11:30 p.m. According to Moko, not once during the concert or after it dispersed did anyone indicate to him that the wordplay in the beginning had been a problem.

The next Monday, May 4, a small demonstration of about 30 students took place in front of the Accountancy Academy's administrative office. Most of the students belonged to a local students association called Mahasiswa Balapan. They demanded that the administration take full responsibility for the insult to Islam that had occurred during the concert. The demand was presented to Drs. Budi Purwantoro Jati, assistant director for student affairs.

At 10 a.m. that same morning, a member of the police intelligence task force in Yogyakarta received a call from Drs. Budi, according to the court documents, reporting on the incident at the concert and the offense committed by the two students. The next day, a larger crowd of demonstrators showed up, many of them from a Muslim students organization in the city. The demonstration was clearly organized, according to one Yogyakarta source, because the participants received written invitations to attend. Some observers called the protest "Arswendo II", referring to a protest in Jakarta in 1991 against a Christian editor who was convicted of insulting Islam by publishing a popularity poll in his newspaper in which the Prophet Mohammed came in eleventh.<sup>1</sup>

Bambang and Moko each received a summons from the Yogyakarta police station on May 5. The next day, both were arrested and detained at the police station for 40 days before being transferred to Wirogunan Prison. During the period in police custody, neither student was physically abused, but Moko was woken up in the middle of the night for lengthy interrogation about why he chose to insult Islam, implying he, a Catholic, was part of a "Christianization" plot. Bambang, a Muslim, was not subjected to the same interrogation. After the first few days, families of both were allowed to visit if they paid for the privilege. (They were required to pay at the entrance to the lock up; again when they met the detainees; and again when they wished to deliver food or clothes. Total payments were about \$10 a visit for each family.)

## **The Trial**

Both young men were brought to trial in September 1992. They were charged with violating Articles 156 and 156a of the Criminal Code. Article 156 carries a maximum penalty of four years for anyone who expresses feelings of hatred, enmity or defamation toward a particular group and 156a carries a five-year maximum penalty for blasphemy. The prosecution presented 11 student witnesses, all of whom presented virtually identical testimony: the same key facts in the same order with the same words. All said that the concert had broken up early because of the rowdiness that had erupted in reaction to the words of the two accused. Since there had been no reaction except for laughter after the words were spoken and the concert proceeded peacefully for two more hours, the veracity of the formulaic testimony seems questionable. The prosecution asked for two-year sentences.

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<sup>1</sup> See Asia Watch, "Indonesia's Salman Rushdie," *News from Asia Watch*, April 10, 1991.

In his defense plea, read in court on September 19, 1992, Moko contested the assertion of the prosecution that the offense to Islam was deliberate (proof of intent being necessary to convict in this case). He said his only intention was to draw laughter from the audience, and he never thought of the consequences. "Why wasn't I asked to come down off the stage when I said those words?" he asked, if in fact the wordplay had caused offense. Bambang also stated that the exchange had been spontaneous. Both students expressed regret for any harm they had inadvertently caused.

The three-judge panel hearing the case went beyond the prosecution's request and sentenced each young man to two and a half years in prison on October 3. Both appealed, but the Yogyakarta High Court upheld their sentences on November 5, 1992.

Prior to the sentencing, the prosecutor told the family of one of the accused that for a payment of Rp. 5 million (about \$2500), he would ask for a lenient sentence. The family could only raise a fifth of the sum demanded, and the prosecutor would not take it.

## **Conclusion**

The arrest, trial and conviction of Bambang Wahyu Nirbito and Ambar "Moko" Widiatmoko should never have happened. Their choice of subject matter for puns may have been unwise, but to treat their banter as a criminal offense is a clear violation of freedom of expression as outlined in Article 19 of the Universal Declaration of Human Rights. The trial itself did not meet international standards for fairness, and the reported efforts of the prosecutor to profit by the plight of the defendants are hardly consistent with the notion of the rule of law. Under the circumstances, Asia Watch believes that Bambang Wahyu Nirbito and Antonius Ambar Widiatmoko should be immediately and unconditionally released.

The case has several ominous implications for Indonesia. If students must watch their words so carefully to avoid harsh prison sentences, then creativity and academic freedom more generally will suffer. If local or central authorities give in to, or exploit, demands by organized groups for the arrest and punishment of people whose actions would not ordinarily have been considered criminal, the system of justice is weakened and the potential for religious intolerance increases. The Arswendo case was one example of manipulation of religious sentiment for political ends. This case may be another, and a similar case in Salatiga, a university town in Central Java, a third.

In the latter case, an actor and a director of a play were arrested in October 1992 for the same kind of wordplay that Bambang and Moko engaged in. On October 9, at an event on Pancasila Day sponsored by the local office of the Ministry of Information, a videotape was shown of a Mahabharata play using the same technique of peleaset. One of the actors, Jonny Narjono, punned on the words, "Lord of all being," one of the most important phrases in the opening of the Quran, substituting "old rag" for "lord." The next day a Muslim students' organization sponsored a protest which hundreds attended, and the district military and police commanders assured them that the case would be brought to court. No action had been taken against the two until the protest was mounted. Joni Narjono Setiawan, 22, and Giri Asmani Cahyono, 29, director of the play, were detained in police custody shortly thereafter; they were tried in the Salatiga District Court in January 1993. After a four-day trial, Joni was sentenced to four years in prison, Giri to three and a half. Both sentences were harsher than the prosecution had demanded. Asia Watch believes that these men, too, should be released.