



International Federation  
for Human Rights

Fédération Internationale des  
Ligues des Droits de l'Homme

Federación Internacional  
de Derechos Humanos

Международная Федерация  
за права человека

الفدرالية الدولية لحقوق الإنسان

## **Open Letter to**

Mr. Susilo Bambang Yudhoyono  
President of the Republic of Indonesia  
Jl. Veteran No. 16  
Jakarta Pusat

Mr. Marzuki Alie  
Speaker of the People's Representative Council (DPR)  
Parliament of Indonesia  
Gedung DPR RI, Jl Jenderal Gatot Subroto  
Jakarta 10270

Mr. Irman Gusman  
Speaker of the Regional Representative Council (DPD)  
Parliament of Indonesia  
Jl Gatot Subroto No.6  
Jakarta 10270

8 August 2012

## **Subject: Ensure access to justice for the 1965-66 abuses and effective remedies for victims**

Dear President Yudhoyono,  
Dear Speaker Alie,  
Dear Speaker Gusman,

The International Federation for Human Rights (FIDH) writes to you to seek your prompt actions on the findings of the National Human Rights Commission of Indonesia (Komnas HAM) following its four-year investigation into allegations of human rights abuses perpetrated in the context of the anti-communist purges from 1965 to 1966. In the course of the purges, hundreds of thousands, perhaps even over a million people are believed to have been killed, disappeared, raped, or tortured by state security forces and non-state actors abetted by the government. A large number of people were also allegedly detained in the decade following the purge with little regard for due process of law. Ensuring justice and remedies for the victims and their families is a legal obligation under Indonesian and international law.

In the 850-page report released on 23 July, Komnas HAM found that state officials were responsible for the persecution of alleged members or supporters of the Indonesian Communist Party (PKI) after the failed 1965 coup. The report characterized the persecution as gross human rights violations

that were both widespread and systematic. Komnas HAM recommended that state security officials who were involved in these abuses be brought to justice.

FIDH welcomes the conclusion of Komnas HAM's investigation and the release of the report. However, FIDH deeply regrets that justice for these serious violations has already been delayed for almost half a century. Article 2 of the International Covenant on Civil and Political Rights (ICCPR) imposes on Indonesia as a State party the obligation to ensure victims of human rights violations have the right to effective remedies, both judicial and non-judicial. The violations characterized in the report may amount to crimes of international concerns, including crimes against humanity, as defined under international law.

FIDH welcomes President Yudhoyono's instructions to the Attorney General to study and report back on the findings of Komnas HAM's report. It is imperative that this be done promptly to avoid further delay of justice, especially in view of the old age of victims and witnesses still alive. The Parliament should immediately hold hearings to formally discuss the findings of the Komnas HAM report.

The Attorney General should expeditiously initiate an official investigation based on Komnas HAM's findings and to set up an *ad hoc* human rights tribunal to bring those responsible for these violations to justice. These are provided for under the Law No. 26 on Establishing *Ad Hoc* Human Rights Courts, promulgated in 2000. The government and Parliament should ensure that victims will have an independent voice and meaningful participation in the proceedings in this *ad hoc* tribunal.

FIDH also urges the government of Indonesia to act on Komnas HAM's recommendation to establish a commission for truth and reconciliation. This commission should be created through an act of Parliament and operate in accordance with international human rights law and standards. The Parliament and the government should hold adequate prior consultations with all relevant stakeholders, particularly victims and their families, so that their views will be taken into account when shaping the modalities and mandate of this commission. At the same time, we stress that a truth commission is complementary to, and is not a substitute for formal judicial remedies and that a combination of effective judicial and non-judicial measures are needed to fulfill the right to truth, justice and reparations.

In pursuing these crucial endeavors, Indonesia should also draw on the lessons learnt in truth-seeking exercises in other countries and seek assistance from the Office of the UN High Commissioner for Human Rights (OHCHR), as well as the new Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

As stressed in FIDH's joint report with KontraS and Imparsial in 2011<sup>1</sup>, we remain concerned that there appears to be a lack of political will to investigate serious crimes. One glaring example of this accountability gap is the government's inaction to implement the recommendation made by the People's Representative Council (DPR) and Komnas HAM to establish an *ad hoc* tribunal to investigate the enforced disappearance of student activists in the late 1990s and the role of state security forces in these cases.

The victims of the 1965-66 purges have waited for too long for their government to fulfill its obligations to investigate, prosecute and punish perpetrators of these serious violations of Indonesian and international law, as well to acknowledge the truth surrounding these violations. Their long wait should end now.

---

<sup>1</sup> FIDH-KontraS-Imparsial, *Shadows and Clouds: Human Rights in Indonesia – shady legacy, uncertain future*, February 2011. Available at: <http://www.fidh.org/Indonesia-and-Human-Rights>.

Thank you for your attention. We sincerely hope you will take our concerns and recommendations into serious considerations.

Sincerely yours,



Souhayr Belhassen  
President  
International Federation for Human Rights (FIDH)

**Copied to**

Mr. Basrief Arief  
Attorney General (Jaksa Agung)  
Jl. Sultan Hasanudin No.1, Kebayoran Baru  
Jakarta 12160

Mr. Ifdhal Khasim  
Chairman of the National Commission on Human Rights (Komnas HAM)  
Jl. Latuharhary No. 4 B, Menteng  
Jakarta 10310