

National Commission of Human Rights  
Republic of Indonesia

## **Declaration of the Human Rights Commission (Komnas HAM) regarding the investigation into serious human rights violations related to the events of 1965-1966<sup>1</sup>**

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### **I. Preface**

The events of 1965-1966 form a human tragedy that is a black page in the history of the Indonesian people. The events were the consequence of the state policy of that time to exterminate the members and followers of the Indonesian Communist Party (Partai Komunis Indonesia, PKI) that was regarded responsible for offensive acts against the state.

The state policy that implied violent acts against civilians who at the time were being accused of being member or sympathizer of the PKI, was executed in an excessive way, and used inhuman measures that had an impact on the number of victims, both dead and wounded.

In conformity with reports from victims and their relatives, the events of 1965-1966 resulted in the occurrence of various forms of human rights violations, including murders, killings<sup>2</sup>, slavery, enforced evictions or transportation of people, arbitrary detention and other physical freedoms, torture, rape, maltreatment<sup>3</sup> (persecution) and enforced disappearances.

Additionally the victims and their relatives experienced mental (psychological) suffering for several generations, namely in the form of discriminatory measures in civil and political rights, as well as in economic, social and cultural rights.

In relation with the above, the victims of the events 1965-1966 and their relatives have made several efforts to invoke their rights to receive justice and redress of the rights that have been

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<sup>1</sup> This is an unofficial translation by Martha Meijer ([www.marthameijer.org](http://www.marthameijer.org)). The English text has been kept as close to the Indonesian original as possible. Comments by the translator have been added within brackets [ ].

<sup>2</sup> [The Indonesian word “pemusnahan”, literally means “destruction”. It is unclear what exactly the difference is with “pembunuhan”, “murder”. From the text it is clear that the difference is not that the object is human or not human. We keep in the translation the word killing, although the difference is not or not only in the premeditated character of the act.]

<sup>3</sup> [The Indonesian word “penganiayaan”, literally means “maltreatment” or “cruel treatment” and has a wider meaning than “penyiksaan” which means “torture” (Wojowasito, S.: Kamus Umum Indonesia – Inggeris, 1976) or “suffering as a kind of punishment” (Poerwardaminta, W.J.S.: Kamus Umum Bahasa Indonesia, 1976). In this text I have used the word “maltreatment” for “penganiayaan” and “torture” for “penyiksaan”. Still the word “persekuasi” as “persecution” as an explanation for maltreatment seems illogical. In international terminology persecution means “being subjected to prolonged hostility and ill-treatment” or “harassment”, being less severe than torture. (Concise Oxford English Dictionary. 2004). Poerwardaminta uses “penganiayaan” to explain “penyiksaan” and the other way round. In human rights circles torture is more severe and more deliberate than maltreatment.]

violated (redress). One of their strategies of their struggle was to submit these events to the Komnas HAM.

Considering the submission of the victims, their relatives and society at large, Komnas HAM has in conformity with its function and task, laid down in the Law

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no. 39/Year 1999 on Human Rights, established a Team for the study of these events. From the results of the study<sup>4</sup> Komnas HAM has continued with the establishment of an Ad Hoc Team for Investigation into serious Human Rights Violations related to the events of 1965-1966.

The establishment of the Ad Hoc team for Investigation into serious Human Rights Violations related to the events of 1965-1966 was meant as the execution of the task and the authority as laid down in art. 18 jo art. 19 and art. 20 of the Law no. 26/Year 2000 on the Human Rights Courts, which is covered by the Law No. 39/Year 1999 on Human Rights.

The Ad Hoc Team for Investigation into serious Human Rights Violations related to the events of 1965-1966 started its mandate on 1 June 2008 until 30 April 2012. In performing its mandate the Ad Hoc Team received a number of submissions from the society and carried out research with regard to 349 (three hundred and forty nine) witnesses/victims. In the context of the performance of its investigation, the Team also made direct field observations in a number of regions.

While carrying out its task, the Ad Hoc Team for Investigation into serious Human Rights Violations related to the events of 1965-1966 experienced various obstacles:

1. The geographical spread of the events of 1965-1966
2. The limitations of the budget
3. The length of the events (both the length in time and the period that has passed since)
4. The traumas that the victims have experienced.

## **II. The Facts of the Events**

The events of 1965-1966 took place in several regions of Indonesia. Related to the limitations in human resources<sup>5</sup> and financial resources, instead of considering various events in several regions, the Komnas HAM focused on a few regions.

Then, in order to deepen and clarify the analysis of the forms of those crimes, a choice has been made for certain places, to focus on certain events in a more in-depth manner. The places that have been made into the focal points of the analysis are: Maumere, prison Gerobokan Denpasar, South Sumatra, Moncongloe – South Sulawesi, the island of Buru, the Moluccas, and detention centre at Jalan Gandhi Medan – North Sumatra.

The choice of four<sup>6</sup> regions can be considered as representing other regions that have already been investigated and where similar events took place.

<sup>4</sup> [The Indonesian language has several words for investigation. “Pengkajian” has as its original meaning: “study of the Koran”. “Penyelidikan” is “to study or investigate (critically)” (Wojowasito), whereas “penyidikan” (cf. the recommendation 1) has a more legal, procedural connotation, as its original meaning is the examination of a fingerprint (Poerwardaminta). The word “pemeriksaan” is translated as “interrogation”.]

<sup>5</sup> [typing error: “sumner” must be read as “sumber”.]

## **Region Maumere**

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### **Murders on the beach of Wairita**

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The witness<sup>7</sup> is someone who saw the chain of events on a certain place that falls within the area of Maumere<sup>8</sup>. The witness was ordered by the perpetrators to dig a hole for victims who had already been murdered.

Those victims were civilian people, at least 15 persons, who had been identified by the perpetrators as members, leaders or sympathizers of PKI.

### **Murders in a village in East Flores<sup>9</sup>**

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The witness is someone who saw the event which was that murders happened in a place that is included in the area of Maumere.

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The people who had been transported with a vehicle, had their hands tied and then were taken down from the vehicle, brought to the edge of the hole that had been prepared. The number of people that at that moment had been transported was around 84 people, specifically 36 people who had come from the prison, and others had been arrested in the mountains.

### **Murders in Polsek<sup>10</sup> Gelinting**

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Within the region of Maumere also murders happened in the local police station of Gelinting; this can be concluded from the information given below, by a witness.

Based on the information of the witness, there are indications that a number of victims, at least more than one person died. The witness estimated that the number of victims that died reached 500, who were killed by the perpetrators.

## **Conclusion**

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The investigation into the events that followed the occurrence of the events that are generally known as “Events of the 30 September Movement” or the finding of sufficient primary proof that serious human rights violations have taken place, as meant in the Law No. 26/Year 2000 on Human Rights Courts, specifically crimes against humanity in the form of criminal acts of murder in the event [show]<sup>11</sup> that [this] happened on the beach of Wairita, the village in East Flores and Polsek Gelinting, that all fall within the region of Maumere in the period of time at least at the end of the year 1965.

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<sup>6</sup> [In the list of regions there are not four, but six regions.]

<sup>7</sup> [in many cases it is not clear whether a single or a plural is meant.]

<sup>8</sup> [many sentences indicating the witness(es) start with an introductory word “that” as short of: “it is said that”, as if the authors take some distance from the sentence that is following. For the sake of clarity we have abandoned this textual construct in the translation.]

<sup>9</sup> [It is also possible that Kampung Flores Timur is the name of an area near Maumere.]

<sup>10</sup> [Polsek = Polisi Sektor, local police station]

<sup>11</sup> [This sentence is repeated in each conclusion. In fact it does not contain a principal sentence. The translation above is the least illogical one. Another option is: “The investigation into the events that followed [show] the occurrence of the events that are generally known as the “Events of the Movement of 30 September” or the finding of sufficient primary proof that serious human rights violations as meant in the Law

## **Prison Pekambangan, Denpasar**

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### **Arbitrary detention**

The prison Pekambangan was the detention centre for people who were considered involved and who knew about the plans for 1 October 1965. This prison was inhabited by political, criminal, as well as military and even female prisoners. Blok B was especially for women. While Blok A, C, and D were for the political, criminal and ex-military prisoners. As the witness(es) clarified that the prison Pekambangan was the detention centre for people who were suspected of being involved in the events of G30S, this can be seen from the information from the witness(es) who indicated prison Pekambangan [sic, without full stop]

### **Torture**

The witnesses who gave the information mentioned below were witnesses who directly experienced torture that was carried out by the perpetrators in the prison Pekambangan during their period of detention. Additionally of directly experiencing it themselves, a number of witnesses also saw the perpetrators carry out the torture on other victims.

### **Conclusion**

The investigation into the events that followed the occurrence of the events that are generally known as "Events of the 30 September Movement" or the finding of sufficient primary proof that serious human rights violations have taken place, as meant in the Law No. 26/Year 2000 on Human Rights Courts, specifically crimes against humanity in the form of criminal acts such as arbitrary detention and other physical limitations that violate (the basics of) international law regulations and torture in the events [show] that they took place in prison Pekambangan, Denpasar, Bali, in the period from the end of the year 1965 through till 1977.

## **South Sumatra**

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### **Enforced disappearances**

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Based on the facts that were obtained from the investigation in South Sumatra it is suspected that crimes against humanity have taken place in the form of enforced disappearances, as meant in art. 9 sub i) of the Law no. 26/2000.

The arrests of victims who were suspected of being involved [and] of being part of the group of the 30 September 1965 Movement (G30S) started in the month October 1965 in South Sumatra, the victims were people who disappeared during the journey, in temporary detention before being sent into definite detention namely in the Detention Camp of the island Kemarau – Palembang, around the month of February 1966 until the year 1979.

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26/2000 on the Human Rights Courts, specifically crimes against humanity have occurred in the form of the crimes of murder in the events that occurred at Pantai Wairita, the village in East Flores and Polsek Gelinting, that all enter into the area of Maumere in the period of time at least at the end of the year 1965."]

The location of the Detention camp on the island Kemarau is a delta or the island lies in the middle of the river Musi, with a distance of 6 km downstream from the Ampera bridge (Benteng Kuto Besak) in the city of Palembang.

With the temporary detention centres are meant among others: the places where people were held temporarily, namely: the police station and primary school of Bingin Teluk Rawas, in the district of Musi Rawas; the police station and the office of Puterpra<sup>12</sup> at subdistrict level; the former cow shed owned by lieutenant-colonel Muhtar Aman in Lubuk Linggau; the office of the CPM<sup>13</sup> detachment of South Sumatra on Jalan Merdeka Palembang;

From these temporary detention centres [they] were then sent to the Detention Centre for South Sumatra, namely the Detention Centre on the island Kemarau, Palembang, South Sumatra.

### Enforced disappearances in Desa Bingin Teluk

The witness and the others were taken into a flatbottomed barge and brought to Palembang. After that we [sic] don't have any information about the whereabouts of the witness until today. His grandfather and grandmother have searched for his whereabouts up to Lubuk Linggau, but without any result. Also from the security apparatus there was no information about his whereabouts. Of all friends of the witness who were transported from Bingin Teluk Rawas with the barge, none has ever come back, and there has been no message about them.

Based on the information from the witness as mentioned above, indications have been found about the uncertainty about the situation of the victim(s), with the fact that the relatives have been given no access to information on the situation of the victim(s). Thus indications have been found that fulfill the elements of the said article. This indication can be used in the further legal procedure.

### Enforced disappearances on the island Kemarau

On 27 October 1965, based on the information of the witness, he and the group from his organization were called to present themselves at the police station of the police resort of Bangka in Pangkal Pinang – Bangka. Then the witness was detained until August 1978. After interrogation by the police, the witness was moved to the detention centre of the military police (CPM) in Pangkal Pinang; the witness was detained there for 6 months. Then the witness was moved to the island Kemarau in Palembang, the witness knew the name of the place as Pulau Kemarau when he was detained there. When the witness and his colleague political prisoners, being 112 persons including the witness and his wife, they were ordered to go into a truck which was open, but after the prisoners had entered, the truck was covered with canvas without any poles, and the 40 prisoners had to squat in the truck. After that we [sic] set off and the canvas was opened when we got to the harbor of Belinyu Bangka. Then we were loaded in a boat that had been used to transport charcoal under the name of PELBA (Pelayaran Bangka) that could carry a load of 400 tons. We being 112 persons were ordered into the hold/room<sup>14</sup> for charcoal, namely from above and after that the doors/hatches were closed by the military police, although the room had no windows, still, when the military police guarded the hatches, they could be opened to have some fresh air. During the period in the boat we were given food one time per day. The journey we experienced

<sup>12</sup> [Perwira Urusan Teritorial dan Perlawan Rakyat – Officers for territory measures and defence of the people]

<sup>13</sup> [Corps Polisi Militer – Military Police Corps]

<sup>14</sup> [The original document uses the word “pulka” – the meaning is unclear; maybe related to “pulkanisir”= “to vulcanize”.]

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lasted for several days, and then we knew that we were being transported to the island Kemarau only after we arrived there. In Pulau Kemarau there were hundreds of prisoners, we were the 16<sup>th</sup> group. The 15<sup>th</sup> group (more than 200 people) also came from Sungai Liat Belinyu Bangka. So the prisoners from Bangka were around some 300 people. During his stay on Pulau Kemarau the witness shared a cell together with hundreds of other prisoners in a room of 5 by 25 meters, where the prisoners had to sleep at night like sardines. The cell of the witness never was opened, which means that during his detention he was in the cell all the time. He was held in Pulau Kemarau for 12 years, namely till December 1977, his wife for ten years, until December 1975. This was what happened at Pulau Kemarau. This place was in fact a place of slow murder by giving so little rations to eat that many prisoners only survived for a few months, each day there were dozens of people dead. Their bodies were thrown into the river Musi, tied with barbed wire and piled up on steel and after that transported with a motor boat and thrown into the river Musi. The witness knows this because he was ordered to throw away the bodies.

Based on the information of the witness around 30,000 people were disappeared in South Sumatra ***without any legal procedure***, there must be people who have to account for that in a legal procedure. Disappearances, death by torture, drawn by a car or not being given food in prison, and they were thrown into the river Musi from the detention centre of Pulau Kemarau.

Based on the information of witnesses who were also held there, but managed to survive, there have been found indications regarding the disappearances or not returning of more than one person or by estimate more or less 30,000 people. According to the witness(es) some of them had been tortured by being beaten with steel and not being given food and their bodies being thrown into the river Musi. Before being thrown away the bodies of the victims were tied together with barbed wire and piled on steel (allegedly to make the bodies heavier so that they would keep under water). This information is an indication related to victims who were arrested and detained but who did not come back.

## Conclusion

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The investigation into the events that followed the occurrence of the events that are generally known as "Events of the 30 September Movement" or the finding of sufficient primary proof that serious human rights violations have taken place, as meant in the Law No. 26/Year 2000 on Human Rights Courts, specifically crimes against humanity in the form of criminal acts of enforced disappearances [show that] they happened in Desa Bingin Teluk, subdistrict Musi Rawas and in Pulau Kemarau, both within the area of South Sumatra in the period of the end of the year 1965 until now.

## Kamp Moncongloe<sup>15</sup>, South Sulawesi

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### Slavery

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The information of the witnesses mentioned below show that the elements of a crime against humanity in the form of slavery are fulfilled, namely:

Witness A was detained since September 1970, after being transported from the prison of Makassar. The witness was part of a 3<sup>rd</sup> group of prisoners who were sent to Moncongloe. There

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<sup>15</sup> [The report uses several ways of spelling for the same place: Moncong Loe, Moncongloe, Mocongloe, etc. In the translation we will use the current spelling Moncongloe – cf.

<http://v2.gowakab.go.id/?peta/interaktif/>

were four barracks for men and one barrack for women. Together with the other prisoners, the witness built the barracks, the fences, the toilets and the auditorium-mosque, the polyclinic, the guard posts, the church and the kitchen. Together with the other prisoners the witness was ordered to work in several projects of the army, such as the clearing of land for gardens that were the private property of the soldiers, and of which the size depended on the rank of the soldiers involved.

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The size varied from 4 to 6 hectares. The witness worked in the gardens of the army until 1977.

The witness B was held in Kamp Moncongloe since 1972 after being transported from prison Majene – South Sulawesi. The witness was in Moncongloe until December 1977. While in Moncongloe, I [sic] was one of the people who tore down the old building of the Kodam<sup>16</sup>, the Gedung Chandra Kirana, together with a captain from the military engineers of the Kodam XIV Hasanudin, the building of 100 simple houses for officers of the KODAM XIV in Sungguminasa, subdistrict Gowa. The routine jobs while in camp Moncongloe were working in the gardens of the guards from the CPM and civilian officers, and other labour such as making a lay-out. When they saw that we were slow, they became angry.

The witness C was held in Camp Moncongloe since 1970 until August 1974. The activities of the witness consisted of clearing the woods to be made into dry fields and gardens.

The witness D was held in Camp Moncongloe since 1971 until December 1977. While being held in Moncongloe he worked on clearing the woods to be made into dry fields and gardens

Based on the information of the above mentioned witnesses, indications have been found on the existence of slavery with the use of the prisoners for building barracks, fences, toilets, mosque-auditorium, polyclinic, guard posts, church and kitchen. The prisoners were ordered to work in several projects of the army such as clearing gardens that were private property of the soldiers involved. The area varied from 4 to 6 hectares. The witnesses were also treated as slaves who were exploited to build a road of less than 23 km length from Moncongloe to Daya. In order to build this road, the prisoners were told to carry rocks from the mountains and bring them to the main road. Additionally, the prisoners were told to work in the gardens, to plant and to harvest, to build and improve the houses that were the property of the guards, to gather and work with wood and bamboo that was sold for the benefit of the guards of Moncongloe. For the period that they worked, the witnesses never got any salary. Several witnesses were only given ½ liter of rice per day, to be given once a week. Thus indications have been found about the violations and the elements where the perpetrators used some or all powers that are attached to the right to property on one or more persons, such as selling, buying, borrowing or exchanging those person(s). These indications can be used in further legal procedures.

**The elements of these acts were carried out as part of a wide spread and systematic attack that was directed against civilian population;**

The measures taken by the perpetrators, in this case the military that fulfilled their duty in Camp Moncongloe, which they carried out themselves or ordered others to do, can be categorized as a form of attack using their authority and facilities such as offices, to arrest and detain the victims in a very long period of time, or at least starting in the year 1970 until 1978. The said victims were civilian population of at least 1000 persons who had been identified by the perpetrators as members, leaders or sympathizers of PKI.

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<sup>16</sup> [Komando Daerah Militer, Regional Military Command]

## **The arbitrary detention and other physical limitations that violated the basic regulations of international law**

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The witness A was held in Camp Moncongloe since September 1970 until his release in December 1977. The witness held in Moncongloe was part of

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a 3<sup>rd</sup> group consisting of 44 persons. Each barrack measuring 6 by 20 meters were inhabited by 80 to 100 persons.

Witness B was held in Camp Moncongloe since 1972 after being transported from the prison of Majene – South Sulawesi. The witness was in Moncongloe until 20 December 1977. Witness C was held in Camp Moncongloe from 1970 till August 1974. Witness D was held in Camp Moncongloe from 1971 until December 1977.

Based on the information of the above mentioned witnesses indications were found with regard to measures by the perpetrators that more than one person was deprived of his liberty by placing the victims in an area that was completely under the control of the perpetrators. Thus indications have been found with regard to violations and the elements [a quo?] can be used in an ensuing legal procedure.

## **Maltreatment of a certain group or association based on similar political views, race, nationality, ethnicity, culture, religion, sex or other ground that has been universally acknowledged as forbidden according to international law.**

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Witness A was held in Camp Moncongloe from September 1970 until his release on 20 December 1977. The witness, placed in Moncongloe was part of a 3<sup>rd</sup> group of prisoners consisting of 44 persons. Each barrack measured 6 by 20 meters and 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 together with 466 other prisoners. While in detention, the witness never received a warrant of arrest or a warrant of detention.

Witness B was held in Camp Moncongloe since 1972 after being transported from the prison of Majene – South Sulawesi. The witness was in Moncongloe until 20 December 1977. The witness was released on 20 December 1977, based on instruction no. SPRIN/802/TPD/XII/1977, regarding Release from full imprisonment to become house arrest. During his detention period the witness has never been brought to trial before a court.

Witness C was held in Camp Moncongloe since 1970 until August 1974. In the release warrant from the Teperda Sulselra<sup>17</sup> dated 8 August 1974 it was said that the witness belonged to the classification of C3. During his period of detention the witness never received an arrest warrant or a detention warrant; moreover the witness was never brought before a court.

Witness D was held in Camp Moncongloe since 1971 until 1977. In his release warrant it was said that the witness belonged to classification B2 together with Mukhlis, a leader of the PKI in South Sulawesi. During his period of detention the witness never received an arrest warrant or a detention warrant. Moreover he was never brought before a court.

## **Conclusion**

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<sup>17</sup> [Team Pemeriksa Daerah Sulawesi Selatan dan Tenggara, Regional Investigation Team of South and Southeast Sulawesi]

The investigation into the events that followed the occurrence of the events that are generally known as "Events of the 30 September Movement" or the finding of sufficient primary proof that serious human rights violations have taken place, as meant in the Law No. 26/Year 2000 on Human Rights Courts, specifically crimes against humanity in the form of crimes such as slavery, deprivation of liberty and maltreatment [show that] they happened in Camp Moncongloe, South Sulawesi, in the period of at least the year 1970 up to and including the year 1978.

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### **Pulau Buru, Moluccas<sup>18</sup>**

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Based on the facts that were obtained in the investigation into Pulau Buru it is suspected that crimes against humanity have taken place in the following forms:

#### Slavery

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Based on the information of the/a witness, after his release the witness was ordered to report himself every day to the office of the local Koramil<sup>19</sup> during a period of more than one year, and when the Commander of the Koramil was replaced, the witness was ordered to work in the office of the Koramil without any remuneration during 2 (two) months.

Based on the information of a witness he was ordered to make a water reservoir in Desa Padasan, subdistrict Kerek, district Tuban<sup>20</sup> for 2 month. The witness was then transported and put to work in the cement factor Gresik, Gudang Sawung Galing, during 4 months and 10 days. After his release the witness was ordered to report himself and had to deliver goods that were requested from the side of the Koramil, and was ordered to work without any salary.

Based on the information of a witness the witness was put to work at the housing complex of the CPM to work in the mill during 1 year without any salary, was ordered to be present at a roll call 3 times a week at the subdistrict and Koramil, and also was put to work at the subdistrict without any salary; the wife of the witness was also ordered to serve the people who were regarded as the conquerors, not necessarily the army people. Nearly 90 percent of all the prisoners' wives were requested to serve [sic without full stop]

Based on the information of a witness, he was put to work in Desa Kroyo, subdistrict Karang Malang, district Sragen<sup>21</sup> to help in the rice fields of the local population without any salary during 6 months, being guarded by the Koramil. The witness was put to work in Toro to work on an extension of the dam during 3 months. Then he was transported to improve the roads during 1 month. The witness was put to work on the dam in Karang Anom Sukadono during 6 months without being paid. The witness was ordered to gather sand between Sumber Lawang and Purwodadi during 3 months. The witness was ordered to cut rocks. Each morning he had to wake up to do volunteer work in finding fire wood, only after that he was allowed to bathe in the river, had to report for 1 year.

Based on the information of a witness he was put to work by the local Prison Commander at Jalan Binjai, namely to work in what can be called forced labour each morning from 7 hours till sunset at 18 hours, around 50 people were sent in shifts during one week to work in Ladang Bekala,

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<sup>18</sup> [It is very strange that the contents of this paragraph are not in any way related to the island of Buru with its thousands of prisoners during nearly ten years.]

<sup>19</sup> [Komando Rayon Militer, military command]

<sup>20</sup> [Kabupaten Tuban is part of East Java]

<sup>21</sup> [Kabupaten Sragen is part of Central Java.]

Pancur Batu, Deli Serdang<sup>22</sup> to hoe, plant seeds, weed and harvest rice and corn and to carry the products of the harvest to the barn of the CPM, behind the building of the Regional Court at Jalan Pengadilan Medan, and not only that; the witness had to dig a canal for the housing project for the septic tanks/toilets, of which the witness did not know who owned it, and it was organized by the local Commander Lieutenant II Ismanu, without any salary, only for a little bundle of rice. When the witness did not want to carry out this work, we [sic] tried to find replacement or gave an excuse of illness.

## Conclusion

The investigation into the events that followed the occurrence of the events that are generally known as “Events of the 30 September Movement” or the finding of sufficient primary proof that serious human rights violations have taken place, as meant in the Law No. 26/Year 2000 on Human Rights Courts, specifically crimes against humanity in the form of the crime of slavery [show that] they happened on the island of Buru, Moluccas, in the period of at least from 1970 up till the year 1978.

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## Prison Jalan Gandhi, Medan, North Sumatra

Based on the information of witness(es) in the events of Jalan Gandhi<sup>23</sup> the following criminal acts took place:

### Murders

The witness(es) declared that in Gandhi they were witness to acts of whipping, kicking, beatings with a cudgel, the use of electrification and other. Several prisoners **died as a result of torture**. Several prisoners were often taken<sup>24</sup> in the middle of the night. This happened in Gandhi as well as in the prison Suka Mulia<sup>25</sup>. The parties that usually carried out the summons were the General Staff of the Regional Military Command I, that had its headquarters in the office of the Kodam<sup>26</sup>. All people who were summoned in the middle of the night in Gandhi and Suka Mulia, in general never came back.

The witness was held as prisoner in the detention centre in Jalan Gandhi, Medan, during around 4½ years, between July 1966 and December 1972 (*response no. 25*). The witness received food one a day, consisting of rice with cooked corn, as much as fitted into part of a coconut shell. There was no fish, no meat, nor an egg. As vegetables there was only kangkung [a kind of spinach] sometimes

<sup>22</sup> [Kabupaten Deli Serdang is part of North Sumatra]

<sup>23</sup> [The name of Gandhi is spelled as Gandhi or Gandi. The translation follows the original.]

<sup>24</sup> [The Indonesian word used here is “dibon” which according to A. Teeuw, Kamus Indonesia-Belanda, 1991, can also have the meaning of “being summoned or taken from prison for interrogation”.]

<sup>25</sup> [The prison Suka Mulia is also written as Suka Mulya and Sukamulya.]

<sup>26</sup> [Komando Daerah Military, regional military command.]

mixed with leeches, broken glass, mixed with palmreef rib<sup>27</sup>, no seasoning with salt or red pepper. There was very little bathing water with very short shifts. Health care<sup>28</sup> was not existent.

The witness declared that in May 1975, on an afternoon, he received a warrant from the interrogator of the detention centre in Jl. Gandi, Medan. The warrant requested the witness to present himself. The next day the witness went to Jl. Gandi and the witness was immediately interrogated and immediately detained (*response no. 9*). All goods that prisoners used, such as a watch, shoes, and clothing he had to give it to the guard. The wife of the witness asked the watch to be returned, but the guard said: "What is it? Your husband is lucky enough that he is detained and not murdered. If there are problems we can torture him."

On 28 October [no year] the witness was together with around one hundred people who consisted, among them students members of CGMI and Germindo (Gerakan Mahasiswa Indonesia – the Movement of Indonesian Students), and ordinary people. The witness reported himself and was warned that he would not return home or would run away because his house would be searched<sup>29</sup>. On arrival at the harbor of Belawan, Medan, around 14 October 1965 all witnesses were searched once more by civilian clothed people who received their orders from the troops of the Army. All books and other printed matter were confiscated. At that moment there was a member of the police from DPKN<sup>30</sup> in civilian clothing who ordered the witness to keep away from any organizations' offices, as they were all spied upon. Before the group witnesses arrived, the office of the SOBSI at Jl. Medan Binjai (now Jl. Gatot Subroto, Sipang. Jl. Iskandar Muda) had already been burnt down by a mob that was led by the army. In that event the chairman of the SOBSI and two guards of the building were murdered.

#### Arbitrary deprivation of liberty or of other physical freedoms that violate the basic international law regulations.

Mid 1968 the witness was arrested by a uniformed army man. The witness was detained in a house that had been turned into a sort of detention centre in Jalan Gandi, Medan.

In November 1965 around 1 p.m. the house of (a) witness in Jl. Sei Sipur was approached by a troop of ABRI<sup>31</sup> from the Kodim<sup>32</sup>. In Mei 1975 in the afternoon there came a summons from the interrogator of the detention centre in Jl. Gandi. In the letter the witness was only requested to present himself. The following day the witness went to Jl. Gandi and he was immediately interrogated for some time and immediately detained. Then the witness was transferred to Suka

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Mulia [prison]. There were three barracks in Suka Mulia with hundreds of prisoners. **Blok C was used for prisoners who originated from a former ABRI unit.** The witness was detained in Suka Mulia for a year. In September 1976 he was transferred to Tanjung Kaso together with a number of other prisoners, as much as fitted in one bus.

(The/A?) witness successively experienced detention in the following places:

<sup>27</sup> [The Indonesian word used here is "ular lidi", presumably "stretched palmreef rib"; in theory it can also mean a certain kind of snake.]

<sup>28</sup> [Typing error: "pekayanan" should be read as "pelayanan".]

<sup>29</sup> [The Indonesian word used here is "digrebek". "Digerebek" literally means "being razzia'd".]

<sup>30</sup> [Dinas Pengawasan Keamanan Negara – the State Security Service]

<sup>31</sup> [Angkatan Bersenjata Republik Indonesia – Armed Forces of the Republic of Indonesia]

<sup>32</sup> [Military Regional Command]

1. The office of the Military Police in Jalan Sena, Medan;
2. The rehabilitation camp in Jalan Binjai, what is now the office of the Regional Command Bukit Barisan, during half a year;
3. The rehabilitation camp Tanjung Kaso during more or less one week. From Medan the witness travelled with thousands of other prisoners by train.
4. The temporary detention office in Jalan Gandhi, for around two months; in the rehabilitation camp Sukamulya during around 4 four years;
5. The rehabilitation camp Tanjung Kaso until his release in Mei 1978<sup>33</sup>.

The witnesses saw three locations in Buterpra<sup>34</sup> that were temporary reception places for people who were charged with [involvement in] G30S. These three reception centres were a **former Chinese school**, the **office of the Sunggal subdistrict head** and the **former office if the Chinese Association**. In these three buildings were around 200 prisoners. There were 19 barracks under close guard by the army. So **there were around 1000 people who underwent imprisonment in this place (Rehabilitation camp in Jalan Binjai)**.

On 10 November 1965, when asked to present [themselves] at the Puterpra<sup>35</sup>, together with the witness, around 600 members of the BTI<sup>36</sup> from several subdistricts were brought together. They had to do a roll-call in the front of the Koramil. The witness was then held in a former market place that was turned into a dentention centre. After that the witness successively experienced detention in the Kodim Taruntung, the prison Taruntung, the Puterpra Parlilitan and the Korem<sup>37</sup> Sibolga. After that the witness had to report regularly. When at the Puterpra for reporting he was led to **the prison in Jl. Gandhi by a Puterpra guard**. This guard did not give the witness any explanation. In 1975 the witness was sent to prison Sukamulya in Medan. In Sukamulya the witness was interrogated several times by the Laksus<sup>38</sup> In 1977 the **witness was transferred to prison Tanjung Kaso. From Tanjung Kaso the witness was sent back to Suka Mulya** early 1978. Only in December 1978 was the witness released together with a number of other prisoners, numbering in total some **1000 prisoners**.

## Torture

While being held in [Jalan] Gandhi the witness was tortured. During the interrogation, the perpetrator beat the witness with a table leg on his back and thigh. The witness felt pain. After that the soldier who did not participate in the interrogation, also beat the witness with a chair leg on his back.

At night other soldiers came again for interrogation. But this time there was no beating and the interrogation was noted down. When it was over the witness signed the results of this second interrogation. Nevertheless, the witness did not receive any arrest warrant. The witness again endured the detention in this place around two months, before he was transferred to the rehabilitation camp of Sukamulya.

Many witnesses knew and saw the events in Gandhi in the form of whipping, kicking, beating with cudgels, electricity and other methods. Several prisoners died as a result of the torture. Several

<sup>33</sup> [Considering the conflicting time schedule, this paragraph must refer to different witnesses]

<sup>34</sup> [Bintara Urusan Teritorial dan Perlawan Rakyat – Officers for the Territorial Matters and Defence of the People]

<sup>35</sup> [Perwira Urusan Teritorial dan Perlawan Rakyat – Officers for Territorial Matters and Defence of the People]

<sup>36</sup> [Barisan Tani Indonesia – the Indonesian Front of Peasants]

<sup>37</sup> [Komando resort Militer – Command of the military resort]

<sup>38</sup> [Pelaksana Khusus – special taskforce].

prisoners<sup>39</sup> were often summoned in the middle of the night. This happened both in Gandhi and in Suka Mulia. The parties who usually carried out the summons were the general Staff of Kodam I, whose headquarters were in the office of

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the Kodam. All people who were summoned in the middle of the night from Gandhi and Suka Mulia in general never came back.

In the office of the 1<sup>st</sup> Assistant of the Kodam in Jl. Gandhi, [a] witness experienced torture in the form of being trampled upon by former member(s) of the Mobile Brigade who had deserted and now worked for the intelligence, so that he fainted and gave up blood, and he was given electricity in his right thumb.

Around 1970 the witness was summoned by the Koramil, it was said on the orders of the commander. The witness was again interrogated with different charges, such as being an underground PKI, but the answers of the witness were the same as before. In the afternoon the witness was sent to Jalan Gandhi. There the witness was interrogated and charged with being an underground PKI, but the witness denied that and he was tortured with electricity. He was given the electricity on his neck once, and immediately fainted. When he came to, the witness was brought back to the Koramil Koala, after that the witness was returned home.

While in Gandhi, the witness was interrogated each day by the Team of the Teperra<sup>40</sup> who all had a military background. The witness was brought to the auditorium together with all other prisoners. In each interrogation all witnesses, including the witness involved, experienced torture. It started with being beaten empty handed, being beaten with a wooden stick, to being beaten with a rotan stick. Once the witness was beaten on his hand palms with a rotan stick so often, that the skin of the hands of the witness was stretched as if it would loosen from the flesh. Other torture was that the leg of a table was posed upon the toes of the foot and then two guards would climb on the table. They would spring upon the table together. The result was that all toenails became black and got loose one by one. But the witness kept trying to overcome the suffering and extraordinary pains. There was never any health care provided by the interrogators or the doctor of the prison.

The witness also got electric shocks on the sides, and the muscles between the ribs were beaten with the five finger joints [the hand in a fist?], until damaged. All torture was directed to the witnesses with the aim of getting confessions that the witness in fact had hidden weapons. These things happened all the time that the witness was in Gandhi.

When they wanted to enter the Kampus Ureka they were all searched by troops of the Kostrad<sup>41</sup> and the Military Command Siliwangi, West-Java. The witness had to stay there until 6 October 1965. The head of the group issued an order that all witnesses had to go back as a group to where they each had come from. On the morning of 7 October 1965, the witness and the group members of CGMI Medan were brought back to Medan with a ship via the harbor of Tanjung Priuk<sup>42</sup>. In Tanjung Priuk they again were interrogated and searched in a very thorough way. When he was on the ship there was also a member of the armed forces in full uniform among the group, and also his family

<sup>39</sup> [Typing error: “tahan” should be read as “tahanan”.]

<sup>40</sup> [Team Pemeriksa Daerah – Regional Investigation Team]

<sup>41</sup> [Komando Cadangan Strategis Angkatan Darat – Army Strategic Reserve Command]

<sup>42</sup> [Tanjung Priok, the harbor of Jakarta]

were amongst us [sic]. The witness did not understand the meaning of that. He<sup>43</sup> only said that he was on holiday back to Medan.

During his [her?]<sup>44</sup> detention in Jalan Gandhi the witness was interrogated. In the interrogation room there were also guards from the prison Gandi. The interrogator wanted to know the whereabouts of the leaders of the Communist Party of the Karo region who at that moment had not yet been arrested. The interrogators asked "Where are they?" The witness answered, "I don't know". The witness explained that s/he already had been for a year in the prison in Kabanjahe. They did not believe it, and then beat his/her back and feet with a wooden club as big as a softball club. The beating occurred only once, but it was very painful. As a result the witness did not like the feeling that the atmosphere had changed. This interrogation took place around 10 p.m. After the interrogation the witness had to go into a cell for women detainees. In that room were about 30 other women detainees. Even the witness remembered that some women carried their babies and breastfed them. The witness has never been through a trial procedure. The witness had just been arrested, detained and released again.

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During their detention in the Detention Centre at Jalan Gandhi, Medan, the witnesses experienced:

- Beatings with the hand, with compact rubber, wooden lath, wet wood , half a meter long, as big as a man's arm, until the wood broke;
- Detention in a closed toilet that was full with excrements during around ten days;
- Being soaked<sup>45</sup> in a water tank as deep as the waist of an adult during one week.

### Enforced disappearances

The witness says that he knows that more than sixty people have been taken and transferred from TPU<sup>46</sup> A to the prison Sukamulya, some of them transferred again to the Satgas Intel<sup>47</sup> at Jalan Gandhi. It turned out that these sixty people have disappeared, and it is unknown until now where they can be; among them were students of the AISA (Academy for Social Science Ali Arkhan), leaders of the PKI Medan, workers' leaders and people who had been arrested in several sub-districts end in Medan.

Based on the information of the witness, when he was detained at the Kodim Medan and located at the TPU A, he saw and witnessed on 27 Mei 1966 that 27 people, three among them being women, were taken from the TPU A in the middle of the night by infantry troops and brought to the Pomdam<sup>48</sup> Medan. They have never come back to the TPU A, or to their homes.

Mid 1967, in the middle of a night, the witness also knew that more than sixty people were taken away, transferred from TPU A to the prison Sukamulya, some of them again transferred to Satgas Intel at Jalan Gandhi. It turned out that these sixty people have disappeared, and until now their whereabouts are unknown, among them were students of the AISA (Academy for Social Science Ali

<sup>43</sup> [Presumably the soldier in full uniform]

<sup>44</sup> [From the context it can be derived that this witness is female.]

<sup>45</sup> [Typing error: "diremdam" should be read as "direndam".]

<sup>46</sup> [Tempat Penahanan Umum ? – General Detention Centre ?]

<sup>47</sup> [Satuan Tugas Intelijen – Intelligence Task Force Unit]

<sup>48</sup> [Polisi Militer Komando Militer – Military Police of the Military Command]

Arkhan), leaders of the PKI Medan, workers leaders and persons who had been arrested from several sub-districts and Medan.

The witness explained that **Elmut Tobing**, Leader of the BAPERKI<sup>49</sup> North Sumatra, was examined at Jalan Merbabu and he was sent to **POMDAM Bukit Barisan**. Then he disappeared and his whereabouts are unknown.

The student leader Martin Saragih, coming back from the CGMI [Consentrasni Gerakan Mahasiswa Indonesia – Unified Movement of Students of Indonesia] Congress was picked up at the POMDAM in Medan early Ocotber 1965 and also disappeared. The Gerwani leading figures Rumiati, Anuar Jampak, Ranos Sembiring disappeared. At least 7 persons were shot with firearms mid 1966 at **Lau Gerbong, Tanah Karo, North Sumatra**.

In February 1966 on a night guards took 3 friends from the detention centre of the witness; they were M. Noor, Secretary of the PKI CSS (Committee of the Sub-section) of PKI Labuhan Deli, Effendi, the son of M. Noor, Secretary of the PKI CSS (Committee of the Sub-section) of PKI Labuhan Deli) Secretary of the Pemuda Rakyat [People's Youth], sub-division Labuhan Deli; and Efendi, Secretary of Lekra [Lembaga Kebudajaan Rakyat – Institute for the People's Culture]. These three persons never came back to the detention centre. The witness has heard that the three were shot dead (response no. 17). The detention centre was a house near the prison of Labuhan Deli that is now known as the Simpang Office.

Based on the information of the witnesses it can be concluded that acts of enforced disappearances were carried out.

## Conclusion

The investigation into the events that followed the occurrence of the events that are generally known as "Events of the 30 September Movement" or the finding of sufficient primary proof

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that serious human rights violations have taken place, as meant in the Law No. 26/Year 2000 on Human Rights Courts, specifically crimes against humanity in the form of criminal acts such as murders, arbitrary deprivation of liberty and other physical freedoms, that violate the (basic) regulations of international law, torture and enforced disappearances [show that] they occurred in the detention centre at Jalan Gandhi, Medan, North Sumatra in the period of at least from end of the year 1965 until some later years.

## General elements of crimes against humanity (art. 9 of the Law no. 26/2000 on Human Rights Courts)

Article 9 of the Law no. 26/2000 stipulates that "crimes against humanity as meant in article 7 sub (b) is an act that is carried out as part of a wider of systematic attack of which one knows that that attack is directly directed against civilian population".

Thus, the crimes can be noted as crimes against humanity when those acts form a part of an attack. In this case the attack should have been carried out in a systematic way or on a wide scale and it must be known (by the perpetrators) that it is part of an attack against civilian population. Furthermore, the explanation of article 9 of the Law no. 26/2000 stipulates that "what is meant by

<sup>49</sup> [Badan Permusjawaran Kewarganegaraan Indonesia – Institute for the discourse on Indonesian Citizenship, a mass organization established in the 50s as an association of several Chinese organizations.]

"an attack that is directly directed against civilian population" is a series of acts carried out against civilian population as part of the continuation of the policy of the authorities or the policy of those involved in the organization".

In order to prove that the elements as meant in article 9 of the Law 26/2000 are fulfilled, next to identifying based on all information from the witnesses who have been examined, the team has also chosen six areas and/or places that can be considered as representing the occurrence of crimes as meant in article a quo, to facilitate a deeper analysis especially linked to place and time as well as parties who are supposed for requesting their accountability. The six areas and/or places are as follows;<sup>50</sup>

Based on the information of the witnesses from the six areas/four [sic] as mentioned above, elements of serious human rights violations as meant in article 9 of the Law 26/2000 can be analyzed as follows;

### A certain act (objective element/actus reus<sup>51</sup>)

Each act that is mentioned in article 9 is a crime against humanity. There is no condition that necessitates the occurrence of more than one crime that has been carried out (for instance: murder and rape) or a combination of those criminal acts.

Those nine acts, namely 'murder', 'destruction', 'slavery', 'forced evictions or migration of people', 'deprivation of liberty', 'torture', 'rape', 'maltreatment' and 'enforced disappearances' are forms of acts that are each mentioned in article 9 sub a, b, c, d, e, f, g, h, and I of the Law 26/2000.

Murder is carried out with the use of a list of names of the victims, then people are summoned from the detention place, and have not come back, the witness stating that

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they got information that the victims that were taken away did not come back again until today. Moreover those victims until today did not come back nor were they found by their relatives. Torture occurred when the victims were interrogated at the POMDAM, the Police Station, the Immigration Office, the Chinese House and the prison Pekambingan. Torture was carried out by; whipping with a bull's penis, the hand being slipped into the finger interstices and put wood in/on [?] them and then pressed. Moreover, torture was carried out with beatings with wooden clubs on the head and razing off parts of the back so that the wounds infected. Deprivation of liberty was carried out with arresting and detaining people without the valid procedures. Slavery was carried out by putting to work the victims in the houses of the military officials.

With aiming at the general conclusion as analyzed in chapter III<sup>52</sup> and the specific conclusion on the six areas that have been selected, the element [a certain act] can be fulfilled.

### What has been carried out as part of the attack (objective element/actus reus)

<sup>50</sup> [the text does not clarify which six areas have been chosen. Probably those are mentioned on page 2]

<sup>51</sup> [Actus reus, sometimes called the external element or the objective element of a crime, is the Latin term for the "guilty act" which, when proved beyond a reasonable doubt in combination with the mens rea, "guilty mind", produces criminal liability in the common law-based criminal law jurisdictions of Canada, Australia, India, Pakistan, South Africa, New Zealand, England, Wales, Ireland and the United States. Cf. [http://en.wikipedia.org/wiki/Actus\\_reus](http://en.wikipedia.org/wiki/Actus_reus)]

<sup>52</sup> [this document does not contain that numbered chapter]

The acts have to have been carried out as part of an attack. For instance wide-scale murders of civilian people can be considered as an attack against the whole civilian population. Whereas the elements of "an attack" are:

- Acts that are both carried out in a systematic way, and on a wide scale, that are carried out in a manifold way (*multiplicity commission of acts*) that is the result or is a part of the State policy or an organization's policy. "Manifold acts" means that the acts should not be single or isolated.
- "the attack" carried out on a wide scale or systematic, must not be a "military attack" as regulated in international humanitarian law, but the attack can also have a wider meaning, for instance include a campaign or an operation that is carried out against the civilian population. That attack must not only involve armed forces or armed groups.
- The conditions are considered fulfilled when the civilian population is the main object of that attack.

As stated in the previous chapter, arrests without warrants have occurred when that attack as mentioned above took place. Arrests without warrants also happened after that attack. Those acts of arrests took place in several regions.

In the previous chapter it has been stated that at nearly all places where arrests took place, a practice of violence and torture prevailed, that started with the arrest, to the detention, during the interrogation and during the detention. In general the torture was carried out to get information, to force someone to confess something, to force someone to sign something and for reasons that were not known. Torture was mostly carried out by electricity, crushing the feet with a chair on which someone sat down, and to burn the skin with a cigarette, which was carried out during interrogation with the aim of getting information. The torture was not only happening in a physical way, but also psychological, for instance threatening with killing, intimidation, scolding with dirty words, stigmatization as PKI, and other abuse that humiliated a person's dignity.

The facts of the attack that were directed against members and/or sympathizers of the PKI again forms a sufficient ground for stating that persecution has taken place against a certain group of association where

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a motive was involved of discrimination based on politics, race, nationality, ethnicity, culture, religion, sex or other ground that is universally acknowledged as forbidden by international law. As stated in the previous chapter proof has been found of acts that seriously violated one or more persons' human rights, opposed to international law in the form of murders, enforced transportation of population, unlawful arrests and detention, cruel and inhuman treatment and destruction and violation of property, directed to a group of the same political background.

From the above explanation it is clearly stated that the acts were carried out as part of an attack. In this case the criminal acts that were carried out did not stand alone, but were part of an attack, what implies that those criminal acts both with regard to their character, and to their consequences, in an objective way formed part of an attack. In the previous chapter it is also stated that in the verdict on appeal against Tadic<sup>53</sup> it is stated that "the crime that is not related to a wide and systematic attack against civilian population cannot be tried as a crime against humanity. A crime against humanity is a crime that has the specific characteristic that can be judged as moral evil that is

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<sup>53</sup> [Duško Tadić has been brought before the International Tribunal on Former Yugoslavia in 1997. Cf. [www.icty.org/x/cases/tadic/tjug/en/tad-tsj70507JT2-e.pdf](http://www.icty.org/x/cases/tadic/tjug/en/tad-tsj70507JT2-e.pdf)]

more serious than an ordinary crime. So, to charge a person with crimes against humanity it has to be proven that the crime is linked to an attack against civilian population..., and that the suspect knows that his crime indeed has this relation”<sup>54</sup>.

As explained before, it is stressed that acts that stand alone (isolated crimes) do not imply a crime against humanity. In the mentioned appeal verdict it is stated that the relatedness is proved by fulfilling two conditions: a). the acts that have been perpetrated (alleged crimes) are related to an attack against civilian population; and b). the perpetrator is aware or knows the relation of the crime that he has carried out with the attack that has occurred.

From the above explanation on the attack it can be stated that the acts of ‘murder’, ‘forced evictions’, ‘deprivation of liberty’, ‘torture’, and ‘maltreatment’ that were directed against members and/or sympathizers of the PKI were no stand-alone acts or isolated (isolated) acts, but related and formed formed [sic] part of a series (a total) of attacks that were directed against members and/or sympathizers of the PKI. From the explanation above on attacks, ‘a series of acts’ in such a series implies attacks and the use of fire arms and burning that resulted in the death, destruction of houses, arbitrary<sup>55</sup> deprivation of liberty, torture, forced eviction and persecution.

The acts of ‘murder’, ‘slavery’, forced eviction and transportation of population’, ‘deprivation of liberty’, ‘torture’, ‘rape’, ‘maltreatment’ and ‘enforced disappearances’ that were directed against members and/or sympathizers of the PKI, were no stand-alone or isolated (isolated) acts, but that they were related and formed formed [sic] part of a series (a total) of attacks that were directed against members and/or sympathizers of the PKI. The attacks and the range of acts that followed, formed a military operation to crush a movement that was called a “subversive movement” by by [sic] the civil and military authorities.

The above facts convincingly show that the condition is fulfilled, namely that the acts that have been carried out (alleged crimes) were related to the attack that was directed against civilian population, and that the perpetrators were aware or knew of the relation of the crime that they had perpetrated with the attack that occurred. Thus it can affirmatively be stated that the acts

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‘murder’, ‘forced evictions’, ‘deprivation of liberty’, ‘torture’, and ‘maltreatment’<sup>56</sup> that were directed against members and/or sympathizers of the PKI were no stand-alone acts, nor were they isolated (isolated), but they were related to and formed formed [sic] part of a series (a total) of attacks that were directed against members and/or sympathizers of the PKI.

#### Wide scale or systematic (objective element / actus reus)

The condition of ‘wide scale or systematic’ is a fundamental condition to distinguish the crime from general other crimes, that do not for an international crime.

The words ‘wide scale of systematic’ do not imply that all elements of the crimes that have been carried out should always be wide scale and<sup>57</sup> systematic. In other words, when a murder occurred,

<sup>54</sup> [The original does not contain the source of this quote.]

<sup>55</sup> [by the structure of the Indonesian language it is unclear whether the qualification ‘arbitrary’ refers to all acts or just the last one.]

<sup>56</sup> [it is unclear whether the omission of a number of crimes is accidental or not, considering the earlier copy-paste errors.]

<sup>57</sup> [The words ‘and’ and ‘or’ are both used. The translation follows the original.]

rape and beatings, then each crime does not necessarily be on a wide scale and systematic, the unit of the acts already fulfills the condition of the wide scale or systematic.

The elements of wide scale or systematic do not both have to be proven, the crime that is carried out can only form part of an attack that is just wide scale or systematic.

The Law no. 26 / 2000 on the Human Rights Courts nor the Rome Statute gives a definition on the meaning of wide scale or systematic. Therefore, the comment "systematic" or "wide scale" can be referred to the jurisprudence of verdicts of the ICTY [International Criminal Tribunal for the former Yugoslavia] and the ICTR [International Criminal Tribunal for Ruanda], and doctrines.

### The element wide scale

The wording "wide scale" points to "the number of victims" and this concept implies "massive, frequent or repeated acts on a large scale, carried out in a collective way and with serious consequences".

Based on the information of the witnesses it is a legal fact that the form of the crimes as stated in article 9 of the Law no. 26/2000, occurred in the areas that were under scrutiny by the team. From the description of the information from the witnesses, those events happened in nearly all the area of jurisdiction of the Republic of Indonesia. More in detail, these events can be seen in the six areas that have been selected by the team to show that the forms of the crimes really happened and can form the basis for the statement that the condition of wide scale in the event of 1995-1996 is fulfilled.

The spread of the victims that is shown with the events that happened in many places and added to it the information on the number recalls the fulfilling of [elements of] crimes that were not singular, on itself or chaotic (single, isolated or random acts), but formed a collective crime (crime in collective nature [sic]).

### The element systematic

The term "systematic" reflects "a certain pattern or method" that is organized in an overall way, and makes use of a fixed pattern.

Based on the information of the witnesses one can see several forms of crimes that were perpetrated with similar methods that formed a certain pattern. The general measures that took place and were experienced by the victims were as follows; measures by the perpetrators were preceded by the arrest by the perpetrator of the victim, then the victim was detained on military locations, especially at the level

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of the Koramil (Puterpra), the prisons or places that were under the power of the military that were taken by force. In these detention centres the victims were investigated by the authorities that consisted of elements from the army, the police or the Prosecution. During this investigation the victims experienced several forms of violence, such as maltreatment, rape and even murder. During the detention, next to experiencing violence, the victims had little or no access to their relatives, and were not given food. Several witnesses explained that they had seen other prisoners die because of hunger. A small part of the prisoners were brought to trial for a legal process that they regarded as unfair trial. The prison sentences were to the maximum and even got some people the death penalty. As detainees the victims were held for years, transported from one place to another such as concentration camps as Pulau Buru and Nusakambangan.

Thus is sketched the order of the events that a large part of the victims experienced in the events of 65-66. In the order each element had similar forms, for instance the murders were carried out by first making a list of victims, and then the list was used by people who were stimulated to act, or by state institutions to murder, or take and murder the victims in specially prepared places, or brought to rivers, caves, the beach or a “luweng” (deep well or hole). Torture was carried out by beating, electricity, stripping, enforcing people to confess something, or threatening the wellbeing of relatives. In the crime of slavery the victims were forced to work on government or army projects, not receiving sufficient food or to work in the houses of the military guards.

Based on the information of the witnesses it can be concluded that those acts were no sudden acts, but they can be suspected to have a pattern that was prepared by the perpetrators.

There were similarities in the patterns in one place if compared to another, in the diagram<sup>58</sup> below, in the chosen events in North Sumatra it can be seen how the events occurred (the similarity of certain events with others). The same pattern happened in different places.

### Directed against civilian population (objective element/actus reus)

In order to be able to state that the crimes involved are crimes against humanity, the acts should also be “directed against civilian population. This condition does not imply that the whole population of a country, unity or region is the object of the attack. The use of the word “population” shows implicitly that several forms of crimes exist that are different from crimes in a singular form or which are directed to a single individual. A crime against humanity can also be perpetrated against civilian population that has the same nationality as the perpetrator, and even against people who have no nationality. The term “civilian population” includes all people that do not actively participate in hostilities, or who are not any more parties in combat, including members of the army who have already surrendered (*hors de combat*) because of being ill, wounded, arrested or on other grounds. Thus, militias, paramilitary and the like cannot be called civilian population.

Based on the explanation of article 9 or the Law 26/2000, what is meant by “attack that is directly aimed at civilian population” is a range of acts that are carried out against a civilian population

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as a continuation of the policy of the authorities or a policy related with an organization.

In relation to the element of being directed against civilian population, the team has carried out an investigation with regard to 359 witnesses that mostly<sup>59</sup> were victim-witnesses, or relatives of victims that had or were suspected to have a relation with the PKI, who all formed civilian population as regulated in article 3 of the Geneva Convention.

Based on the information of the witnesses, legal facts have been found that part of the victims initially were members of the ABRI<sup>60</sup> who also experienced the same things as the other [sic] civilian victims.

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<sup>58</sup> [The original document does not contain a diagram.]

<sup>59</sup> [the original writes “sebagai besar” instead of “sebagian besar”, which results in a sentence without meaning. We think that it is meant to be “sebagian besar”.]

<sup>60</sup> [ABRI – Angkatan Bersenjata Republik Indonesia – Armed Forces of the Republic of Indonesia.]

## Of which they knew (subjective element/mental/men<sup>61</sup> rea<sup>62</sup>)

The words “of which they knew” are a mental element (mens rea) in this crime. The perpetrator has to carry out the crime against humanity with the knowledge that he carries out an attack that is directly aimed at civilian population. This does not mean that this knowledge should be there in all cases of the attacks. The knowledge can be knowledge that is topical or constructive. Specifically the perpetrator does not have to know that his act is an act that is inhuman or that it forms a crime against humanity. The criminal act that is carried out also does not have to be combined with a discriminatory intention, except for a criminal act of persecution in the context of a crime against humanity.

In the events of 1965-66 the perpetrators, especially those at the policy level, must be suspected to know the impact of the policy that they carried out. After the events of the G30S, and after massive violent acts have been perpetrated, there should have been measures to stop those acts or to prevent them from being spread. It has to be presumed that the perpetrators of the policy and the commanders in fact actively gave room for spreading the violence with the argument of wiping out the PKI completely. Although there was a political decision to wipe out the PKI completely, we must necessarily keep aimed at the legal State regulation, by which the parties that are considered as carrying out the crimes, must be brought to trial, and not be treated with acts that in fact are indicated as crimes that can be categorized as crimes against humanity.

## Criminal accountability of perpetrators of crimes against humanity

Criminal accountability of perpetrators of crimes against humanity is an individual accountability (*individual criminal responsibility*), both direct accountability (*direct criminal responsibility*) and indirect or by letting it happen or by neglect (*imputed criminal responsibility*), that affects both those active on the ground and those who because of their position carry the responsibility of a military commander or a superior civilian authority (*command responsibility*).

Additionally the command responsibility also is in force when the military commander or the civilian authority has no effective grip on the troops or his subordinates for preventing or stopping, or arresting and reporting to the higher authorities of perpetrators with regard to a serious criminal human rights violation that occurred under his power and his command. This means that **the command responsibility is also valid for military commanders or civilian authorities who were negligent in effectively keeping their troops of subordinates under control in order to prevent, stop and manage serious human rights violations in conformity with existing law**. This is already current international legal practice in the case of Jean-Paul Akayesu<sup>63</sup> who was tried for his failure

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to prevent the serious human rights violations, although he knew about those crimes.

The command responsibility of military and civilian authorities on letting the crimes occur as meant in article 42 of the Law 26/2000, includes letting occur the crimes against humanity in the case of article 9 of the Law 26/2000, that were or had been carried out by their subordinates, but which

<sup>61</sup> Typing error: “men” should be read as “mens”

<sup>62</sup> “Mens rea” is Latin for “guilty mind”. In criminal law, it is viewed as one of the necessary elements of a crime. Cf. [http://en.wikipedia.org/wiki/Mens\\_rea](http://en.wikipedia.org/wiki/Mens_rea)

<sup>63</sup> [Jean-Paul Akayesu was tried in the ICTR. <http://www.unictr.org/tabid/128/Default.aspx?id=18&mnid=4> in 1998.]

they had not prevented, stopped, managed, reported and submitted for executing investigation, interrogation and charging.

### Individual/collective military commanders that can be held accountable

In the structure of the military, including the structure in the area of the ABRI, the command line between superiors and subordinates in one unit (*unity of command*) creates a chain of command (*chain of command*) in a form of steps of a ladder that starts from the policy maker as the highest authority to the tactic commander that directly carries out his function with regard to the troops under his command.

The commander who has the authority to make the policy is the commander *de jure*. Whereas the commander who has the effective power of control (*duty of control*) with regard to his subordinates holds the command *de facto* who must know all acts of his troops (*had reason to know*) and had the duty to prevent the violations from happening (*duty to prevent*) and to punish his troops when they violated the regulations (*duty to punish*).

### Commanders that made policies

The result of the investigation that the team has carried out shows that all forms of crimes as regulated in article 7 of the Law 26/2000 fulfil the conditions. These crimes occurred in military locations or in location under military control. These events can be checked with several series of policies, mentioned below.

The issuing of the Letter of Decision KOTO/PANGTI ABRI No. 142/KOTI/11/1965, dated 1 November 1965 aimed at restoring the security and order after the event of "30 September".

From the viewpoint of the aim of the decision, the objective was to restore the security and order; when related to several testimonies of the witnesses it indicates that there is a suspicion that there was a deviation of the objective of the decision. The information of the witnesses shows that several incidents that are implied in violations of human rights, happened at the end of 1965 and continued during the following years.

The suspicion of the deviation from the original objective of the decision can be seen from the existence of the indication that on 12 March 1966 a decision had been issued for the house arrest of the Minister of Electricity and Energy, the Minister for Basic Education and Culture, and the State Minister assisting the Presidium. Based on the information of the witness(es) there were 15 ministers who were finally arrested, which started on 16 March 1966 or at least in the month of March 1966, as the witness was one minister who was also arrested on 4 May 1966. The witness was a minister of the Dwikora<sup>64</sup> cabinet who acted as minister since 1964. According to the testimony of the witness, all ministers who were decided to have house arrest or to be arrested, were ministers who were identified as at the time supporters of the President<sup>65</sup>. After being arrested they met the ministers who were arrested and the vice-prime minister.

Then the Commander of the Kopkamtib<sup>66</sup> that was created based on the decision KOTO/PANGTI ABRI No. 142/KOTI/11/1965 dated 1 November 1965,

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<sup>64</sup> [Dwi Komando Rakyat – the name of the last cabinet of President Sukarno: the cabinet with two mandates from the people.]

<sup>65</sup> [or: as supporters of the then President]

<sup>66</sup> [Komando Pemulihan Keamanan dan Ketertiban – the Command for the Restoration of Security and Order]

issued several policies/decisions that regulated different areas, such as the Decision PANGKOPKAMTIB KEP-1196/10/1965 dated 29 October 1965 on the Establishment of the Investigation Team at Central and Local levels with its working methods and organizational structure; the Decision PANGKOPKAMTIB KEP1/KOPKAM/12/1965, dated 21 December 1965 on the appointment of the PENGANDA [?] and the Regional Military Commanders to decide which elements from the G3OS/PKI were the leaders.

The highest structure within the leadership of the KOPKAMTIB can be asked for accountability as Policy making Commander with the discovery of proof via the decision no. 142 and 01, as well as other decisions that have been issued by the Commander of the Kopkamtib, that can be seen in Chapter III on page 206 to page 215 of this report<sup>67</sup>.

The Decision PANGKOPKAMTIB KEP-1196/10/1965 dated 29 October 1965 on the Establishment of the Investigation Team at Central and Local levels with its working methods and organizational structure is in correlation<sup>68</sup> with the testimonies of the witnesses who experienced several forms of violence, before, during and after going through the process of investigation that took place at least at the end of 1965 and the years after that.

The Decision PANGKOPKAMTIB KEP1/KOPKAM/12/1965, dated 21 December 1965 on the appointment of the PENGANDA [?] and the Regional Military Commanders to decide which elements from the G3OS/PKI were the leaders, has been the legal basis and authorization of the PANGANDA and the Commanders, as well as for the structure underlying it, to decide on and make lists if people who were charged with involvement in the G3OS. Based on the testimonies of the witnesses, people were included in these lists, who then experienced several forms of crimes that can be included in the category of serious human rights violations. There is a strong suspicion that the issuing of this decision, of which the persons involved could imagine the consequences and in fact were decided to do what had been planned, namely the complete destruction of the PKI.

The two above mentioned decisions, are suspected to be in conformity with several forms of crimes, such as murders, killings, torture and rape, which happened in detention centres at the end of 1965 and the years after that.

In the following years there was a follow-up with the issuing of the Decision of the Commander of the Kopkamtib KEP-54/KOP-KAM/7/1967 on the appointment of the Commander of the Regional Military Command No I up till no IV and No. IX up till XVII as the Special Executor of the Commander of the Kopkamtib in his Region.

### **The Commanders who had the effective power of control (duty of control) with regard to their subordinates**

The Commander of the Kopkamtib has issued the Decision of the Commander of the Kopkamtib KEP1/KOPKAM/12/1965, dated 21 December 1965 on the appointment of the PENGANDA and the Regional Military Commander to decide which elements of the G3OS/PKI were the leaders. Based on this decision the PENGANDA and the Regional Military Commanders, as well as the underlying structure, then decided upon and made the lists of persons who were charged with involvement in the G3OS, which is based on the testimonies of the witnesses that the people who were included in these lists, later experienced several forms of crimes that are included in the category of serious human rights violations. Based on this decision the military commanders in their capacity of PENGANDA and Regional Military Commander in their region, should be asked for their accountability because they let incidents happen that can be suspected to be serious human rights violations that were perpetrated by

<sup>67</sup> [we do not have this more extensive report here.]

<sup>68</sup> [the text says "in correlation". We interpret it as "in conformity".]

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Individuals/Commanders/Member of the Unit That Can Be Requested for their Accountability as Perpetrators on the Ground<sup>69</sup>.

Based on the Decision of the Commander of the Kopkamtib NO KEP-KAM7/1967, dated 26 July 1967 on the Appointment of the Regional Military Commander I up till IV and IX up till XVII as Special Executors of the Commander of the Kopkamtib in their Region. Based on this decision the regional military commanders in their capacity as Special Executor of the Commander of the Kopkamtib must be requested for their accountability as they let incidents be carried out that can be suspected as serious human rights violations that were carried out by Individuals/Commanders/Member of the Unit That Can Be Requested for their Accountability as Perpetrators on the Ground .

The Decision of the Commander of the Kopkamtib NO KEP-KAM7/1967, dated 26 July 1967 is in correlation with the events that took place in the years after 1967 such as happened on the Island of Buru, the Moluccas and the camp Moncongloe, near Makassar.

Based on the series of crimes that happened and the picture by the victims that can be sketched and the series of crossing the existing proof, the names of the [persons who are] suspected as perpetrators in the events of 1965-1966, specifically but not limited to those, are as follows:

#### Individuals/Commanders/Member of the Unit That Can Be Requested for their Accountability as Perpetrators on the Ground

The criminal accountability<sup>70</sup> of the perpetrators of crimes against humanity forms an individual responsibility (*individual criminal responsibility*), as well as the direct responsibility (*direct criminal responsibility*) and the indirect responsibility or letting it happen and omission (*imputed criminal responsibility*) that can be of effect to those who were on the ground, as well as to those who by their position carried the responsibility of the military command or their superiors (*command responsibility*).

The Decision PANGKOPKAMTIB KEP1/KOPKAM/12/1965, dated 21 December 1965 on the appointment of the PENGANDA [?] and the Regional Military Commanders to decide which elements from the G30S/PKI were the leaders. Based on this decision the PEGANDA and the Regional Military Commanders, and the underlying structure, then decided upon and made lists of persons who were accused of involvement in the G30S, which, based on the testimonies of the witnesses that the people who were included in those lists, experienced several forms of crimes that can be categorized as serious human rights violations.

The Individuals/Commanders/ Members of the Units who can be requested for their accountability as Perpetrators on the Ground, based on a series of crimes that took place and were sketched by the victims, which can be identified and of which a crossing range of proof is available, the names of that are suspected to be involved as perpetrators on the ground in the events of 1965-1966, specifically but not limited to those, are as follows:

- a. The names of the direct perpetrators of the acts of crimes against humanity.
- b. The commanders and staff of the INREHAB [Institut Rehabilitasi – rehabilitation centre]: the Island of Buru, Sumer Rejo, Argosari, the Island of Balang, the Island of Kemarau, Tanjung Kasau, Nanga-Nanga, Moncongloe, Ameroro, Nusakembangan, the mayor's office in Tomohon, Plantungan, Sasono Mulyo, the town-hall of Solo, Nirbaya, Ranomut-Manado.

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<sup>69</sup> [Capitals as in the original]

<sup>70</sup> [The Indonesian word “bertanggungjawab” originally means “responsibility”, to be responsible, but has also the meaning of “to hold responsible” and “to be accountable”. The report uses these terms in both senses]

- c. The Commanders and staff of the detention centres: Salemba, the tice factory in Lamongan, the Building of the Chinese Association on Jalan Liloyor – Manado, prison Wirogunan – Yogyakarta, prison Solo, Kediri, Denpasar.

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- d. The local staff where allegedly torture took place: the headquarters Kalong (Jl Gunung Saharai), Gang Buntu (Kebayoran), the Chinese House on Jalan Melati – Denpasar, the school on Jalan Sawahan – Malang, the school Machung on Jalan Nusakembangan – Malang
- e. The commanders and staff of the Military Detention Centres: TPU Gandhi, Guntur, Budi Utomo, Budi Kemulyaan,<sup>71</sup>

## **Conclusion**

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After careful study and analysis of all findings in the field, the information of the witnesses, reports, relevant documents as well as some other information, the Ad Hoc Investigation team on Serious Human Rights Violations in the events 1965-1966 draws the following conclusions:

1. There is sufficient primary proof to suspect that crimes against humanity have taken place in the form of a serious human rights violations, as follows:
  - a. Murder (article 7 sub b jo article 9 sub a of the Law no. 26 Year 2000 on the Human Rights Courts);
  - b. Killing (article 7 sub b jo article 9 sub b of the Law no. 26 Year 2000 on the Human Rights Courts);
  - c. Slavery (article 7 sub b jo article 9 sub c of the Law no. 26 Year 2000 on the Human Rights Courts);
  - d. Enforced evictions and deportation (article 7 sub b jo article 9 sub d of the Law no. 26 Year 2000 on the Human Rights Courts);
  - e. Arbitrary deprivation of liberty or other physical freedoms (article 7 sub b jo article 9 sub e of the Law no. 26 Year 2000 on the Human Rights Courts);
  - f. Torture (article 7 sub b jo article 9 sub f of the Law no. 26 Year 2000 on the Human Rights Courts);
  - g. Rape or similar forms of sexual violence (article 7 sub b jo article 9 sub g of the Law no. 26 Year 2000 on the Human Rights Courts);
  - h. Maltreatment (persecution) (article 7 sub b jo article 9 sub h of the Law no. 26 Year 2000 on the Human Rights Courts);
  - i. Enforced disappearances (article 7 sub b jo article 9 sub i of the Law no. 26 Year 2000 on the Human Rights Courts);

These acts form part of an attack that was directly directed at civilian population, namely a series of acts carried out against civilian population as a consequence of the policies of the authorities. Because these acts were also carried out in a wide spread and systematic way, these acts can be categorized as crimes against humanity.

2. The type of acts and the pattern of the crimes against humanity that took place in the events of 196501966 were as follows:

**a. Murders**

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<sup>71</sup> [no full stop, no mention of cities.]

The civilian population who were victims of murders as a consequence of operational measures that were carried out by state institutions, took place at several places such as in rehabilitation centres: the Island of Buru, Sumber rejo, Argosari, the Island of Balang, the Island Kemarau, Tanjung kasau, Nanga-Nanga, Moncong Loe, Ameroro, Nusakambangan, the Office of the Mayor of Tomohon, Plantungan, Sasono Mulyo,

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the town-hall of Solo, Nirbaya, Ranomut- Manado; the detention centres: Salemba, rice factory in Lamongan, the Building of the Chinese Foundation on Jl. Liloyor – Manado, prison Wirogunan – Yogyakarta, prison Solo, Kediri, Denpasar, the places where it is suspected that torture took place the headquarters Kalong (Jl. Gunung Sahari), Gang Buntu (Kebayoran), Gedung Jl. Latuharhari, the Chinese House on Jl Melati – Denpasar, Sekolah Jalan Sawahan – Malang, Sekolah Machung Jl. Nusakambangan – Malang; the Military Detention Centres : TPU Gandhi, Guntur, Budi Utomo, Budi Kemulyaan,<sup>72</sup>

#### **b. Killings<sup>73</sup>**

The civilian population who were the victims of killings as a consequence of the operational measures that were carried out by state institutions with its spreading took place among other places at Sragen 300 people, Sikka – Maumere 1000 people, prison Kalisosok – Surabaya 600 people.

#### **c. Slavery**

The civilian population who were victims of slavery as a consequence of the operational measures that were carried out by the state institutions are noted as follows: the Island Buru about 11,500 people (comprised 18 units and 3 additional units RST each filled by 500 people), and in Monconglo Makassar.

#### **d. Enforced evictions and transportation of population**

The civilian population who were victims of enforced evictions and transportation as a consequence of operational measures by the state institutions is noted as around 41,000 people.

#### **e. Arbitrary deprivation of liberty and deprivation of other physical freedoms**

The civilian population who were victims of arbitrary deprivation of liberty and deprivation of other physical freedoms as a consequence of operations that were carried out by state institutions are noted as around 41,000 people.

#### **f. Torture**

The civilian population who were victims of torture as a consequence of operations that were carried out by state institutions are noted at several places, such as in rehabilitation centres: the Island of Buru, Sumber rejo, Argosari, the Island of Balang, the Island Kemarau, Tanjung Kasu, Nanga-Nanga, Moncong Loe, Ameroro, Nusakambangan, the Office of the Mayor of Tomohon, Plantungan, Sasono Mulyo, the town-hall of Solo, Nirbaya, Ranomut- Manado; the detention centres: Salemba, rice factory in Lamongan, the Building of the Chinese Foundation on Jl. Liloyor – Manado, prison Wirogunan – Yogyakarta, prison Solo, Kediri, Denpasar, the places where it is suspected that torture took place the headquarters Kalong (Jl. Gunung Sahari), Gang Buntu (Kebayoran), Gedung Jl. Latuharhari, the Chinese House on Jl Melati – Denpasar, Sekolah Jalan Sawahan – Malang, Sekolah

<sup>72</sup> [no full stop]

<sup>73</sup> [The word “pemusnahan” literally means “destruction”.]

Machung Jl. Nusakambangan – Malang; the Military Detention Centres : TPU Gandhi, Guntur, Budi Utomo, Budi Kemulyaan,

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

The civilian population who were victims of Rape or other, similar forms of sexual violence as a consequence of operational measures that were carried out by state institutions are noted as around 35 persons.

**h. Maltreatment (persecution)**

The civilian population who were victims of maltreatment (persecution) as a consequence of operations that were carried out by state institutions at several places, namely: in rehabilitation centres: the Island of Buru, Sumber rejo, Argosari, the Island of Balang, the Island Kemarau, Tanjung

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Kasu, Nanga-Nanga, Moncong Loe, Ameroro, Nusakambangan, the Office of the Mayor of Tomohon, Plantungan, Sasono Mulyo, the town-hall of Solo, Nirbaya, Ranomut- Manado; the detention centres: Salemba, rice factory in Lamongan, the Building of the Chinese Foundation on Jl. Liloyor – Manado, prison Wirogunan – Yogyakarta, prison Solo, Kediri, Denpasar, the places where it is suspected that torture took place the headquarters Kalong (Jl. Gunung Sahari), Gang Buntu (Kebayoran), Gedung Jl. Latuharhari, the Chinese House on Jl Melati – Denpasar, the school on Jalan Sawahan – Malang, the school Machung Jl. Nusakambangan – Malang; the Military Detention Centres : TPU Gandhi, Guntur, Budi Utomo, Budi Kemulyaan.

**i. Enforced disappearances**

The civilian population who were victims of enforced disappearances as a consequence of operations that were carried out by state institutions is noted as around 32,774 people.

3. Based on series of crimes that have taken place and the sketch of the victims that was identified and the range of existing proof that was there, the names of those suspected to be involved as perpetrators and/or those responsible for the events of 1965-1966 specifically but not limited to those, are as follows:

- a. Individuals/ Military Commanders who can be required to make themselves accountable
  - 1) Policy making commanders
    - a Commander of Kopkamtib in the period from 1965 till 1969
    - b Commander of Kopkamtib in the period 19 September 1969 until at least the end of 1978
  - 2) Commanders that have the effective power of control (duty of control) with regard to their subordinates.

The PENGANDA and/or the Regional Military Commanders in the period 1965 till 1969 and the period 1969 till end of 1978.

- b. Individuals Commanders/Members of Units that can be required to account as perpetrators on the ground

The individuals/Commanders/Members of the units that can be held accountable as perpetrators on the ground, based on a series of crimes that took place, and on the sketches of the victims that could be identified and the range of existing proof, the names of those suspected of

involvement as perpetrators in the field in the events of 1965-1966, specifically but not limited to those, are as follows:

- a The names that have been mentioned by witnesses, with analyzing the six areas that have been analyzed by the team.
- b The commanders and staff of in rehabilitation centres: the Island of Buru, Sumber rejo, Argosari, the Island of Balang, the Island Kemarau, Tanjung Kasu, Nanga-Nanga, Moncong Loe, Ameroro, Nusakambangan, the Office of the Mayor of Tomohon, Plantungan, Sasono Mulyo, the town-hall of Solo, Nirbaya, Ranomut- Manado;

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- c The commanders and staff of the detention centres: Salemba, rice factory in Lamongan, the Building of the Chinese Foundation on Jl. Liloyor – Manado, prison Wirogunan – Yogyakarta, prison Solo, Kediri, Denpasar,
- d The staff of the places where it is suspected that torture took place the headquarters Kalong (Jl. Gunung Sahari), Gang Buntu (Kebayoran), Gedung Jl. Latuharhari, the Chinese House on Jl Melati – Denpasar, the school on Jalan Sawahan – Malang, the school Machung Jl. Nusakambangan – Malang;
- e The commanders and staff of the Military Detention Centres : TPU Gandhi, Guntur, Budi Utomo, Budi Kemulyaan.

## **Recommendations**

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Based on the above conclusions the Ad Hoc Team for the Investigation into the Events of 1965-1966 presents its recommendations as follows:

1. **In conformity with the regulation of Article 1 sub 5 juncto Article 20 para (1) of the Law no. 26 Year 2000 on the Human Rights Courts, the General Prosecutor is requested to follow up on the results of this investigation with a legal inquiry.**
2. **In conformity with what is regulated in Article 47 para (1) and (2) of the Law no. 26 Year 2000 on the Human Rights Courts the results of this investigation can also be resolved by a non-judicial mechanism to fulfil the feeling [of the need] for justice of the victims and their relatives (KKR)<sup>74</sup>.**

Thus this declaration has been made as a form of accountability in the execution of the mandate that has been awarded to the Komnas HAM in order to carry out investigations into suspicions of human rights violations that have taken place in the events of 1965-1966.

Jakarta, 23 July 2012

Ad Hoc Team for Investigation of serious Human Rights Violations in the events of 1965-1966

Chairperson

Nur Kholis S.H. M.A.

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<sup>74</sup> KKR – Komisi Kebenaran dan Rekonsiliasi – Commission for Truth and Reconciliation