



ASA 21/3936/2016

Luhut Panjaitan

Coordinating Minister for Politics, Law and Security Affairs
Coordinating Ministry for Politics, Law and Security Affairs
Jl. Medan Merdeka Barat No. 15
Jakarta Pusat 10110
Indonesia

29 April 2016

Dear Minister,

TRUTH-SEEKING AND FORMAL PUBLIC APOLOGY ARE ESSENTIAL FOR 1965/1966 RESOLUTION

Amnesty International, ETAN (East Timor and Indonesia Action Network), TAPOL and Watch Indonesia! are writing to urge you to take the important steps necessary to ensure that the national symposium on the 1965 tragedy, held in Jakarta on 18 and 19 April, leads to justice, truth and reparation for victims.

This initiative must be followed with a full investigation into human rights violations committed between 1965 and 1966. This is to not only establish the truth of what happened but also, where sufficient admissible evidence exists, ensure that those suspected of committing crimes are prosecuted. Further, the authorities must also ensure that victims and their relatives are provided with full and effective reparation. A formal public apology, including acknowledgement of the facts and acceptance of state responsibility, must not be ruled out.

The symposium, *'Examining the 1965 Tragedy: A Historical Approach' (Membedah Tragedi 1965: Pendekatan Kesenjarahan)*, brought together survivors, scholars, human-rights activists, artists, members of the Indonesian military and government officials to give testimony about the events that happened across Indonesia following an abortive coup in September 1965. These crimes, which have been documented by human rights organisations, include: unlawful killings, torture, enforced disappearances, rape sexual slavery and other crimes of sexual violence, slavery, arbitrary arrest and detention, forced displacement and forced labour. Many victims and their families faced violations of their social, economic and cultural rights, and continue to experience discrimination in both the law and in practice. There have been many instances where internal meetings or public events about the 1965-1966 violations held by victims or human rights NGOs, especially around the 50th anniversary in 2015, were disbanded or harassed by vigilante groups while police failed to intervene.

A three-year investigation into the violations was carried out by the National Human Rights Commission (Komnas HAM) and completed in July 2012. The Commission found evidence of widespread human rights violations committed across the country between 1965 and 1966, and that violations continued at a lower level well into the late 1970s. According to the Commission, these findings meet the criteria of gross human rights violations, and include crimes against humanity, as defined by the Indonesian Law No. 26/2000 on Human Rights Courts. To date, however, there has been no indication that the Attorney General will even launch an investigation. Meanwhile attempts to establish a truth commission on the national level have stalled due to a lack of political will.

A number of key recommendations were highlighted in the concluding comments delivered directly at the symposium to move the process forward. Some of these calls echo those made over decades by

many human rights groups calling for an end to impunity for the appalling human rights violations committed across Indonesia between 1965 and 1966 including: the need to recognise state involvement and its role in the events; the need to provide right to truth, justice and reparation victims and their families; an end to the stigmatisation of survivors and the discriminatory laws and practices that prevent them enjoying full citizenship; and a call to authorities to end all forms of restrictions against the right to freedom of expression and assembly for any public discussion of the events.

The symposium will serve as a useful step towards ending impunity for human rights violations committed by the Indonesian security forces against suspected members and sympathisers of the Indonesian Communist Party (PKI) between 1965 and 1966.

Our organizations reiterate that the government's commitment to establish a non-judicial mechanism to resolve past human rights cases, does not change Indonesia's obligations under international law to investigate and, if sufficient admissible evidence exists, prosecute those suspected of human rights violations and crimes under international law in fair trials without recourse to the death penalty. Furthermore, this mechanism does not replace the government's obligations to provide rights with an effective remedy including the truth and full and effective reparation to address the harm they have suffered.

RECOMMENDATIONS:

Amnesty International, ETAN, TAPOL and Watch Indonesia! calls on the Indonesian government to undertake the following steps as a matter of priority:

- Take steps to ensure that the Indonesian authorities fulfil their obligations to provide the victims of 1965 rights with access to truth, justice and reparations and include a full investigation into human rights violations committed between 1965 and 1966 to establish the truth and, where sufficient admissible evidence exists, ensure that those suspected of committing crimes including those with command responsibility, are prosecuted in civilian courts in proceedings which meet international fair trial standards, without recourse to the death penalty;
- Issue formal public apology, including acknowledgement of the facts and acceptance of responsibility;
- Ensure that all forms of restrictions against public discussions on 1965 are lifted and ensure that the government starts listening to victims and others, instead of suppressing their voices.

Please do not hesitate to contact us if you have any questions. We would be pleased to discuss this matter with you.

Yours sincerely,

Rafendi Djamin (Director for Southeast Asia Pacific Regional Office of Amnesty International)

John Miller (National Coordinator of ETAN)

TAPOL

Alex Flor (Watch Indonesia!)

CC:

Sidarto Danusubroto
The Presidential Advisory Council

Agus Widjojo
Governor of the National Resilience Institute (Lemhanas)

M. Imdadun Rahmat
Chairperson of the National Commission of Human Rights (Komnas HAM)