

## **Findings of the International People's Tribunal on Crimes against Humanity Indonesia 1965 (Extracts)**

*[Note by John Gittings]*The International People's Tribunal (IPT) 1965 was established to end the impunity for the mass killings and crimes against humanity committed in Indonesia in and after 1965. It acted in the belief that 'the most probable and reliable account of the exact causes of what happened in 1965 and thereafter must be identified, and that this account is necessary if real, lasting and just peace, that includes reconciliation and reparation, is to be achieved in Indonesia'.

IPT 1965 was an initiative of human rights activists, scholars and lawyers in Indonesia and abroad, with the support of many volunteers. The tribunal was held in The Hague, from 10-13 November 2015 – the year which marked 50 years of silence on these crimes. The panel of judges was chaired by Zak Yacoob, and included Mireille Fanon-Mendes France, Cees Flinterman, John Gittings, Helen Jarvis, Geoffrey Nice, Shadi Sadr. A final report, edited by Helen Jarvis and myself, totalling more than 45,000 words including appendices, was issued on 20 July 2016. The full text of the report may be found on the IPT website, at [http://tribunal1965.org/pdf/IPT\\_report\\_of\\_judges.pdf](http://tribunal1965.org/pdf/IPT_report_of_judges.pdf)

In brief summary, an abortive coup on the night of 30 September 1965, undertaken by middle-ranking army officers, claiming to forestall a coup against President Sukarno, and supported by D N Aidit, the head of the PKI (Indonesian Communist Party) – but not including most senior PKI officials nor any of the rank and file – quickly failed. It provided the pretext for the majority of the armed forces, led by General Suharto, to launch a nation-wide anti-communist purge which targeted not only the PKI but trade unions, cultural and other left-wing, and some nationalist, groups, sweeping up family members and others uninvolved in politics in a mass blood-letting. Several hundreds of thousands are believed to have been killed, and even more were imprisoned or suffered persecution. The purge also led to the ousting of President Sukarno and the establishment of Suharto's New Order, which lasted until 1998. Though reported at the time, the whole episode then almost disappeared into the black hole of history, and still remains little known. In Indonesia attempts to establish the truth of what happened and to obtain justice and reconciliation continue to be thwarted, sometimes with threats and violence.

The extracts below from the Tribunal's final report focus on the following issues:

1. **State Responsibility.** The occurrence of this large-scale massacre and other crimes against humanity has never been disputed, but Indonesian official sources have sought to present them as spontaneous local disturbances and to deny state responsibility.
2. **Sexual Violence.** This was a central concern of the key organisers of IPT 1965, Saskia Wieringa (Chair) and Nursyahbani Katjasungkana (General Coordinator), and occupied a significant part of the proceedings. It was one of the most wide-spread and serious crimes against humanity, but remains one of the least acknowledged.
3. **Propaganda.** The mass killings were justified on the basis of a propaganda campaign which not only portrayed a nationwide communist threat but also presented a lurid and false account of the initial abortive coup in which six army generals and another officer were murdered.
4. **Complicity.** While the international community as a whole disregarded the events in Indonesia, some states also took covert action to support the Indonesian army in its anti-communist purge.
5. The **Findings of the Tribunal** are reproduced in full.

\* \* \*

*Extracts from the IPT Final Report,  
issued 20 July 2016 in Jakarta*

**1. State Responsibility.** Since the restoration of democracy in Indonesia in 1998, two presidents have made statements on the need for the government to address the mass killings of 1965. In 2000, the then President Abdurrahman Wahid (Gus Dur, the first elected president after Suharto resigned in 1998) discussed at some length in a TV interview his concern for ‘the victims of G30S/PKI’ and suggested that his government would welcome opening up the case to determine the truth of what happened. [...]’

The current President Joko Widodo, in a mission statement issued in May 2014 shortly before he was elected, pledged that: ‘We are committed to bring about a just solution to past human rights violations that still impose a socio-political burden on the Indonesian nation, such as the May [1998] disturbances, the 1<sup>st</sup> and 2<sup>nd</sup> Trisakti-Semanggi events, forced disappearances, the Talang Sari-Lampung and Tanjung Priok incidents and the 1965 tragedy. [...]’<sup>2</sup>

The official investigation body established by Komnas HAM [Indonesian National Human Rights Commission] concluded in its Statement of 23 July 2012 that, on the basis of its investigations:

*There is adequate initial evidence to believe that the following crimes*

against humanity, which are serious crimes against basic human rights occurred... a. Killings ... b. Exterminations ... c. Enslavement ... d. Enforced evictions or the banishment of populations ... e. Arbitrary deprivation of freedom or other physical freedoms ... f. Torture ... g. Rape or similar forms of sexual violence ... h. Persecution ... i. Enforced disappearances. [...]

Based on the wide range of crimes which occurred and the picture of victims who have been identified and the mountain of evidence that is available, the names of those who implemented these crimes and were responsible for the events of 1965/1966 are the following, added to which there may be more. [*Komnas HAM* then names a number of senior military positions, including that of General Suharto] [...]

Contemporary documentary evidence of the killings is almost completely lacking and appears to have been suppressed by the military authorities. [...]

In a rare exception, a document does exist – dated 8 November 1973 – in which the *Jaksa Agung* (Attorney General) issued an instruction to local prosecutor offices in Indonesia to set aside (not to prosecute) the cases of killings against members of the PKI and/or of PKI-affiliated organizations, as they had “arisen from popular anger and spontaneity of the masses”.<sup>23</sup> [...]

An admission of state responsibility may also be inferred from statements by government ministers and senior politicians seeking to justify what occurred. In a recent example, the former coordinating minister for political, legal and security affairs, Djoko Suyanto, issued a public statement on 1 October 2012 rejecting the *Komnas HAM Report*, saying that the killings were justified to save the country from communism and that there should be no official apology. Suyanto stated that ‘this country would not be what it is today if it didn’t happen. Of course there were victims [during the purge], and we are investigating them.’<sup>24</sup> [...]

There is abundant evidence, set out in a number of academic studies of this period, that a vertical system of military control and repression was established on the direct authority of General Suharto and conveyed through a series of Orders from Jakarta to the lower levels. Although orders and operations began in some areas as early as 1 October 1965, the main vehicle for this operation was *Kopkamtib*, set up on 10 October 1965 with General Suharto as its Commander (*Pangkopkamtib*). [...]

A rare insight into the killings in the one region – Aceh in northern Sumatra – is provided by internal documents from the Aceh Military Command, obtained by another academic researcher, Jess Melvin, who has made her work available to the Tribunal. On the basis of these documents, Melvin describes the killing process as ‘occurring in four distinct phases

in the province: these phases include an initiation phase; a phase of public – spectral – killings; a phase of systematic mass killings; and a, final, consolidation phase.’ Other documents obtained by Melvin in Aceh show in detail how ‘the military and civilian government supported the formation of death squads, which the military and civilian government pledged to provide with “assistance”.’<sup>5</sup>

**2, Sexual Violence** The Prosecution presented a full and detailed case to support its claim that ‘sexual violence was pervasive during both the massacres of 1965-1966 and the mass political detentions after 1 October 1965 in Indonesia’. This violence, the Prosecution stated, took many forms, including: ‘rape, sexual violence as torture, sexual enslavement, and other forms of sexual violence (including sexual assault)’. The Judges were provided with a 200-page report, including more than 20 individual case studies, [...]

A considerable body of the evidence available on this sensitive subject is contained in the report published in 2007 by Komnas Perempuan (the Indonesian National Commission on Violence Against Women).<sup>6</sup> Komnas Perempuan was established by presidential decree in 2005 with the task of working for ‘the elimination of violence against women and to promote understanding on all forms of violence against women’. The report which it produced was based upon academic research, archive materials, and an in-depth analysis of 122 testimonies of women survivors of 1965 and subsequently [...]

In its report, Komnas Perempuan came to the conclusion that during the violence of 1965-1966, members of the communist women’s organisation Gerwani and other women suspected of being affiliated with PKI, ‘became the target of systematic killings, enforced disappearance, illegal detention, torture and sexual violence’. Komnas Perempuan believed that Gerwani was a target of ‘a smear campaign designed to bring about the total destruction of this political group’. [...]

The Tribunal also heard evidence from Mariana Amirrudin, a Komnas Perempuan commissioner who had received official permission from President Joko Widodo to attend. She testified that her organisation had concluded that there were:

*strong indications that there was gender based persecution, and it was coordinated by the security apparatus of Indonesia, along with groups that were in power. Rapes and sexual torture, sexual enslavement. In this regard, there needs to be the responsibility of the state. Our recommendation is that at this time the most important issue is how the*

*female victims who suffered the violence can recover, and their fate in terms of economic well-being and political rights. There is no attention in this area, no agency attending to this – that their position is very inhumane. The state must make immediate steps to find out how to take action to provide assistance in regard to these matters, accordingly so they may resume their lives until old age [...]*<sup>7</sup>

**3. Propaganda** The bodies of all seven prisoners [killed in the 30 September abortive coup] were retrieved on 4 October from the well-known *Lubang Buaya* (Crocodile Hole), into which they had been thrown three days earlier. A post-mortem was carried out the same day, on the orders of General Suharto, before their ceremonial procession through the streets of Jakarta and burial at the Heroes Cemetery, symbolically held on Armed Forces Day, 5 October.

Over the following week, increasingly explicit accounts were published in the press of alleged torture and mutilation, especially in two military newspapers and those civilian papers that were allowed to continue printing. By 11 October it was being reported that one or more of the officers had had their eyes gouged out and their genitals mutilated. In the absence of other evidence, it might be inferred that the newspapers had been briefed on the contents of the post-mortems.

However, two decades later the US scholar Benedict Anderson chanced upon copies of the post-mortems, which he found among papers from the trial proceedings against an air-force officer accused of participation in the original coup plot. The autopsy reports (which Anderson then published in 1987), tell a very different story, clearly showing that there was no evidential basis for the claims of torture, mutilation and castration. In summary, the autopsies show that six of the seven officers died as a result of gunshot wounds, and the seventh as the result of a wound to the abdomen, perhaps caused by a bayonet. The non-gunshot wounds recorded on their bodies were consistent with being beaten by rifle butts or as a result of being thrown down a 36-foot well. None of the bodies bore the marks of torture or of mutilation. Most significantly, the doctors carrying out the post mortems did not record any damage to the officers' genitals, which were apparently intact (they were able to observe in all seven cases whether or not the victim was circumcised). [...]

In relation to the particular claim that the prisoners at *Lubang Buaya* were tortured and mutilated with the active participation of female Gerwani members, the evidence of the official autopsy makes it clear that this claim was entirely false. Since the autopsy was commissioned by

General Suharto, it is at least reasonable to suppose that he and his close associates were very soon made aware of its findings. President Sukarno was after all well aware of it within a week, when he criticized the press for publishing lurid stories not based upon fact. It is significant too that, as far as we know, the Government of Indonesia has never referred to the autopsy or published details of it, let alone the full text.

*[The IPT Report publishes in full the Introduction by Professor Anderson, and the full text of one of the autopsies].*

#### **4. Complicity of Other States**

##### **a) The US**

*i) The provision of lists of names of PKI members, when the US officials concerned must have been well aware that this would probably lead to their execution.* The initial source for this was an article in 1990, published widely in the US media by the journalist Kathy Kadane<sup>8</sup>, based on an interview with Robert J. Martens, previously political officer at the US Embassy in Jakarta, and with other Embassy officials at the time. Martens was quoted as saying that several lists containing thousands of names were turned over piecemeal over a number of months. [...]

In evidence to the Tribunal, the US scholar Dr. Bradley Simpson stated that Martens and CIA analysts at the Embassy created ‘detailed profiles of the PKI and its affiliate organizations from the national leadership down to regional, provincial and local cadres’. These were passed through Indonesian officials ‘to Suharto, who used them to track down PKI members for arrest and execution’. [...]

*ii) The provision of small arms, communications equipment etc. by the US to the Indonesian government* The general aim of US policy was clearly expressed by Secretary Rusk when on 13 October 1965 he said that, ‘If the army’s willingness to follow through against the PKI is in any way contingent on or subject to influence by the United States, we do not want to miss the opportunity to consider US action’.<sup>9</sup> The Prosecution provided evidence, based on US official sources, that at the end of October 1965 White House officials established an inter-agency working group on Indonesia, and that over the coming weeks US officials approved the provision of small arms, communications equipment and medical supplies, by covert means, to the Indonesian army or to volunteer Muslim and nationalist youth for use against the PKI. [...]

##### **b) The UK**

During the period 1963–65 in which Malaya/Malaysia assisted by Britain

sought to counter Indonesian armed incursions into Borneo/Kalimantan under Sukarno's policy of *Konfrontasi*, the UK developed a sophisticated propaganda apparatus mainly based in Singapore, using both black propaganda and informal links with Western media. (Indonesia also used various forms of propaganda which sought to discredit and undermine the Federation of Malaysia). [...]

Over the next months, information culled largely from the Indonesian military press by the UK embassy in Jakarta was sent to Singapore where it was conveyed in briefings to selected foreign media including to the BBC. (This operation was conducted jointly with similar US and Australian efforts.) Many of the stories focused on alleged communist atrocities, retailing the Indonesian army's version of events at Lubang Buaya, or on alleged communist threats, and were picked up again by Indonesian media and re-circulated with some supposed authority as having come from foreign press sources. In addition, the Indonesian army was given a clear hint via the US that Britain would refrain from active operations in Borneo, thus allowing it to transfer troops from the area [...]

### **c) Australia**

It is well established that Australia too ran a sophisticated propaganda operation, with information favourable to the Indonesian army being relayed by its Embassy in Jakarta to Canberra and disseminated through various media including Radio Australia. A recent study notes that the Australian Department of External Affairs had always taken a 'keen interest' in the way in which Radio Australia reported events in Indonesia, and that after 30 September the Department 'received and acted' upon advice from the Australian Ambassador in Jakarta, Keith Shann, who in turn 'received advice from the Indonesian Army on how it wanted the situation in Indonesia reported'. The Department sought to direct Radio Australia in these matters and was also successful in 'convincing [Australian] newspaper editors to report and editorialize in a manner sensitive to the Department's concerns'.<sup>10</sup> [...]

There is abundant evidence, provided to the Tribunal, that within a few weeks after 30 September, the governments of the countries examined here were well aware through reports from their own diplomats in Jakarta, as well as from foreign media and some non-government observers, that communists and many others accused of association with them were being slaughtered on a large scale. By the beginning of 1966, the numbers which were reliably reported to Washington, London and Canberra ranged from a minimum of 100,000 to four times that amount. [...]

It is clear from the above evidence that knowledge of the mass killings in Indonesia was widespread among officials of Western governments, as well as being reported in their media. This appears to have been accepted with few qualms, but the rare dissenting voice of Senator Robert Kennedy in January 1966 is noteworthy. He declared that ‘we have spoken out against the inhuman slaughters perpetrated by the Nazis and the Communists. But will we speak out also against the inhuman slaughter in Indonesia, where over 100,000 alleged Communists have not been perpetrators but victims?’<sup>11</sup>

### **5. Findings of the Tribunal**

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.

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.

These acts are now 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 it 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 crime 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. Complicity* – The United States of America, the United Kingdom and Australia were all complicit to different degrees in the commission of these crimes against humanity. The US gave sufficient support to the Indonesian military, knowing well that they were embarked upon a programme of mass killings and other, criminal conduct for the charge of complicity in crimes against humanity to be justified. The clearest evidence of this was the supply of lists of names of PKI officials when there was a strong presumption that these would facilitate the arrest and/or execution of those named. The UK and Australia conducted a sustained campaign repeating false propaganda from the Indonesian army, and they continued with this policy even after it had become abundantly clear that killings and other crimes against humanity were taking place on a mass and indiscriminate basis. On balance this justifies the charge of complicity in the above crimes against humanity. The governments of the countries referred to above were fully aware of what was taking place in Indonesia through their diplomatic reports, from contacts in the field and accounts in Western media.

*j. 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.

## Notes

- 1 ‘Gus Dur: Sejak Dulu Sudah Minta Maaf’, (Gus Dur long ago apologized), *Kompas*, 15 March 2000, accessed at <http://indoprogress.com/2014/04/masihkah-meragukan-maaf-gus-dur/>. His remarks elicited a hostile reaction from many Muslim political and religious leaders, see further Goenawan Mohamad, ‘Remembering the Left’, in Grayson J Lloyd & Shannon L Smith, eds., *Indonesia Today: Challenges of History* (Rowan & Littlefield, 2001), pp. 131-32.
- 2 Extract from Joko Widodo’s main electoral platform as appeared in English as ‘The road towards an Indonesia that is sovereign, independent and with its own distinctive identity: Vision, Mission and Action Program,’ Kalla, Jakarta, May 2014, accessed at <http://abbah.yolasite.com/resources/VISI%20MISI%20JOKOWI%20JK.pdf>. The other violations mentioned include the May 1998 riots, the shootings at Trisakti University in Jakarta in the same month, the February 1989 army killings at Talang Sari, Lampung, and in Tanjung Priok in September 1984.
- 3 Jaksa Agung Republik Indonesia, Nomor instr-007/J.A/11/1973 ‘Tentang penyelesaian perkara pembunuhan oknum2 G.30.S/PKI’ [Concerning resolution of cases of killing G.30.S/PKI operatives]. (A copy of the original document was supplied to the Tribunal).
- 4 Accessed at <http://www.thejakartapost.com/news/2012/10/02/govt-denies-1965-rights-abuses-happened.html>.
- 5 Jess Melvin, ‘Mechanics of Mass Murder: Military Coordination of the Indonesian Genocide’, paper presented at “‘1965’ Today: Living with the Indonesian massacres,’ Amsterdam, 2 October 2015 (Publication forthcoming).
- 6 Komnas Perempuan (Indonesian National Commission on Violence Against Women) Report, Jakarta, 2007. See full source in Bibliography. Komnas Perempuan), *Gender-based Crimes Against Humanity: Listening to the Voices of Women Survivors of 1965*, 2007, English translation published by the International Center for Transitional Justice.
- 7 Evidence from Mariana Amirrudin, Commissioner of Komnas Perempuan, 12 November 2015 (edited from IPT transcript of the proceedings).

- 8 'U.S. Officials' Lists Aided Indonesia Bloodbath in 60's,' *The Washington Post*, 21 May 1990.
- 9 Quoted in H. W. Brands, *The Wages of Globalism: Lyndon Johnson and the Limits of American Power* (Oxford: Oxford University Press, 1995), p. 174.
- 10 Karim Najjarine and Drew Cottle, 'The Department of External Affairs, the ABC & Reporting of the Indonesian Crisis 1965–1969', *Australian Journal of Politics & History*, Volume 49, Issue 1, March 2003, pp. 48–60.
- 11 Quoted in Alex J. Bellamy, *Massacres and Morality: Mass Atrocities in an Age of Civilian Immunity* (Oxford: OUP, 2012), p. 211.

