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Indonesia: Close gap between rhetoric and reality on 1965 mass human rights violations

Despite President Joko Widodo's repeated commitments to address human rights violations committed in 1965 – such as extrajudicial executions, enforced disappearances and torture – more than five decades later millions of victims and their families are still waiting for truth, justice and reparation. On the 51st anniversary of these violations, Amnesty International, Asia Justice and Rights (AJAR), East-Timor and Indonesia Action Network (ETAN), La' o Hamutuk, TAPOL, Watch Indonesia! and Yayasan HAK call on the Indonesian authorities to go beyond just rhetoric. We call on the authorities to take concrete steps that address ongoing impunity for these crimes in accordance with international law and standards.

In August 2015, President Widodo announced in his Independence Day speech that he would establish a non-judicial mechanism to 'resolve' all past human rights violations. This would be through a 'reconciliation committee', so that "future generations in Indonesia would not continue to bear the burden of history". However, victims and NGOs are concerned that this process may prioritize reconciliation to the detriment of truth and justice.

Our organisations believe that the establishment of a non-judicial mechanism to address past human rights violations does not preclude Indonesia's obligations under international law. These obligations are to investigate and, if sufficient admissible evidence exists, prosecute those suspected of human rights violations and crimes under international law in fair trials, with no recourse to the death penalty. The absence of such a process would leave victims without an effective remedy and could hinder their right to adequate reparations. Furthermore, it could weaken public confidence that the authorities are serious about addressing the wider culture of impunity in Indonesia and send the wrong message that such acts can be committed without facing any consequences.

In April 2016, in a positive step, the government organized a symposium on the 1965 human rights violations. The event brought together survivors, scholars, human rights activists, artists, the Indonesian military and government officials to provide testimony about the events that happened across Indonesia at that time. Unfortunately, after the symposium the authorities failed to agree a way forward to end impunity for the 1965

mass human rights violations and even ruled out making a formal public apology for their role in these crimes.

Subsequently, there has been further scepticism of the government's commitment to address past human rights violations when President Widodo appointed General Wiranto to the post of Coordinating Minister for Political, Law and Security Affairs in July 2016. Wiranto was indicted for crimes against humanity by a UN sponsored tribunal in Timor-Leste and named as a suspect in the inquiry initiated in 1999 by Indonesia's National Commission on Human Rights (Komnas HAM) for gross violations of human rights in East Timor surrounding the 1999 referendum. To date, however, Indonesia has failed to charge him.

Amnesty International, Asia Justice and Rights (AJAR), East-Timor and Indonesia Action Network (ETAN), La' o Hamutuk, TAPOL, Watch Indonesia! and Yayasan HAK urge the Indonesian authorities to address the 1965 mass human rights violations by ensuring the rights to truth, justice and reparation. The effective prosecution of those responsible of human rights violations and crimes under international law will not only send a strong signal about Indonesia's commitment to justice and the rule of law but will also strengthen the efforts of all victims and their families who have, for several years, been fighting to ensure accountability for the serious crimes committed in different parts of the country.

Background

An estimated 500,000 to one million people were unlawfully killed and hundreds of thousands were held without trial for periods ranging from a few days to more than 14 years when the Indonesian military launched a systematic attack against members of the Indonesian Communist Party (PKI) and suspected sympathizers. Investigations by the Indonesian National Human Rights Commission (Komnas HAM) and other human rights organizations have documented a range of human rights violations during this period including 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 also faced violations of their social, economic and cultural rights, and continue to this day to experience discrimination in both the law and in practice.

A three-year investigation into the human rights violations committed in 1965 was carried out by Komnas HAM and was completed in July 2012, concluded that the 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 government will even launch a criminal investigation. Meanwhile, attempts to establish a truth commission on the national level have stalled due to a lack of political will.