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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF  
DISAPPEARANCES AND SUMMARY EXECUTIONS**

**Written statement\* submitted by the Asian Legal Resource Centre (ALRC),  
a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2004]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

### **Time for the United Nations to act on the 1965–66 massacre in Indonesia**

1. Incredibly, to date the international community has failed to address the massacre of at least half a million persons in Indonesia orchestrated by General Soeharto during his rise to power in 1965–66. Whereas the victims of the Bali bombings of 2002, mostly non-Indonesians, found some measure of justice within months, nearly four decades later the survivors of this massive crime against humanity as yet pass unrecognised.
2. In 1965–66, anyone alleged to have even the most tenuous links to the Communist Party of Indonesia was killed, at their houses, in the streets, or at mass gravesites, such as the Wonosobo site, exhumed in November 2000. Some were hit on the head and thrown down vertical caves, as was done at the Blitar site, uncovered in August 2002. Many of over 200,000 political prisoners were tortured, worked or starved to death; those who survived did so by enduring years, often decades, of the most inhumane conditions. Upon release they, like other alleged communists who survived the killings and avoided the jails, were systemically discriminated against and ostracised. The regulations introduced to deal with these persons remain in force even today, despite the fall of the Soeharto regime, and include restrictions on rights to marry freely, work, travel and practice religion. To this day, nobody accused of being connected with communism is allowed to participate in elections or hold certain public or professional positions in society, such as practicing medicine, working in government departments or undertaking military service.
3. But these systemic remnants of the massacre are by no means its most malevolent legacy. Far more insidious is the violent opportunism and mean vengeful spirit that persists to this day. This was seen in the last days of the Soeharto dictatorship, with the so-called ‘May Riots’ of 1998, during which the military encouraged civilians to rape and kill ethnic Chinese Indonesians, and destroy their property. An estimated 1190 were killed in Jakarta and 168 women gang-raped (E/CN.4/1999/68/Add.3). In September 1999 the military again incited murder, this time by civilian militias in East Timor, after a successful referendum for independence. One to two thousand persons were again killed. In October 1999, the military engineered a religious war in the Maluku islands, causing an estimated 6000 deaths and displacing 500,000 persons. In February 2001, an estimated 500 Madurese settlers were massacred in Sampit, Central Kalimantan.
4. None of these crimes have been properly investigated, perpetrators subjected to fair and independent trials, or victims compensated. The Indonesian Human Rights Tribunal on the post-referendum violence in East Timor has been widely discredited, and the Government of Indonesia has refused to extradite perpetrators for crimes against humanity there, as requested by the United Nations Serious Crimes Unit. Nor has it undertaken to do anything to prevent future atrocities. This is not surprising, as—apart from the formal separation of police and army—the political and social institutions in Indonesia today are little different in mandate and composition from during the period of dictatorship there. The military retains its territorial structure, enabling it to control and profit vast regions of the country. The parliament still enables it to conduct lenient internal trials for serious human rights crimes. The police force continues to use torture to extract confessions, which judges accept without question. The criminal justice system as a whole is still highly politicised and elite-driven.

5. The malaise extends to institutions and mechanisms ostensibly established to forward human rights. A team under the National Human Rights Commission (Komnas-HAM) has for over a year remained 'undecided' about whether or not to commence formal investigations into the massacre, and a Truth and Reconciliation Bill being debated in parliament looks set to exclude reference to it. This calculated amnesia makes a mockery of any other overt attempts to further human rights in Indonesia, and again reinforces popular belief that despite the end of dictatorship there, its administrative and institutional machinery remains very much intact.

6. Under these circumstances, it is imperative that the international community becomes involved. The most famous massacre of recent times in Indonesia is the Bali bombing of October 2002, when 202 persons were killed. Compared to other mass killings in Indonesia, the scale of this event was small, however the official response was markedly different from other occasions. Police and prosecutors were roundly praised for their speedy, effective and competent work in bringing the perpetrators to justice. The reason for this was that the majority of the victims were foreigners, and hence, international pressure and support made all the difference in bringing about a speedy criminal investigation and prosecution. The question then begs that if such pressure brought justice to the victims of the Bali bombing, cannot the international community likewise act in favour of the millions of victims and survivors of the 1965–66 massacre? Surely the failure to do so makes it tacitly complicit in a crime against humanity. Having failed to stop the crime from happening in the first place, or to condemn it at any stage since, the international community must now do what it can for the aging survivors. It is a critical time, a time when they are finally succeeding in making the truth known about the massacre, in the hope that they might secure a better future for future generations, and they are deeply in need of outside assistance.

7. The Asian Legal Resource Centre accordingly urges the Commission to:

- a) Denounce the 1965–66 massacre in Indonesia as a crime against humanity.
- b) Request Komnas-HAM to conduct a full, independent and official investigation into the massacre, and provide technical assistance to this end.
- c) Monitor all investigation, truth and reconciliation, and prosecution procedures followed by the Government of Indonesia to ensure that major criminals are not given impunity and that the safety of witnesses is assured through a protection programme.
- d) Demand that the Government of Indonesia immediately remove all discriminatory regulations against alleged former communists and communist sympathisers.
- e) Establish an international criminal tribunal on the 1965–66 massacre in Indonesia if significant progress is not made by the Government of Indonesia within the next year.
- f) Protect and support human rights defenders collecting evidence and advocating on behalf of the victims of the 1965-66 massacre.

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