



International People's Tribunal on 1965 Crimes Against Humanity in Indonesia  
Secretariat : Indonesia; YLBHI Jl. Diponegoro 74, Jakarta Pusat, 10320, tel. 62-21-3929840

## **Submission to the Universal Periodic Review 2017 Indonesia**

### **By Foundation International People's Tribunal 1965 Crimes Against Humanity in Indonesia (IPT 1965)**

Established March 18 2014

[www.tribunal1965.org](http://www.tribunal1965.org)

address:

YLBHI Jl Diponegoro 74, Jakarta Pusat, 10320

Board: Prof. Dr Saskia E. Wieringa (chair) Ms Sri Tunruang (treasurer) Mr Andreas  
Sungkono (member)

General coordinator Ms Nursyahbani Katjasungkana

Email addresses

[sewieringa@xs4all.nl](mailto:sewieringa@xs4all.nl)

[katjasungkana@gmail.com](mailto:katjasungkana@gmail.com)

## **Profile of IPT 1965**

The Foundation IPT 1965 was founded by Indonesian exiles living in Europe, Indonesian human rights activists and international researchers and focuses on the crimes against humanity committed in Indonesia after the kidnapping and murder of six generals and one lieutenant in the morning of October 1 1965. None of the perpetrators of these crimes have been brought to justice and the victims of those crimes are still blamed for their own suffering, faced with heavy stigma and social, political and economic deprivations. Meetings of victims' organizations are routinely disturbed by militias. The Foundation established the People's Tribunal of the 1965 Crimes Against Humanity which held its hearings on November 10-13 2015 in The Hague, The Netherlands. The final report of the panel of judges was presented in Jakarta and in four other locations worldwide on July 20 2016. The judges concluded that the State of Indonesia was guilty of the crimes against humanity as charged by the team of prosecutors and additionally found that the mass killings fall within the acts enumerated in the 1948 Genocide Convention.

## **Background**

1. In the night of 30 September- 1 October 1965 six generals and one lieutenant were abducted and murdered, and dumped in a well in a neighbourhood called Lubang Buaya near Halim Air Force Base in Jakarta. This action was implemented by the G30S group, consisting of middle ranking army officers and a few leaders of the Communist Party of Indonesia (PKI). To this day it is unclear who was behind this manoeuvre. The leaders of the G30S group themselves claimed that they only wanted to abduct the generals and bring them before the President. The plotters then announced their plan to set up a Revolutionary Council. However General Suharto immediately took control, and arrested or killed the participants. Most of the participants in this action were tried. The involvement of General Suharto with the actions of the G30S group remains a subject of debate. Over the following months he managed to take over the presidency of the country. The military dictatorship he established, called the New Order, lasted for 32 years, until 1998.

2. On 4 October 1965 General Suharto blamed the PKI for the killings of the generals, and organized a propaganda campaign to dehumanize the party and other supporters of President Sukarno. He accused girls who were being trained at the facilities to have danced naked in front of the abducted generals, and to have castrated and murdered them. In this way the progressive women's organization Gerwani (Indonesian Women's Movement), and in a broader sense the PKI, became linked with accusations of sexual perversion.

3. The propaganda campaign extended over many years. Indonesian history was rewritten to present the PKI as always already treacherous, against religion and against the national state philosophy of *Pancasila*.

4. In the months following the abduction and murder of the generals mass killings of PKI members and other supporters of President Sukarno took place; hundreds of thousands were murdered and hundreds of thousands others were imprisoned for many years and subjected to torture including sexual torture and slave labour.

5. None of the organisers, perpetrators or supporters of the genocide and other crimes of humanity after 1 October 1965 were tried. Impunity for these human rights violations exists until today and is supported by ongoing propaganda from military and political leaders that

‘the PKI had to be exterminated to save the nation’. This continuing propaganda is supported by public ignorance of the human rights violations and intimidation of and violence against human rights defenders and victims when they try to speak out.

### **Recommendations from the previous UPR cycle**

6. The Human Rights Council in its Twenty-first session adopted on 19 September 2012 a number of relevant recommendations in relation to the Universal Periodic Review of Indonesia (United Nations A/HRC/21/7/)

7. Recommendation 108.88 was adopted, stating that the Government of Indonesia must ensure all cases of human rights violations are impartially investigated and prosecuted in proportion with the crimes committed.<sup>1</sup>

8. Recommendation 108.91 was adopted, stating that the Government of Indonesia must take measures to guarantee accountability by ensuring that human rights violations, including abuses committed by Indonesian security forces are investigated and that those deemed responsible are prosecuted in a fair, prompt and impartial manner.<sup>2</sup>

9. Recommendation 109.11 was adopted which states that the Government of Indonesia must step up its cooperation with special procedures mandate holders by responding positively to the pending visit requests of special procedures mandate holders and eventually consider extending a standing invitation to all special procedure mandate holders.<sup>3</sup>

### **Government inaction**

10. In 2007 the Indonesian National Commission on Violence Against Women (Komnas Perempuan) produced a report denouncing the many acts of sexual violence committed against women in the period after October 1 1965. In 2012 the National Commission on Human Rights (Komnas HAM) produced a report based on research in six regions which concluded that serious crimes against humanity were committed in Indonesia in the period after 1 October 1965.

11. So far the Government of Indonesia has not implemented the recommendations contained in these two official national reports.

12. CEDAW, in its fifty-second session in 2012, expressed its concern that sexual violence especially rape, has been reported as being a recurring form of violence against women during conflict, including the events of 1965.<sup>4</sup> It urged the State Party to prosecute and punish all acts of violence against women, including acts of sexual violence perpetrated by private actors and by security and defence forces, police and militant groups, and to provide full and effective reparation.<sup>5</sup>

13. The Government of Indonesia has not implemented any of these recommendations.

14. In October 2015 the newly elected President Mr Joko Widodo produced a policy plan, called *Nawacita* (Nine Principles). He promised to deal with past human rights violations.

15. Following the hearings of the Tribunal of IPT 1965 the government held a national symposium in April 2016. In June 2016 a number of retired generals supported by the Minister of Defence organised a counter symposium. So far the conclusions of neither symposium has been made public and the President has not yet issued a plan to deal with past human rights violations.

16. The victims of the 1965 human rights violations face continued harassment and deprivation while human rights offenders are being intimidated. In 2016 a number of raids have been launched against publishers and bookshops, while meetings of victims and film showings have been disrupted and dissolved by force and individual victims intimidated by security forces.

### **Findings of the panel of judges of IPT 1965 (for full report see annex 1)**

17. The panel of judges of IPT 1965 found that the State of Indonesia is responsible for and guilty of crimes against humanity consequent upon the commission and perpetration, particularly by the military of that state through its chain of command, of the inhumane acts

detailed below. All these acts were an integral part of a broad widespread systematic attack against the Communist Party of Indonesia (Partai Komunis Indonesia, PKI), its affiliate organizations, its leaders, members and supporters and their families (as well as those alleged to have been sympathetic to its aims), and more broadly against many people having no connection at all with the PKI, in what became a widespread purge, which included many supporters of President Sukarno and progressive members of the Nationalist Party of Indonesia, PNI. Each inhumane act was, in addition, a crime in Indonesia and in most civilized countries of the world. The attacks began with the false propaganda discussed below and consisted of the following inhumane actions that were part of the broader attack.

18. The State of Indonesia also failed to prevent the perpetration of these inhumane acts or to punish those responsible for their commission. To the extent that some crimes were committed independently of the authorities, by so-called 'spontaneous' local action, this did not absolve the State from the obligation to prevent their occurrence and to punish those responsible.

19. These acts are summarized below:

a. Killings -The most likely number of people killed is in the region of 400–500,000 although, in view of official secrecy maintained to this day, the figure may be much higher or possibly lower. These brutal murders were sufficiently widespread to constitute the crimes against humanity of mass murder and/or extermination as well as violations of Indonesian domestic law, including the Indonesian Criminal Code (KUHP) Article 138 and Article 140, and especially Law No. 26/2000. These murders were also part of the widespread systematic attack on the PKI and all those deemed to be connected with it.

b. Imprisonment - Statistics are also lacking for the number of people detained in various forms of imprisonment, including forced labour and virtual enslavement, but was at least as many as 600,000, and probably much higher. The unjustified imprisonment was a crime in Indonesia and in most parts of the world at the relevant time and was sufficiently widespread and systematic to also constitute a serious crime against humanity as well as a violation of Law No. 26/2000. These acts of imprisonment were also part of the widespread systematic attack on the PKI and all those deemed to be connected with it.

c. Enslavement - There is considerable evidence that many of the people who were detained were forced to work under conditions which amounted to the crimes against humanity of enslavement as well as violation of the 1930 Convention concerning Forced or Compulsory Labour and was again a violation of Indonesian domestic law, especially Law No. 26/2000. These acts of enslavement were also part of the widespread systematic attack on the PKI and all those deemed to be connected with it.

d. Torture - Considerable evidence is available of the wide-scale use of torture having been inflicted upon prisoners and detainees in the period of the mass killings and imprisonment. Many instances are recorded in the Reports of Komnas HAM and Komnas Perempuan, and other individual cases are described in witness statements and written evidence. There are explicit provisions against torture in Indonesian law, and there is an absolute ban on torture in international customary law. These acts of torture were part of the widespread systematic attack on the PKI and all those deemed to be connected with it.

e. Enforced Disappearance - Considerable evidence is available of wide-scale enforced disappearances, sometimes as a prelude to imprisonment or execution, while in other cases the victim's fate has never been determined. Evidence of these was provided in the Komnas HAM Report and by witnesses and case studies presented to the Tribunal. Enforced disappearance is prohibited by international customary law. These acts of enforced disappearance were part of the widespread systematic attack on the PKI and all those deemed to be connected with it.

f. Sexual Violence - Evidence of sexual violence, recorded in the Komnas Perempuan Report and submitted in oral and written forms is compelling and conclusive. The details provided to the Tribunal are mutually corroborative and present a picture of widespread systematic acts of sexual violence aimed against women alleged to be associated with the PKI in any way. These acts included rape, sexual torture, sexual enslavement, and other forms of sexual violence. These acts were and are crimes in Indonesia, especially Law No. 26/2000 and also constitute crimes against humanity as part of the widespread systematic attack on the PKI and all those deemed to be connected with it.

g. Exile - Those Indonesians whose passports were confiscated abroad were deprived of their full and unconditional rights of citizenship. The policy of involuntary or forcible exile, apart from being inhumane conduct, formed part of a widespread systematic state attack against a

substantial and significant targeted sector of the civilian population, and may well be a crime against humanity in the form of persecution.

h. Propaganda - The official version of what happened to the prisoners at Lubang Buaya was totally false. The true facts were known to the military leadership under General Suharto from early on but were deliberately distorted for propaganda purposes. The sustained propaganda campaign against those accused of being linked to the PKI helped to justify the extra-legal persecution, detention and killing of alleged suspects, and to legitimize sexual violence and all the inhumane conduct already described. Unchallenged for more than three decades, this propaganda contributed not only to the denial of civil rights of survivors but also to their continued persecution. Spreading false propaganda for the purpose of preparing the ground for violence is integral to the commission of that violence. The act of preparing for the crime cannot be said to be separate from the crime itself. This preparation paved the way and was the beginning and part of the overall, broad attack.

i. Genocide - The facts brought before the Tribunal by the Prosecution include acts that fall within those enumerated in the Genocide Convention. These acts were committed against a significant and substantial section of the Indonesian nation or 'Indonesian national group,' a protected group as enumerated in the Genocide Convention, and were committed with the specific intent to annihilate or destroy that section in whole or in part. This possibly applies also to crimes committed against the Chinese ethnic minority group. The State of Indonesia is bound by the provisions of the 1948 Genocide Convention under international customary law.

### **Recommendations by Foundation IPT 1965**

20. The Government of Indonesia should urgently and without qualification apologize to all victims, survivors and their families for the commission by the State of all the crimes against humanity and other crimes committed in Indonesia in relation to the 1965 events.

21. The Government of Indonesia should investigate and prosecute all crimes against humanity. This is in line with the 2012 submission to the HRC of CAT which reiterated its grave concerns over the climate of impunity for perpetrators of torture, including military,

police and other State officials.<sup>6</sup> Likewise the UNCT noted that past gross violations of human rights and cases of enforced disappearances have still to be brought to justice.<sup>7</sup>

22. The Government of Indonesia should ensure appropriate compensation and reparation to victims and survivors.

23. The recommendations of Komnas Perempuan for a full investigation by the government of Indonesia, and full compensation to the surviving victims of sexual violence and their families should be followed up.

24. The recommendation of CEDAW to prosecute and punish all acts of violence against women, including acts of sexual violence perpetrated by private actors and by security and defence forces, police and militant groups, and to provide full and effective reparation should be followed up.

25. The recommendation of Komnas HAM that the Attorney General should act on the basis of its 2012 report to conduct investigations into what are deemed to have been grave violations of human rights that occurred during the events of 1965-1966 and afterwards should be followed up. This is in line with the 2012 recommendation by JS 13 to the HRC which noted its concern that by that time little progress was made in mediating an impasse between Komnas HAM and the Attorney General's Office.<sup>8</sup>

26. The Government of Indonesia should rehabilitate the victims and remove any still outstanding persecution by the authorities or restrictions on their full enjoyment of all human rights guaranteed under international and Indonesian law.

27. The Government of Indonesia should extend an invitation to the Special Rapporteur of Truth, Justice, Reparation and Guarantees of Non-recurrence, in line with recommendation 109.11 in 2012 by the HRC, see above.

28. The Government of Indonesia should establish a presidential committee on Truth and Reconciliation, taking into account the concerns of CAT about its mandate, which should be in compliance with the obligations of the State party under the Convention.<sup>9</sup>

---

<sup>1</sup> A/HRC/21/7 - Para. 108

<sup>2</sup> A/HRC/21/7 Para 108

<sup>3</sup> A/HRC/21/7 - Para. 109 & A/HRC/21/7/Add.1 - Para. 6.4

<sup>4</sup> CEDAW/C/IDN/CO/6-7/R.I para 27

<sup>5</sup> CEDAW/C/IDN/CO/6-7/R.I para 28 a and b

<sup>6</sup> A/HRC/WG.6/13/IDN/2 para 31.

<sup>7</sup> A/HRC/WG.6/13/IDN/2 para 32.

<sup>8</sup> A/HRC/WG.6/13/IDN/3 para 37.

<sup>9</sup> A/HRC/WG.6/13/IDN/2 para 36