

STATEMENT BY KOMNAS HAM (NATIONAL COMMISSION FOR HUMAN RIGHTS)

ON THE RESULTS OF ITS INVESTIGATIONS INTO

GRAVE VIOLATION OF HUMAN RIGHTS DURING THE EVENTS OF 1965 – 1966

(Unofficial translation)

INTRODUCTION

The events of 1965-1966 were a human tragedy, a black page in the history of the Indonesian people. These events occurred as the result of state policy to exterminate members and sympathisers of the Communist Party of Indonesia (PKI) which was deemed to have conducted resistance against the state.

This state policy was accompanied by acts of violence against citizens who were accused of being members of the PKI or sympathisers of the PKI on a truly massive scale which took the form of inhuman acts resulting in loss of life and injuries.

According to reports from the victims as well as the families of victims, the events of 1965-1966 involved grave human rights violations, including killings, extermination, slavery, evictions or forced removals, arbitrarily destroying people's rights to freedom or other physical violations such as torture, rape, persecution and forced disappearances.

In addition, the victims as well as the families of the victims and their descendants have suffered continuing mental distress because of discrimination perpetrated against them with regard to their civil and political rights as well as in economic, social and cultural affairs.

Because of all this, the victims as well as the families of the victims of the 1965-1966 events have made numerous efforts to struggle for their basic human rights in pursuit of justice and the restoration of their basic rights (redress). One of the actions they took was to present their complaints to Komnas HAM, the National Human Rights Commission.

In response to the many complaints submitted by the victims, the families of victims and the public, Komnas HAM, in accordance with its function and tasks as laid down in Law 39/1999 on Basic Human Rights, set up an Investigation Team to investigate these events. Komnas HAM followed this up by setting up an Ad Hoc Team to Investigate Grave Violation of Human Rights during the Events of 1965-1966.

The establishment of the Ad Hoc Team to Investigate Grave Violations during the Events of 1965-1966 Events was undertaken in conformity with its duties and authority as stipulated in Articles 18 and 19, as well as Article 20 of Law 26/2000 on Human Rights Courts under the powers of Law 39/1999 on Basic Human Rights.

The Ad Hoc Team to Investigate the Grave Violations of Human Rights during the Events of 1965-1966 carried out its mandate from 1 June 2008 till 30 April 2012. During the performance of its mandate, the Ad Hoc Team received a number of complaints from members of the public and talked to a total of 349 (three hundred and forty-nine) witnesses/victims. The Team also visited a number of places as part of its investigations.

In the course of implementing these tasks, the Ad Hoc Team to Investigate the Grave Violations of Human Rights during 1965-1966 encountered a number of obstructions:

1. The Huge Geographical Spread of the 1965-1966 Events.
2. A Limited Budget
3. The Lengthy Duration of the Events (the long duration and the fact that they occurred in the past).
4. The Trauma experienced by the Victims.

II. Facts about the Event

The events of 1965-1966 occurred in a number of places throughout Indonesia. In view of the limited availability of human resources and the lack of funding, while bearing in mind the fact that the events occurred in a number of places, Komnas HAM decided to focus on a certain number of places.

Furthermore, in order to analyse in depth and explain the nature of these crimes, certain districts were selected in order to focus on incidents in greater detail. The districts chosen were Maumere, the Denpasar Gerobokan Prison in South Sumatera, South Moncong Loe, South Sulawesi, the Island of Buru, Maluku, and the Jalan Gandhi Detention Centre in Medan, North Sumatera.

These four districts are considered to be representative of other places where investigations have been undertaken and where similar events also occurred.

Region of Maumere

Killings in Pantai Wairita (Wairita Coast)

Witnesses saw a number of incidents that occurred in many places in the district of Maumere. One witness was ordered by the perpetrators to dig a trench for the victims who had been killed.

The victims amounted to at least 15 civilians who had been identified as members, leaders or sympathisers of the PKI.

Killings in Flores Timor Kampung

The witnesses were people who had seen the killings in several places in the district of Maumere. People were brought there in trucks with their hands tied, taken down from the trucks and led to the edge of a trench. There were altogether 84 persons, of whom 36 had been taken from prison while others had been arrested in the mountains.

Killings in Gelinting Police Command Centre

In the district of Maumere, killings occurred in the Gelinting Police Command Centre, which is evident from the following statements by witnesses:

According to statements by witnesses, the victims did not consist of just a single person but involved a number of people; the witnesses estimate that altogether 500 people were killed.

Conclusions

The investigation of incidents that followed in the wake of the incident known as *Gerakan 30 September*, the 30 September Movement, (G30S), and the availability of sufficient initial evidence of the occurrence of grave violations of basic human rights, as stipulated in Law 26/2000 on Human Rights Courts, specifically crimes against humanity such as the killings that occurred in Pantai Wairita, East Flores Kampung and the Gelinting Police Command Centre, all of which are located in the district of Maumere and occurred during a period at the end of 1965.

Pekambangan Prison, Denpasar

Arbitrary Denial of Freedom

Pekambangan Prison was the main place for people who were alleged to be involved in or knew about the incident which was planned for 1 October 1965. There were political prisoners in this prison, along with criminals and military personnel, as well as some women. Block B was occupied only by women, while blocks A, C, and D were used for political prisoners, criminal as well as ex-military personnel. As described by the witnesses, Pekambangan Prison was the main detention centre for persons who were allegedly involved in G30S, as is evident from the explanations by witnesses who referred to the prison.

Torture

The witnesses said that they personally experienced torture by the perpetrators in Pekambangan Prison during the time they were detained there. Besides experiencing torture in Pekambangan Prison, some of the witnesses also saw the perpetrators inflicting torture on other victims.

Conclusion

Investigations of what happened following the incident widely known as the '30 September Incident', or G30S, indicate that there is adequate initial evidence that grave violations occurred as defined in Law 26/2000 on Human Rights Courts, in particular crimes against humanity such as depriving people of their human rights or in other ways depriving people of their rights in violation of international law, such as torture which was perpetrated in Pekambangan Prison, Denpasar, Bali from the end of 1965 until 1977.

South Sumatera

Enforced disappearances

According to disclosures during investigations in South Sumatera, we believe that crimes against humanity were perpetrated in the form of forced disappearances as defined in Article 9 (i) of Law 26/2000.

Arrests of victims who were alleged to have been involved in the G30S began in October 1965 in South Sumatera. Some of the victims disappeared while on their way or at a temporary prison before being sent to their final place of incarceration, the Detention Camp in Kemarau-Palembang, from some time in February 1966 until 1979.

The Detention Camp on the island of Kemarau was located in the middle of the River Muai, about 6km downriver from the Ampera Bridge (Benteng Kuto Besak) in the city of Palembang.

The temporary places of detention were among others: the local police command centre, the Puterpra Office of the sub-district, a former cowshed owned by Lieutenant Colonel Muhtar Aman in Lubuk Linggau, and the office of the South Sumatera CPM (Military Police Corps) on Jalan Merdeka, Palembang.

The victims were sent from these places of temporary detention to the Detention Camp in South Sumatera on the island of Kemarau Detention camp, Palembang, South Sumatera.

Enforced Disappearances in Bingin Teluk Village

One of the witnesses and a number of other people were put on a barge and taken to Palembang. Since then, nothing was heard about where they had been taken. The grandparents of the witness went to Lubuk, Linggau to look for a person but never found him. They have heard nothing either from the security forces as to his whereabouts. All the acquaintances of the witness were taken away on the barge from Bingin Teluk Rawas and no one has returned, nor has there been any news about their whereabouts.

The witness also said that nothing was known about the physical conditions of the victims and moreover, their families were not given access to them to find out what happened to them or know about their physical condition. This suggests that steps need to be taken as required by the regulations, and the matter should be handled by legal process.

Forced disappearances on the Island of Kemarau

According to the testimony of a witness, on 27 October 1965, the witness along with members of his organisation were summoned by the police in Bangka at Pinang-Bangka base. From then on they were detained until August 1978. After being questioned by the police they were transferred to a prison of the CPM (Military Police Corps). The witness himself was detained for six months, after which he was transferred to the island of Kemarau in Palembang. It was only after they arrived there that he realised where they were. Then, along with other prisoners, altogether 112 people, including the witness and his wife, they were all loaded onto an open truck. After getting on the truck it was closed, the people were covered by a sheet of tarpaulin which was not held up by any poles. There were forty people in the first truck; all of whom were squatting. As we were being driven away, the tarpaulin was removed and we had arrived at the port of Belinyu Bangka. We were then put onto a ship used to transport charcoal which was called PELBA, (Bangka Shipping) which had a capacity of 400 tons. The 112 of us were loaded onto the vessel on top of the charcoal, then the entrance was closed. We were inside without any windows; it was only when some police came in that we got some fresh air. While we were on this vessel, we were given food once a day. The journey took several nights and we realised when the tarpaulin was removed that we had arrived on the island of Kemarau where there were already hundreds of prisoners. We were the sixteenth group to arrive there. The fifteenth group from Liat Belinyu River consisted of about two hundred prisoners, so altogether from the island of Bangka, there were about three hundred of us while on the island of Kemarau. We were held in a hall 5 x 25 metres, and were packed together like sardines when we went to sleep. The cell of the witness was never opened for the duration of his detention, meaning

that he was constantly in the cell. We were held and were kept in that place for twelve years, until December 1977. The wife of the witness was held for ten years, until December 1975.

This is what happened on the island of Kemarau, which was also the place where many people were killed by gradual means. Because of the poor quality of the food they were given, many survived for only one month. Every night dozens of people died and their bodies were thrown into the River Musi with their hands tied by wire. The bodies were piled up, then taken by motorboat and thrown into the River Musi. The bodies were tied with barbed wire, heaped up on iron, then taken by motorboat and thrown into the River Musi. The witness said he knew about this because he had been ordered to throw the bodies into the river.

According to the testimony of the witness, it was estimated that about 30,000 people in South Sumatera disappeared, **without any legal process**. There must be legal accountability. Some were lost or died after having been tortured or being dragged behind vehicles or from not having been given food in prison. They were then thrown into the river, including those thrown into the River Musi from the Kemarau Island place of detention.

That based on the witness statements of those who were also detained but succeeded in saving themselves as described above, it can be suggested that more than one person disappeared or did not return, thought to be around 30,000 people. According to the witness statement some of these people were tortured, being beaten with iron, denied food in detention, and their corpses thrown into the Musi River. Before being thrown into the river, the corpses of the victims were tied up with barbed wire and piled up on top of iron. (It is thought that this was done to weight the bodies so that that they would sink). These explanations show that there were victims who were arrested and detained who never returned home.

Conclusion

Investigations that were undertaken in connection with the G30S incident, provide adequate indications that gross violations of human rights occurred, as defined in Law 26/2000 on Human Rights Courts, in particular crimes against humanity in the form of forced disappearances as happened in Bingin Teluk Village, Musi Rawas and the island of Kemarau, all of which are located in South Sumatera, during the period from the end of 1965, up until the present day.

Moncong Loe Camp, South Sulawesi

Slave labour

Testimony from the witnesses provides evidence that forms of slavery occurred, as the following shows:

Witness A was held in custody from September 1970 after being transferred from Makassar Prison. The witness was one of the third group of prisoners which was sent to Moncong Loe where there were four barracks for men and one barrack for women. The witness together with other prisoners built the barracks, the fencing, the toilets, a mosque, a polyclinic, a sentry guard post, a church and a public kitchen. These prisoners together with some other prisoners were made to work on several army projects such as opening up gardens owned by the army, the size of which depended on the

rank of the soldier to whom it belonged. The gardens were between 4 and 6 hectares in diameter. The witness worked on these army gardens up until 1977.

Witness B was held in Moncong Loe Camp from 1972 after having been transferred from Majene Prison, South Sulawesi. He was held in Moncong Loe until 20 December 1977. [He is quoted as saying] “During my time at Moncong Loe I helped to repair the old Kodam (provincial military command) building, the Chandra Kirana building together with a captain from the military-engineers unit of Hasanuddin, the construction of 100 housing units for lower-ranking officers in Sungguminasa, district of Gowa. My routine work while in the Moncong Loe Camp was working in the gardens of the CPM officers and civilian employees, as well as doing other work such as drawing designs. Whenever they saw us doing nothing, they became angry.”

Witness C was detained in Moncong Loe from 1970 until December 1974. During the time he was detained in Moncong Loe, the witness cleared forests for conversion into plantations and gardens.

Witness D was detained in Moncong Loe Camp from 1971 until December 1977. While he was detained in Moncong Loe Camp, he cleared forests for conversion into plantations and gardens.

The statements made by the above witnesses reveal that the prisoners were used as slave labour to build barracks, fencing, toilets, mosques, a polyclinic, a sentry post, a church and a public kitchen. The prisoners were put to work on several military projects such as clearing the way for gardens which were privately owned by the army, the size of which depended on the rank of the officer in question. The sizes varied from 4 to 6 hectares. The witnesses were used as slave labour whose labour was also used to build a 23km road from Moncong Loe to Daya. In the process of building the road, the prisoners were ordered to carry rocks down from a mountain for the construction of the road. Apart from that, the prisoners were ordered to work on plantations, to plant and harvest the crops, to build and repair houses privately owned by officials, to cut down and gather together bamboo which was then sold, the proceeds of which went to the officers at Moncong Loe. They were never paid anything for their work. Some witnesses said they were given only half a litre of rice a day which was supplied weekly. This points to the perpetration of punishable offences and evidence that the perpetrators made use of the powers associated with their right of ownership to one or several persons, such as selling, buying, lending or exchanging the said person or persons. These facts can lead to legal action being taken.

These actions were carried out as part of a wide-ranging and systematic assault directed against civilians

Namely that the actions of the perpetrators who were members of the security forces and who were in charge of running the Moncong Loe Camp, which they did either individually or ordering others to do, which can be classified as using their authority and facilities such as their offices to arrest and detain the victims for a long time, at least from 1970 until 1978. The number of victims amounted to at least one thousand people who had been identified by the perpetrators as members, executive officials or sympathisers of the PKI.

Depriving people of their freedom or arbitrarily depriving people of other freedoms in violation of basic international laws

Witness A was detained in Moncong Loe Camp from September 1970 until he was released on 20 December 1977. He was one of a group of 44 people, the third group of which had been sent to Moncong. Eighty to one hundred prisoners were accommodated in each of the barracks which measured 6 x 20 meters.

Witness B was detained in Moncong Loe Camp from 1972 until 20 December 1977, having been moved there from Majene Prison in South Sulawesi. Witness C was detained in Moncong Loe Camp from 1970 until August 1974. Witness D was detained in Moncong Loe Camp from 1971 until December 1977.

According to the testimony of these witnesses, the perpetrators had deprived them of their liberty by putting them in a place that was fully under the control of the perpetrators. Hence, this points to the committal of punishable offences and indications and *a quo* factors which should lead to legal action being taken.

Ill-treatment of a group of people based on the similarity of their political affiliation, race, nationality, ethnicity, culture, religion or sex or for any other reason is universally recognised as being in violation of international law

Witness A was detained in Moncong Loe Camp from September 1970 until his release on 20 December 1977. He was detained there as one of a group of 44 people. Each barrack which was 6 x 20 metres was inhabited by 80 to 100 persons. There were four barracks for men and one barrack for women. The witness was released on 20 December 1977 in a group of altogether 466 people. During the entire period of his detention, he was never given a detention or arrest warrant.

Witness B was detained in Moncong Loe Camp from 1972, having been moved there from Majene Prison, South Sulawesi. He was held in Moncong Loe Camp until 20 December 1977. He was released on 20 December 1977, by virtue of an order No. SPRIN/802/TPD/X11/1977. After his release, he was under house arrest. During the time of his detention in Moncong Loe, he was never shown an arrest or detention warrant.

Witness C was held in Moncong Loe Camp from 1970 until August 1974. His release certificate was from Teperda (Regional Interrogation Team), Sulselra (South Sulawesi), dated 8 August 1974 which stated that he had been classified as C3. During the entire period of his detention, he was never given any warrant for his arrest or detention, and moreover, he was never taken before a court of law.

Witness D was detained in Moncong Loe Camp from 1971 until December 1977. His release certificate stated that he was classified as B2 together with Mukhlis, who was a member of the executive of the PKI in South Sulawesi. During the entire period of his detention, he never received any order for his arrest or for his detention, and moreover he was never taken before a court of law.

Conclusion

An examination of the events which followed in the wake of the incident known as the '30 September Movement', indicates the availability of sufficient initial evidence of the committal of grave human rights violations as stipulated in Law 26/2000 on Human Rights Courts, in particular crimes against humanity such as slavery, deprivation of freedom as well as being subjected to ill-

treatment such as occurred at Moncong Loe Camp, South Sulawesi for a period which lasted at least from 1970 until 1978.

Buru Island, Maluku

On the basis of facts received during investigations on the island of Buru it is likely that crimes against humanity were committed in the following ways:

Slave Labour

According to statements of witnesses made after their release, they were ordered to report daily to the Koramil (district military command) office for about a year or more, and when the commander of Koramil was replaced, they were ordered to work at the Koramil office for two months without pay.

According to the witnesses, they were made to work on the construction of a reservoir at Padasan Village, district of Kerek, Tuban for two months. The witnesses were then transferred and put to work at the Sawung Galing storehouse of the Gresik cement factory for four months and ten days. After being released from this, they were obliged to report and had to hand over anything that the koramil officers asked for; they were also told that they would not be paid for doing this work.

According to the statement of the witnesses, they were made to work at the CPM housing complex for a whole year without pay and ordered to attend roll call three times a week at the district administration and at Koramil. And they were also made to work at the district administration without pay. Their wives were required to 'satisfy' some people, not only members of the armed forces. Almost 90 percent of the wives of prisoners were asked to 'satisfy'¹ other people.

According to the witnesses' statements, they were made to work in the village of Kroyo, Karang Malang sub-district, Sragen where they had to till the rice fields of the local population without pay. The witnesses were ordered to work in Toro for three months to help build a dam. After that, they were transferred to another job to help repair a road for one month. The witnesses were ordered to help build the Karang Arom Sukadono dam for six months without being paid. They were ordered to search for sand between Sumber Lawang and Purwodadi for three months. The witnesses were also ordered to make bricks. They were woken up every morning to do unpaid work searching for firewood. It was only after they had done this that they were allowed to wash themselves in the river. They were required to report to the authorities² for one year.

According to statements by the witnesses, they were made to work for the local detention commander in Jalan Binjai; this work is classified as forced labour. The prisoners were forced to work from 7am until sunset at 6pm. Fifty people were sent out in weekly rotas to work on the fields in Bekala, breaking up rocks, planting seeds, digging the soil, harvesting rice and corn and other crops for delivery to the CPM store house behind the Medan district court. Not only that, but also digging ditches for septic purposes/WC without knowing who this was for. This work which was not paid for was organised by the local military commander, Second Lieutenant Ismanu, for which they received

¹ Translator's note: 'satisfy' here is taken to mean 'satisfy the sexual desires of.'

² Translator's note: the common phrase used here is 'Wajib lapor.'

a packet of rice. If the witness did not want to do this work, we asked someone else to replace us, or said that we were not well.³

Conclusion

Investigation of the incident that followed in the wake of the G30S provides sufficient initial evidence of the perpetration of grave human rights violations as defined in Law 26/2000, specifically, crimes against humanity in the form of slave labour on the island of Buru, Maluku, for the period from at least 1970 until 1978.

Detention Centre on Jalan Gandhi, Medan, North Sumatera

The following criminal actions were described by the witness:

Killings

The witness said that he had seen people being whipped, kicked, beaten with truncheons, given electric shocks and other kinds of torture. Some prisoners had died as a result. Some prisoners were also 'handed on' (*dibon*) in the middle of the night.⁴ Such things happened in Gandhi as well as in the Suka Mulya Prison. The officers who would '*dibon*' prisoners were those working at the general staff at Kodam 1. In most cases the prisoners who were '*dibon*' in the middle of the night from Gandhi or from Suka Mulia Prison never returned.

The witness was detained in the prison on Jalan Gandhi, Medan for about four and a half years, from July 1968 till December 1972. He was given a packet of rice once a day consisting of rice mixed with corn, with a bit of shredded coconut, the equivalent in size to the contents of half a coconut shell. They never had any fish, meat or eggs. The only vegetables they received was '*kangkung*' – a kind of leaf/spinach, mixed with leeches and bits of glass, mixed with snake.⁵ The food had no salt and was not flavoured with hot chilli. Water for taking a bath was in short supply, it had to be shared and the time allowed for bathing was very short. There was nothing available to keep you healthy.

The witness said that one afternoon in May 1975, he was summoned by one of the interrogators in Jalan Gandhi, Medan, ordering him to report. The following day he went to Gandhi. He was questioned briefly and immediately arrested. Everything he had, his watch, his shoes and his clothes had to be handed over to the interrogator. His wife once asked for the watch to be returned but the interrogator replied: "What's the matter? You're lucky your husband is being detained and hasn't been killed. If you go on making a fuss, we'll torture him."

³ Translator's note: This whole section may have been testimony from one or several witnesses, because the proper noun saksi (witness) may have been intended to refer to one or several witnesses.

⁴ Translator's note: The term *dibon* literally means 'billed' (as in to be billed at a hotel or restaurant) and in this context meant that a prisoner is handed over to another officer for whatever reason. This practice occurred frequently.

⁵ Translator's note: the particular type of snake mentioned is the Lidi snake.

On 28 October, the witness, along with about a hundred people, including members of the CGMI,⁶ Gerindo (Indonesian Student's Movement, *Gerakan Mahasiswa Indonesia*) and other people were summoned. When he reported himself, he was warned not to return home or run away because his home was going to be 'digrebek,' (torn to pieces). On their arrival in Belawan port, Medan on 14 October 1965, they were all searched again by people in civilian clothing who were being guarded by members of the army. All their books and printed materials were confiscated. On that occasion, a member of the police State Security Service (*Dinas Pengawasan Keselamatan Negara*, DPKN) in civilian clothing warned him not to go to the offices of any their organisations because they were all being watched. Before the group arrived at the office of SOBSI⁷ in Jalan Medan Binjai, it had been burnt down by mobs of people under the protection of the army. It was on that occasion that the chairman of SOBSI and two persons who were guarding the building were killed.

Depriving people of their liberty and arbitrarily seizing people's physical freedom is in violation of the basic principles of international law.

That in 1968, the witness was arrested by a member of the army in uniform. The witness was placed under detention in a sort of detention centre in Jalan Gandhi, Medan.

That in November 1965 at 1pm, a group of soldiers from Kodim came to this witness's home in Jalan Sei Sipur. In May 1975, the witness had received a summons from one of the interrogators in Jalan Gandhi. The summons ordered him to report himself. On the following day, when he went to Gandhi, he was immediately questioned and then arrested. The witness was subsequently transferred to **Suka Mulya**. There were three blocks of cells in Suka Mulya with hundreds of people in them. Block C was used for former members of the armed forces who had deserted. The witness was detained in Suka Mulya and in September 1976, he was transferred to Tanjung Kaso along with a busload of other prisoners.

The witness was detained in a number of places as follows:

1. The CPM office in Jalan Sena, Medan.
2. A detention centre in Jalan Binjai, which is now the headquarters of Bukit Barisan Kodim where he was held for half a year.
3. In Tanjung Kaso detention centre for about a week. Then he was moved away along with thousands of prisoners, travelling by train.
4. In a temporary detention centre in Jalan Gandhi for about two months then in INREHAB⁸ Suka Mulya for about four years.
5. In Tanjung Kaso detention centre until his release in May 1978.

The witness saw three locations in Puterpra which were being used as temporary detention centres for people accused of the G30S. These three places were a former Chinese school, the office of the Sungai sub-district and the former office of a Chinese association. There were about two hundred prisoners in these three buildings. There were 19 barracks which were closely guarded by the army. It means that altogether about 1,000 people were being detained in various places in Jalan Binjai.

⁶ Translator's note: A student's organisation.

⁷ Translator's note: a trade union organisation at that time.

⁸ Translator's note: this is the word used in Indonesian for a place of detention.

On 10 November 1965, when the witness was summoned to Puterpra (Kodim), he was together with about six hundred members of the BTI⁹ from various districts. They had been ordered to report to a field in front of Koramil. The witness was then detained in a former market place which had been transformed into a detention camp. The witness was then detained in a number of places, Kodim Taruntung, Taruntung Prison, Puterpra Parlilitan and Sibolga Korem. Subsequently, the witness was required to report. When he was summoned to Puterpra, he was taken to Suka Mulya Prison by the Puterpra officer. The officer did not explain anything to the witness. In 1975, the witness was sent to Suka Mulya Prison in Medan. While he was in Suka Mulya, he was interrogated several times by Laksus.¹⁰ Then in 1977, the witness was transferred to Tanjung Kaso Prison. From Tanjung Kaso, he was moved back to Suka Mulya Prison in the beginning of 1978. It was not until December 1978 that the witness was released, together with a number of other prisoners, altogether one thousand prisoners.

Torture

That while he was detained in Gandhi, the witness was tortured. During his interrogation, he was struck on his upper back and on the thigh with the leg of a table, as result of which he was in a lot of pain.

Later that night, another soldier interrogated him but this time he wasn't struck and the interrogation was written up. But the witness never received an arrest warrant. Following this, he was detained in the same place for about two months before being transferred to the detention centre in Suka Mulya.

The witness said he knew a lot about these incidents in Gandhi because he had seen them himself: whipping, kicking, hitting prisoners with truncheons, giving electric shocks and other things. Some prisoners died after being tortured. Some prisoners were frequently 'handed on' (*dibon*) in the middle of the night. This happened both in Gandhi and in Suka Mulya. The officers who frequently 'handed on' prisoners were members of the general staff of Kodam 1. Most of the prisoners who were '*dibon*' from Gandhi and Suka Mulya never returned.

At the office of First Assistant of Kodam in Jalan Gandhi, the witness was himself tortured. He was trampled on time and again by a former member of the police Mobile Brigades (*Brigade Mobil*, known locally as 'Brimob') who had deserted and who worked for intelligence, after which he fell unconscious and started spitting blood and he was also given electric shocks on the index finger of his right hand.

Some time in 1970, the witness was summoned by Koramil who told him that it was on the orders of his commander. The witness was interrogated again for allegedly being a member of the 'night PKI' but his answers were the same as on previous occasions. That afternoon, he was sent to Jalan Gandhi and was again interrogated and accused of being 'night PKI.' When denied this, he was given electric shocks. He was given a shock on his neck and immediately fainted. After regaining consciousness, he was taken to Koramil Koala and then returned home.

⁹ Translator's note: BTI was the peasants union.

¹⁰ Translator's note: Laksus was a military unit.

During the whole time he was in Gandhi, he was interrogated daily by members of Team Teperda, all of whom were military personnel. He was then taken to a large hall along with other prisoners and was again tortured. At first he was struck by hand, then struck with a wooden rod, and then struck with rattan. On one occasion he was hit hard with rattan on the palm of his right hand as a result of which his hand became swollen and it was as if the skin would peel off. Another form of torture to which he was subjected was having his feet placed under the legs of a table; two officers then jumped onto the table and started jumping up and down. As a result, the nails on his feet turned black and one by one, they fell off. He tried hard to bear the terrible pain. He was never given any medication by the interrogators or seen by a doctor.

The witness was also given electric shocks, stabbed and the muscles round his ribs were struck with an open hand, injuring his ribs. All this torture was inflicted in order to get him to admit that he had hidden some weapons. This went on for the whole time that he was detained in Gandhi.

When they were about to enter the Ureka Campus¹¹ they were all searched by troops from Kostrad and Siliwangi Kodim, West Java. The witness remained there till 6 October 1965. That afternoon, the head of the group ordered all the prisoners to gather together in a group and return to where they had originally been held. On the morning of 7 October 1965, the witness together with a group from CGMI¹² Medan was sent back to Medan by ship via Tanjung Priuk. When they arrived in Tanjung Priuk they were all interrogated again and thoroughly searched. While on board, members of the army in full uniform and their families were interspersed among the group. The witness said that he didn't know the meaning of this. They said that they were taking leave to go home to Medan.

During the time he spent in Jalan Gandhi, the witness was interrogated and while this was going on, several officers from Gandhi Prison were present. The interrogator asked him about the whereabouts of the executive committee of the Communist Party of Indonesia of Karo district who had not yet been arrested. 'Where are they?' he was asked, to which the witness replied: 'I don't know.' He said that for the past year he had been in a prison in Kabanjahe. They didn't believe him and hit him on his back and on his feet with a stick that was as big as a 'kasti' ball. He was beaten only once but it made him feel very ill. As a result of this, he now experiences problems whenever there is a change in the weather.

This interrogation took place at 11pm and afterwards, they were all put in a room where women prisoners were being held. There were altogether about thirty women there. The witness remembers that one of the women was breast feeding a baby. The witness was never brought before a court of law. He was simply arrested just like that, then detained and then released, just like that.

That during the time he was detained in a prison on Jalan Gandhi, Medan the witness experienced the following:

- Being struck by hand, with rubber truncheons, with pieces of wood, with damp wood which was about half a metre long and which was as thick as the arm of an adult which was used to strike him until the wood fell to pieces.

¹¹ Translator's note: this is a university in Jakarta usually spelled 'Eureka.'

¹² Translator's note: a students organisation.

- Detained in a toilet area that was full of human waste for about ten days.
- Left soaking in water which was deep enough to reach the waist of an adult for about one week.

Enforced disappearances

The witness said he knows that more than sixty people were transferred from TPU A¹³ to Suka Mulya Prison, some of whom were moved to Gandhi Satgas Intel (army intelligence unit). All sixty people disappeared and to the present day, nothing is known of their whereabouts. Among them were some students of AISA (Ali Arkham Social Sciences Academy) which belonged to the PKI in Medan, as well as workers' leaders who had been arrested in various parts of Medan.

According to the statement of the witness, at the time he was detained in Kodim Medan and then taken to TPU A on 27 May 1966, he saw and personally experienced himself that 27 people, three of whom were women, were taken away by infantry troops in the middle of the night from TPU A Suka Mulya to another place called Pomdam in Medan. They never returned either to TPU A or to their homes.

In the middle of 1967, in the middle of the night, the witness was also aware of the fact that sixty people were moved from TPU A to Suka Mulya Prison, while some others were transferred to Satgas Intel in Gandhi. All these sixty people disappeared and nothing is known to this day about their whereabouts. They included some students from AISA (Ali Arkham Social Sciences Academy) which belonged to the PKI in Medan, as well as workers leaders who had been arrested in a number of districts in Medan.

The witness said that **Elmut Tobing**, a member of the executive committee of Baperki in North Sumatera, was interrogated in Jalan Merbabu and then sent to Pomdam Bukit Barisan. Since that time, nothing has been heard about his whereabouts.

Following his return from the CGMI congress, a student leader called Martin Saragih was summoned by Pomdam in Medan at the beginning of October 1965 and also disappeared. Several leaders of Gerwani¹⁴ including Rumiati, Anuar Jampak and Ranos Sembiring have disappeared. At least seven people were shot at with firearms in the middle of 1966 in Lau Gerbong, Tanah Karo, North Sumatera.

In February 1966, late at night, officials took three friends away from the detention centre where the witness was being held. They were M Noor, the secretary of the Sub-Section Committee of the PKI in Labuhan Deli, the son of M Noor, secretary of the sub-section committee of the PKI in Labuhan Deli, and Effendi, the secretary of Lekra¹⁵ in Labuhan Deli. The three never returned home. He heard that the three had been shot dead (answer no. 17). They were detained in a house near the Labuhan Deli prison, which is now called 'Simpang Kantor.'

On the basis of the statements of the witness, the conclusion can be drawn that these were cases of enforced disappearances.

¹³ Translator's note: this probably stands for 'general place of detention' (*tempat penahanan umum*).

¹⁴ Translator's note: Gerwani was a left-wing women's organisation.

¹⁵ Translator's note: Lekra was a cultural organisation.

Conclusion

The investigation of the incidents which occurred in the aftermath of the events known as G30S, provides sufficient initial evidence that grave human rights abuses as defined in Law 26/2000 on Human Rights Courts were committed, in particular crimes against humanity in the form of killings, the arbitrary deprivation of freedom or deprivation of other physical freedoms which are in violation of the basic principles of international law, as well as torture and enforced disappearances at the Jalan Gandhi detention centre in North Sumatera from the end of 1965 and for a number of years thereafter.

General principles regarding Crimes Against Humanity (Article 9, Law 26/2000 on Human Rights Courts)

Article 9 of Law 26/2000 states that ‘a crime against humanity as referred to in Article 7, para (b) is an action which is undertaken as part of a broad series of attacks that are widespread or systematic and it is known that the attacks are aimed against the civilian population.’

This means that a crime can be said to be a crime against humanity if the said act is part of a series of attacks. In this case, these attacks must occur systematically or are widespread and are known (by the perpetrators) as being part of an attack against the civilian population. Furthermore, Article 9 of Law 26/2000 states that: ‘what is intended as an attack that is directed specifically against the civilian population is part of a series of attacks against the civilian population conducted in pursuit of the policy of the authorities or a policy related to an organisation.’

In order to prove that the principles referred to in Article 9 of Law 26/2000 are met, apart from identifying this on the basis of statements by witnesses who have been questioned, the Team also selected six areas and/or places that were deemed to be representative of the perpetration of crimes as defined in the *a quo* articles, in order to reach a more detailed definition with regard to locus and place as well as identifying those persons who should be called to account. The six districts or places referred were as follows:

Based on the statements by witnesses from the six districts/places as identified above, it can be stated that the characteristics of grave human rights violations as defined in Article 9 of Law 26/2000 have been analysed as follows:

An action (principle of objectivity/actus reus)

Every act mentioned in Article 9 constitutes a crime against humanity. This is not conditional upon there being a number of crimes perpetrated together such as for example killing and rape or a combination of these criminal acts.

The nine acts are: killing, extermination, enslavement, eviction or forced removal of the population, the deprivation of personal freedom, torture, rape, and enforced disappearance which are specified in Article 9, paras a, b, c, d, e, f, g, h, and I of Law 26/2000.

Killings were carried out after compiling lists of the names of the victims who were then ‘dibon’ from prisons, never to return. Witnesses stated that they had received information of victims having been taken away who have never returned to this day. Moreover, the victims never returned home nor

were their families able to find out where they were. Torture was perpetrated while the victims were being interrogated at POMDAM (a military institution), at police stations, at immigration offices, at Chinese homes, and at Pekabingan Prison. Torture was perpetrated such as whipping people using bull's penises, putting these between the fingers of the hands and placing pieces of wood between the fingers, after which the hand was pressed. In addition, torture occurred using wood to beat people on the head or using razor blades to wound the back and allow the wound to fester. Deprivation of freedom was carried out by arrest and detention which were not in accordance with established procedures. Enslavement was carried out by forcing victims to work in the homes of military personnel.

With reference to the conclusions drawn in Section 111 above and the specific conclusions with regard to the six districts or places selected, these conditions were fulfilled.

An action that is perpetrated as part of an attack (objectivity/actus reus)

The actions must be taken as part of an attack. For instance, mass killings directed against the civilian population can be regarded as an attack against the entire civilian population whereas the elements of the attack are as follows:

- Systematic or widespread actions that were undertaken repeatedly (*multiplicity commission of acts*) which were the result of state policy or organisation. Such multiplicity commission means that these were not single or isolated actions.
- Attacks that were widespread or systematic, they need not be a 'military attack' such as is regulated under international humanitarian law but attacks that are more widespread in nature, for instance an operation that is directed against the civilian population. Such an attack need not only involve the armed forces or armed groups of people.
- These conditions are considered as having been met if the civilian population is the main object of the said attack.

As has been stated in earlier sections, arrests were made without a warrant which happened during the above attacks. Arrests without warrants also occurred after the attacks had taken place. These arrests occurred in a number of regions.

In previous sections of this report, it is stated that in almost every place, arrest and detention were accompanied by violence and persecution which began on the way to the place of detention, while people were being questioned, as well as during detention. Generally speaking, torture was used to get statements, to get confessions, to force someone to sign a document or for other reasons. The types of torture include giving electric shocks, putting a person's feet under the legs of a chair on which someone is sitting and using cigarette butts as the way to get a statement or a confession. The types of torture were not only physical but also mental, such as for instance threatening to kill someone, intimidation, using words of abuse or obscene language, stigmatising someone for alleged association with the PKI or other forms of abuse aimed at undermining a person's dignity.

Attacks which were directed against members and/or sympathisers of the PKI are also sufficient reason to establish that there was persecution aimed at a particular group of people or organisation, the motive for which was having different political beliefs, race, nationality, ethnicity, culture, religion, sex or other factors which are universally recognised as being in violation of international

law. As was stated in an earlier section, this is the case when there have been grave violations of basic human rights of a single person or several persons in breach of international law such as killings, forced evictions, unlawful arrest and or detention, brutal and inhumane actions and the elimination or deprivation of peoples' ownership rights towards a group based on their political beliefs.

It was stated above that the acts must have been taken as part of an attack which means that the criminal act, by virtue of its nature and its consequences is, objectively speaking, part of an attack. In an earlier section it was also stated that in the verdict of the appeal in the Tadic case,¹⁶ it was stated that 'a crime that is not connected with a widespread or systematic attack against the civilian population cannot be tried in a court of law as a crime against humanity. A crime against humanity is a crime that has specific characteristics, namely one that is morally worse than an ordinary crime. Hence, in order to charge someone with a crime against humanity, it must be proven that the said crime was perpetrated as part of an attack against the civilian population and that the accused was aware that his crime was so related.

As has been stated above, isolated crimes are not crimes against humanity. In the appeals verdict (in the Tadic case) it was stated that the following conditions must be proven: (a) The alleged crimes were related to an attack against the civilian population, and (b) the perpetrator was conscious or aware of the relationship between the crime that he was committing and the attack that occurred.

From the above statement about an attack, it is clear that acts such as 'killings, forced evictions, deprivation of a person's freedom, torture and persecution which were directed against members and/or sympathisers of the PKI were not stand-alone or isolated acts but were related to and part of an action that was an attack against members and/or sympathisers of the PKI. According to what has been stated above, the series of acts in the attack include attacks in which firearms were used, arson which resulted in the loss of life, the destruction of people's homes, the arbitrary deprivation of a person's freedom, torture, forced evictions and persecution.

Acts such as 'killings, eradication, enslavement, eviction or enforced removal of people, the deprivation of freedom, torture, rape, persecution and enforced disappearances' which were directed against members and/or sympathisers of the PKI were not isolated incidents but were interconnected and part of an attack directed against members and/or sympathisers of the PKI. The attacks and the incidents which followed were military operations to crush a movement which civilian and military officials regarded as a 'subversive movement'.

These facts show convincingly that when these elements are present, namely the acts (alleged crimes) are related to the attack which was directed against the civilian population and furthermore that the perpetrators were aware of the connection between the crime they committed and the attack that occurred. In such a case, it can be affirmed that these acts, namely killings, enforced evictions, deprivation of freedom, torture and persecution which were directed against members and/or sympathisers of the PKI were not isolated acts but were part of a series of attacks directed against members and sympathisers of the PKI.

¹⁶ Translator's note: there is no mention of this case in this document however it may be elaborated upon further in the full report or the Executive Summary thereof.

Widespread and systematic (objectivity/actus reus)

The characteristics 'widespread' and 'systematic' are fundamentally important in order to establish the difference between these crimes and ordinary crimes which are not recognised under international law.

The words 'widespread' and 'systematic' do not mean that every crime committed should be widespread and systematic. In other words, if acts such as killings, rapes and hitting people occurred, it does not mean that all these crimes need to be widespread and systematic in order to establish that a combination of these acts complies with being widespread and systematic.

It is not necessary to be able to prove that both features, widespread and systematic, are proven. A crime that is committed could be part of an attack that is only widespread or only systematic.

Neither Law 26/2000 on Human Rights Courts nor the Rome Statutes include any definition of the meaning of the words 'widespread' or 'systematic.' Hence an understanding of 'systematic' and 'widespread' will have to be guided by jurisprudence of the decisions adopted by the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and by doctrine.

Widespread

The word 'widespread' relates to the 'number of victims,' which includes such concepts as 'massive, frequent and repeated'. The actions were on a massive scale, were perpetrated towards people collectively and had serious consequences.'

On the basis of statements made by witnesses, facts in law were obtained which show that the nature of the crimes referred to in Article 9 of Law 26/2000 occurred in the places where the Team conducted investigations. Based on descriptions by the witnesses, it is clear that the incidents occurred almost everywhere in Indonesia. In greater detail, the attacks that occurred in the six places which were chosen by the Team show that these kinds of crime did indeed occur and provide the basis for stating that its widespread nature was applicable to the events that occurred in 1965-66.

The widespread location of the victims means that the incidents occurred in many places and moreover, that the numbers involved confirms that the crimes were not a one-off, single, isolated or random act but were a collective crime (crime of a collective nature).

Systematic

The word 'systematic' refers to 'a specific pattern or method' which was organised comprehensively and used the same pattern throughout.

According to statements by the witnesses, it is evident that the crimes committed ran along similar lines which established a clear pattern. The acts that occurred and which were experienced by the victims were as follows: The action would commence with the arrest by the perpetrator of victims, who were then held in military bases, particularly at the local KORAMIL¹⁷ (PUTERPRA), in prisons or

¹⁷ Translator's note: the military units at the lowest level.

in places that were under military control and they had been brought there by force. Once they arrived at these places, the victims began to be interrogated by the security forces who consisted of army personnel, the police and attorneys. While they were being interrogated, the victims were subjected to acts of violence such as persecution, rape and even being killed. While under detention, the victims were very rarely – in fact almost never – allowed access to their families. They were not properly fed and in some cases were given no food at all. Some witnesses said that they saw detainees dying because of the inadequacy of the food they had been given. A small number of the detainees were brought before a court of law which the victims regarded as having conducted unfair trials. The sentences meted out were maximal and some people were sentenced to death. During the following years, some of the detainees were sent to internment camps such as the island of Buru and Nusakambangan.

This was the sequence of events that the vast majority of the victims experienced during the 1965-1966 events. In every case, the sequence of events was the same: for instance, killings occurred after lists of victims had been drawn up and these lists were then used by large groups of people who had been mobilised by the security forces to kill the victims or to take them away to be killed in places that had been prepared in advance or places such as rivers, caves, places along the coast, very deep wells or holes in the ground. While being interrogated, the victims were beaten, given electric shocks, stripped naked and forced to confess to something or threats were made against their relatives. As regards the crime of enslavement, victims were made to do forced labour on government projects or for the army; they were given inadequate food or were made to work in the homes of military officers.

On the basis of the statements by witnesses, the conclusion can be drawn that they were not unexpected (*tiba-tiba*) but were a part of a pattern that had been prepared by the perpetrators.

There was a similarity of patterns in every one of the regions, as shown in the accompanying diagram (this diagram is not attached to the document which we received) which is based on the events in North Sumatera which shows a continuity between incidents which happened from one area to another. The same pattern occurred in other places.

Directed against the civilian population (objectivity/actus reus)

In order to be able to say that a crime against humanity was committed, the actions must have been directed against the civilian population. This condition does not mean that the entire population of the state, entities or regions was the objects of the attacks. Use of the word 'population' implicitly means that the crimes committed were different in nature as between individuals. Crimes against humanity can also be perpetrated against civilians who are of the same nationality as the perpetrators and even against persons who do not enjoy the same citizenship. The expression 'civilian population' includes all the people who did not play an active part in the hostilities or were not on the side of the those taking part in combat, including members of the security forces who had surrendered (*hors de combat*), whether this was because they were ill, had been wounded or for other reasons. This means that militias, para-militaries and suchlike cannot be referred to as the civilian population.

On the basis of the elucidation of Article 9 of Law 26/2000, what is meant by 'attacks aimed directly against the civilian population' is within the framework of actions against the civilian population in line with the policy of the authorities or in relation to organisation.

In relation to the feature of being directed against the civilian population, the Team examined the 359 witnesses, the majority of whom were victims themselves or the relatives of victims who had, or were accused of having, a relationship with the PKI, all of whom were civilians as defined in Article 3 of the Geneva Convention.

On the basis of the statements by the witnesses, it was legally established that a number of the earlier victims included members of the armed forces who also suffered the same fate as the other, civilian victims.

What was known (subjectivity/mental/men re)

The words 'who knew' refer to the mental attitude (*mens rea*) of those involved in this crime. The perpetrators had committed the crime against humanity in the knowledge that the attacks were directed against civilians. This does not mean that in all of the actions, this was known. The knowledge can be either actual or constructive. Specifically, the perpetrators did not need to know that their actions were inhumane or that they were crimes against humanity. Committal of the crimes need not have been discriminatory, excepting actions which were persecutory in the context of crimes against humanity.

In the 1965-66 events, the perpetrators, especially at the level of policy, should be deemed to have known what the impact of their actions would be. In the wake of the G30S incident, violence occurred on a massive scale, which should have led to preventive measures so as to ensure that the actions would not become even more widespread. It can be assumed that those who formulated the policy and the commanders not only allowed the actions to occur but on the contrary, actively ensured that the violence would continue and become even more widespread on the basis of the claim that the PKI must be destroyed to its roots. If there is a political decision to destroy the PKI to its roots, this should take cognisance of conditions in a state of law where those who are deemed to have committed crime should be made accountable before a court of law and not be implemented by actions that can be classified as crimes against humanity.

Criminal Responsibility of the Perpetrators of Crimes Against Humanity

Criminal responsibility of the perpetrators of the crimes against humanity is about individual criminal responsibility, either direct criminal responsibility or by allowing something to happen or by neglect (*imputed criminal responsibility*) which can be directed at those in the field as well as those who, by virtue of their position, bear military command responsibility or command responsibility for civilian officials (*command responsibility*).

Furthermore, command responsibility also applies when military commanders or senior civilian officials did not prevent, halt or arrest the perpetrators and report them to the authorities for their criminal acts of the grave violations of human rights that occurred under their authority and control. This means that **command responsibility applies both to military commanders** as well as senior civilian officials **who failed to effectively exercise control over their troops or subordinates in order to prevent, halt or take action against grave human rights violations in accordance with the laws in**

force. This became international legal practice in the case of the Jean Paul Akayesu who was punished for failing to prevent grave violations of human rights even though he was aware of these criminal acts.

Military command responsibility or the responsibility of senior officials for allowing things to happen, as stated in Article 42 of Law 26/2000, includes allowing crimes against humanity *incasu* Article 9 of Law 26/2000 which were being perpetrated by their subordinates, and doing nothing to prevent, halt, take action against or report them for examination, investigation and charge.

Individual/Military Commanders who can be called to account

In military structures, including the structure within ABRI (Armed Forces of the Republic of Indonesia), the command relationship between superiors and their subordinates (*unity of command*) has created a chain of command down through the ranks, starting with the establishment of policy at the most senior level of command through to tactical commands which operate directly over the troops who are their subordinates.

The commander who has the power to determine of policy is the *de jure* commander while commanders who have effective authority (*duty of control*) over their men and the holders of *de facto* powers who know everything about the actions of their men (*duty to prevent*) inflict punishment upon those who violate the rules (*duty to punish*).

Commanders who determine policy

Investigations by the Team show that every kind of crime regulated in Article 7, Law 26/2000 fulfilled these principles. The crimes were committed in military bases or in places which were under the control of the military. These incidents can be traced back to a series of policies as identified below:

The announcement of the Decision by KOTI/PANGTI ABRI¹⁸ No 142/KOTI/11/1965 of 1 November 1965 for the restoration of security and order as the consequence of the '30 September' incident.

The objectives of the decision were for the restoration of security and order which, according to a number of statements by the witnesses, deviated from the objectives stated in the decision. Statements by the witnesses show that a number of incidents which were grave punishable crimes had already occurred at the end of 1965 and continued in the following years.

The suspicion of a deviation from the stated goals of the decision can be seen from the orders on 12 March 1966 for the house arrest of the Minister of Electricity and Energy, the Minister for Primary Education and Culture and the Minister of State/Assistant to the Presidium. That according to statements by the witnesses, fifteen ministers were eventually arrested from 16 March 1966, or at least during the month of March, among whom was one of the witnesses who was arrested on 4 May 1966. The witness was a minister in the Dwikora Cabinet who had been a minister since 1964. According to the statement by the witness, all the ministers who were marked for house arrest or had already been arrested were ministers who were identified as supporters of the President at that time. When they were arrested, they met up with arrested ministers and the Deputy Prime Minister (*Wakil Perdana Menteri, Waperdam*).

¹⁸ Translator's note: Supreme Command of the Supreme Commander of ABRI.

Furthermore, the PANGKOPKAMTIB which was formed on the basis of Decision KOTI/PANGTI ABRI NO. 142/KOTI/11/1966 of 1 November 1965 led to a number of policies/decisions to regulate a number of matters such as PANGOPKAMTIB KEP-1196/10/1965, of 29 October 1965 regarding the formation of a Team for Central/Regional Investigation with its own framework and organisational structure. Decision PANGKOPKAMTIB KEP 1/KOPKAM/12/1965 of 21 December 1965 regarding the appointment of PANGANDA and PANGDAM to identify the G30S elements including the leaders.

The top structure of PANGKOPKAMTIB can be called to account as the Commander who decided on the policy which is evident from Decision No 142 and 01 as well as other decisions that were issued by PANGKOPKAMTIB, as can be seen in Chapter 111, pages 206-215 of this report.¹⁹

That Decision PANGKOPKAMTIB KEP-1196/10/1965 of 29 October 1965 on the Formation of the Team to Investigate the Centre/Regions with its own methods of work and organisational structure, are co-relative to statements by the witnesses that they were subjected to acts of violence in advance of, during and after they had undergone interrogation which took place at least from the end of 1965 and in the following years.

That Decision PANGKOPKAMTIB KEP1/KOPKAM/12/1965 of 21 December 1961 on the appointment of the PANGANDAs and PANGDAMs (military commanders) to identify the individuals involved in the G30S including the leaders, became the legal basis for granting authority to the PANGANDAs and PANGDAMs along with the structures subordinate to them, to draw up lists of people who were accused of involvement in the G30S. Based on statements by the witnesses that the people who were included in those lists subsequently experienced a number of crimes that could be classified as grave crimes in violation of their human rights. It is firmly believed that the announcement of this decision meant that those persons could well have imagined the consequences of what had been decided, namely the plan to exterminate the PKI to its roots.

That the two above-mentioned decisions are believed to be related to a number of crimes such as killings, extermination, persecution and rape which occurred in places of detention in late 1965 and in subsequent years.

In the following years, this was followed by decision PANGKOPKAMTIB No KEP-054/KOP-KAM/1967 of 27-7-1967 appointing PANGDAMs 1 to 1V and 1X to XV11 as Special Implementers of PANGKOPKAMTIB in their regions.

Commanders who had the ability to exercise effective control over (*duty of control*) their troops

That PANGKOPKAMTIB issued decision PANGKOPKAMTIB KEP1/KOPKAM/12/1965 on 21 December 1965 instructing the PANGANDAs and PANGDAMs to identify the G30S/PKI thugs including the leaders. It was on the basis of this decision that the PANGANDAs and PANGDAMs along with their subordinate structures drew up lists of people who were accused of being involved in the G30S, who according to the statements by the witnesses would subsequently be subjected to various criminal acts that are classified as grave human rights violations. It is on the basis of this decision that the PANGANDAs or PANGDAMs in their respective regions should be called to account because they allowed grave human right violations to be committed by individuals/commanders/members of the units who should be made accountable as the persons who were active on the ground.

¹⁹ Translator's note: This refers to the second document issued by Komnas HAM.

Decision PANGKOPKAMTIB No KEP-054/KOP-KAM/7/1967 appointed PANGDAMs 1 to 1V and X to 1X to XV11 as special implementers of PANGKOPKAMTIB in their respective regions. On the basis of this decision, the PANGDAMs in their capacity as special implementers of PANGKOPKAMTIB in their respective regions should be held to account because they allowed incidents to happen, such as the grave violation of human rights which were committed by individuals/commanders/members of the units who can be called to account as the implementers on the ground.

That this Decision PANGKOPKAMTIB no. KEP-054/KOP-KAM/7/1967 of 26-7-1967 is co-related to the events that occurred in the years following 1967, such as incidents that occurred on the Island of Buru, in Maluku, and in the Moncong Loe Camp in Makassar.

On the basis of the series of crimes that were committed as well as pictures of victims who have been identified, and the multiplicity of evidence that is available, the chief though not exclusive identities of those who are believed to have been involved in the events of 1965-1966 are as follows.

Individuals/Commanders/Members of Units who can be called to account as implementers on the ground

Criminal responsibility of those who committed crimes against humanity involved individual responsibility (*individual criminal responsibility*) which is either direct (*direct criminal responsibility*) or indirect responsibility for having failed to prevent the crimes (*imputed criminal responsibility*) which can apply to those who were active on the ground or those who, by virtue of their position, had command responsibility over the military or over civilian officials (*command responsibility*).

Decision PANGKOPKAMTIB KEP1/KOPKAM/12/1965) of 21 December 1965 instructed the PENGANDAs and PANGDAMs to identify the thugs (*oknum*) of the G30S/PKI, including the leaders. It was by virtue of this decision that the PENGANDAs and PANGDAMs and their subordinate structures drew up lists of people alleged to have been involved in the G30S and, according to the statements the witnesses, these were the people whose names were on those lists and who subsequently suffered a range of crimes that can be classified as grave crimes against humanity.

The individuals/commanders/members of units who can be called to account as the people on the ground, based on the range of crimes that were committed and the pictures of victims who can be identified and the wide range of available evidence, means that those who were involved on the ground in the 1965-1966 events include the following although others may also have been involved:

- a. Names of the perpetrators who were directly involved in the crimes against humanity.
- b. The commanders and functionaries at the following places of detention: the island of Buru Sumber Rejo, Argosari, the island of Balang, Tanjung Kasu, Nanga-Nanga, Moncong Loe, Ameroro, Nusakambangan, the office of the Mayor of Tomohon, Plantungan, Sasono Mulyo, the municipal offices in Solo, Nirbaya and Ranomut-Manado.
- c. The commanders and functionaries in the following places of detention: Salemba Prison, Rice Factory in Lamongan, the building belonging to the Chinese Association in Jalan Liloyor, Manado, Wirogunan Prison, the prisons in Solo, Kediri and Denpasar.
- d. State functionaries at places where it is believed that torture was committed: Kalong HQ on Jalan Gunung Sahari, Gang Buntu (Kebayoran), the Chinese house in Jalan Melati, Denpasar, school in Jalan Sawahan, Malang, the Manchung School, Jalan Nusakambangan, Malang.

- e. Commanders and functionaries at the following military prisons: TPU Gandhi, Budi Utomo, Budi Kemulyaan.

CONCLUSIONS

After having carefully examined and analysed all the findings discovered in the field, the statements of the victims, witnesses, reports, relevant documents and other information, the Ad Hoc Team to Investigate the Committal of Grave Crimes Against Humanity During the 1965/1966 events has reached the following conclusions:

1. There is adequate initial evidence to believe that the following crimes against humanity, which are serious crimes against basic human rights occurred:
 - a. Killings (Article 7 and Article 9 letter a of Law 26, 2000 on Human Rights Courts).
 - b. Exterminations (Article 7, letter b, jo Article 9 letter b, of Law 26, 2000 on Human Rights Courts).
 - c. Enslavement (Article 7, letter b jo Article 9 letter c of Law 26, 2000 on Human Rights Courts).
 - d. Enforced evictions or the banishment of populations (Article 7 letter b jo Article 9 letter d of Law 26, 2000 on Human Rights Courts).
 - e. Arbitrary deprivation of freedom or other physical freedoms (Article 7 letter b jo Article 9 letter e of Law 26, 2000 on Human Rights Courts).
 - f. Torture (Article 7 letter b jo Article 9 of Law 26, 2000 on Human Rights Courts).
 - g. Rape or similar forms of sexual violence (Article 7 letter b jo Article 9 letter g of Law 26, 2000 on Human Rights Courts).
 - h. Persecution (Article 7 letter b and Article 9 letter h of Law 26, 2000 on Human Rights Courts).
 - i. Enforced disappearances (Article 7 letter b and Article 9 letter I, of Law 26, 2000 on Human Rights Courts).

The afore-mentioned actions were part of an attack aimed directly against the civilian population, namely a series of actions against the civilian population as a consequence of the policy of the authorities in power. As these actions were widespread and systematic, these actions can be classified as crimes against humanity.

2. The types of acts and the pattern of the crimes against humanity that occurred during the events in 1965/1966 were as follows:
 - a. **Killings**

Civilians who fell victim to killings as a result of operations conducted by the state apparatus which occurred in a number of INREHAB: the island of Buru, Sumber Rejo, Argosari, the island of Balang, the island of Kemarau, Tanjung Kasu, Nanga-Nanga, Moncong Loe, Ameroro, Nusakambangan, the office of the mayor of Tomohon, Plantungan, Sasono Mulyo, Municipal buildings in Solo, Nirbaya, Ranomut, Manado. Prisons: Salemba, Rice Factory in Lamongan, the building owned by the Chinese Association in Jalan Liloyor, Manado, Wirogunan Prison, Yogyakarta, Solo prison Kediri, Denpasar Places where torture was committed: Kalong (Jalan gunung Sahari), Gang Buntu (Kebayoran), building in Jalan Latuharhari, Chinese house in Jalan Melati,

Denpasar, school in Jalan Sawahan, Malang, Manchung Schoolm Jalan Nusakambangan, Malang, Military prisons TPU Gandhi, Budi Utomo, Budi Kamulyaan.

b. **Exterminations**

Civilian populations who were victims of extermination as a result of operations committed by the security forces in a number of places, among others: Sragen 300 people, Sikka-Maumere, 1,000 people, Kali Sosok prison, Surabaya, 600 people.

c. **Enslavement**

Civilian populations who fell victim to enslavement as a result operations by the state authorities were recorded as the following places: about 11,500 people in the island of Buru (which consisted of 18 units plus three RSTs each of which held 500 prisoners) and also in Moncong Loe, Makassar.

d. **Evictions or enforced removal of the population**

Civilian populations who fell victim to eviction or forced removal as a result of the operations committed by the state apparatus were recorded as being more or less 41,000 people.

e. **Arbitrary deprivation of freedom or other types of deprivation of physical freedoms:**

The number of civilians who were victims of the arbitrary deprivation of their freedom or other physical freedoms as a consequence of operations conducted by the state apparatus were roughly 41,000 people

f. **Torture**

The torture of civilians as a consequence of operations conducted by the state apparatus in a number of INREHABs (prisons): island of Buru, Sumber Rejo, Argosari, island of Balang, island of Keramau, Tanjung Kasu, Nanga-Nanga, office of the mayor of Tomohon, Plantungan, Sasono Mulyo, municipal buildings in Solo, Nirbaya, Ranomut, Manado. Prisons: Salemba, Rice Factory in Lamongan, the Chinese-owned building in Jalan Liloyor, Manado, Wirogunan, Yogyakarta, Prisons in Solo, Kediri, Denpasar. Places where torture occurred: Kalong HQ, (Jalan Gunung Sahari), Gang Buntu (Kebayoran) a building in Jalan Latuharhari, the Chinese house in Jalan Melati, Denpasar, a school in Jalan, Malang, the school in Jalan Sawahan, Malang, Manchung School in Jalan Sawahan, Malang, Jalan Nusakambangan, Malang, Military prisons: TPU Gandhi, Guntur, Budi Utomo, Budi Kemulyaan.

g. **Rape or similar forms of sexual violence**

Civilians who were the victims of rape or similar forms of sexual violence as a consequence of acts during operations which were committed by the state apparatus, altogether about 35 people.

h. **Persecution**

- i. Civilian populations were victims of persecution as a result of operations conducted by the state security forces in a number of places: INREHABs: Island of Buru, Sumber Rejo, Argosari, island of Balang, island of Kemarau, Tanjung Kasu, Nanga-Nanga, Moncong Loe, Ameroro, Nusakambangan, Office of the mayor of Tomohon, Plantungan, Sasono Mulyo, mayoral offices in Solo, Nirbaya, Ranomut, Manado. Places of detention: Salemba, Rice factory in Lamongan, building owned by the Chinese Association in Jalan Liloyor, Manado, Wirogunan Prison, Yogyakarta, prisons in Solo, Kediri, and Denpasar. Places where torture occurred: Kalong HQ (Jalan Gunung Sahari), Gang Buntu, (Kebayoran), building in Jalan Latuhahrhari, Chinese house in Jalan Melati, Denpasar,

school in Jalan Sawahan, Malang, Manchung school, Jalan Nusakambangan, Malang. Military prisons – Gandhi, Guntur, Budi Utomo, and Budi Kemulyaan.

j. Enforced disappearances

Civilians who were recorded as being the victims of enforced disappearances as a consequence of operations conducted by the state security forces amounted to roughly 32,774 people.

- 3.** 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.

A. Individuals/military commanders who can be called to account:

a.1 The commander who decided on the policy:

a. PANGKOPKAMTIB – the Commander of KOPKAMTIB from 1965 until 1969.

b. PANGKOPKAMTIB – the Commander of KOPKAMTIB from 19 September 1969 at the least until the end of 1978.

a.2 The commanders who had effective control (duty of control) over their troops.

The PENGANDAs and/or PANGDAMs during the period from 1965 until 1969 and the period from 1969 until the end of 1978.

b. Individuals/commanders/members of the units who can be held responsible for the actions of their troops in the field.

Individuals/commanders/members of units who can be called to account as those who implemented the series of crimes that occurred in the field, as well as the pictures of the victims who have been identified in the mass of the available evidence along with the names of those thought to have been involved on the ground in the events of 1965-1966, particularly, but not only confined to these names, as follows:

- a. Names that have been mentioned by the witnesses, in connection with the six regions that were analysed by the Team.
- b. The commanders and the functionaries at the INREHAB: the island of Buru, Sumber Rejo, Argosari, island of Balang, the island of Kemarau, Tanjung Kasu, Nanga-Nanga, Moncong Loe, Ameroro, Nusakambangan, the office of the Mayor of Tomohon, Plantungan, Sasano Mulyo, municipal offices in Solo, Nirbaya, Ranomut, Manado.
- c. The commanders and their apparatus in the following prisons: Salemba, the Rice Factory in Lamongan, the building of the Chinese association in Jalan Liloyor, Manado, Wirogunan Prison, Yogyakarta, the Solo, Kediri and Denpasar prisons.
- d. The apparatus in the places of torture: Kalong HQ (Jalan Gunung Sahari), Gang Buntu (Kebayoran), the building in Jalan Latuharhari, the Chinese house in Jalan Melati, Denpasar, the school in Jalan Sawahan, Malang, Manchung school in Jalan Nusakambangan, Malang.

- e. The commanders and functionaries in military prisons (RTM): TPU Gandhi, Guntur, Budi Utom, Budi Kemulyaan.

RECOMMENDATIONS

On the basis of the above conclusions, the Ad Hoc Team to Investigate the Events of 1965-1966 makes the following recommendations:

- 1. In accordance with the provisions of Article 1, paragraph 5, and Article 20, para (1) of Law No 26, 2000 on Human Rights Courts, the Attorney General is requested to take forward the above investigations with further investigations,**
- 2. In accordance with the provisions of Article 47, para (1) and (2) of Law No 26, 2000 on Human Rights Courts, the results of these investigation may also be resolved through non judicial mechanisms in fulfilment of the sense of justice of the victims and their families.**

This statement has been made in fulfilment of the mandate that was given to the National Human Rights Commission, in order to conduct investigations into what are deemed to have been grave violations of human rights that occurred during the events of 1965-1966.

Jakarta, 23 July, 2012

**AD HOC TEAM TO INVESTIGATE GRAVE VIOLATIONS OF HUMAN RIGHTS DURING THE EVENTS OF
1965/1966**

CHAIRMAN,

NUR KHOLIS, S.H., M.A.

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