

Forty years on, justice and comprehensive rehabilitation for the 1965 victims

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As the month of October approaches, our thoughts inevitably dwell once again on the events forty years ago when Indonesia was plunged into the darkest era in its history since becoming an independent state in 1945.

While historians still dispute the intentions of the group of army officers who staged a coup attempt on 1 October 1965, kidnapping and killing a group of senior army officers, there is no dispute about what happened afterwards. Suharto, then a major-general, was not among the officers kidnapped, leaving him free to strike back at the conspirators, most of whom were killed. He then turned his attention to the popular President Sukarno, gradually undermining his position to the point where he was able to seize the presidency in March 1966.

In the months following Suharto's intervention on 1 October 1965, a white terror directed against the Indonesian Communist Party, the PKI, and mass organisations associated with it, led to hundreds of thousands of deaths, some at the hands of the military acting on Suharto's orders, and many more at the hands of mostly Muslim and Nationalist mobs inflamed by anti-communist propaganda. The killings were incited in particular by false allegations that members of the left-wing women's organisation, Gerwani, had been involved in sexual depravities at the base where the kidnapped generals were taken.

An estimated 1.7 million people were thrown into prison in the six months following Suharto's takeover. Many of these men and women lost their lives in prisons across the country, at the hands of torturers or because of malnutrition. In the early 1970s, the number of detainees was still around 70,000, most of whom were held without charge or trial until 1979. In 1969, 12,000 male prisoners were banished to the remote prison island of Buru where hundreds died of starvation or mal-treatment. Hundreds of women were dispatched to Plantungan, a detention centre in Central Java which had formerly been a leprosy colony.

About two hundred of those arrested, mostly military men or senior PKI figures, were brought to trial to legitimise Suharto's allegation that the PKI had organised the events of 30 September and were planning to depose Sukarno, but the vast majority were never tried.

In the decade which followed the events of 1965, Indonesia was high on the list of human rights violators with the largest number of untried political prisoners in the world. No fewer than two dozen discriminatory laws and regulations were enacted during the Suharto era, almost all of which are still on the statute books. One such law is a resolution adopted by the upper house, the MPR, in 1966 which outlaws the teaching of Marxism-Leninism. An attempt by President Abdurrahman Wahid in

2000 to repeal this provoked furious protests, forcing him to give up the idea.

Under growing international pressure, which further intensified following Indonesia's invasion of East Timor in December 1975, Suharto's New Order was forced to start releasing the prisoners and by the end of 1979, virtually all the prisoners had been set free.

But release from prison left the ex-tapols (short for tahanan politik, political prisoner) as they were known, in a state of limbo, not free in the true sense of the word. Stacked against them was a system of discrimination which has dogged them, their offspring and even their children's offspring ever since.

A Home Affairs ministerial decree in 1981, which provided for the 'comprehensive surveillance and political "rehabilitation"' of ex-tapols, is still used today to legitimise discriminatory practices, particularly at the local level. The insertion of the initials 'ET' for ex-tapol on identity cards helped to reinforce the stigma; although officially banned, similar practices still persist in some places. According to one regulation, while persons over 60 years can obtain a life-long identity card with a single application, elderly ex-tapols must renew their cards every three years. There are estimated to be at least two dozen laws and regulations still on the statute books imposing discrimination of one sort or another against ex-tapols and their families and against the teaching of Marxism-Leninism.

Article 60 (g) of the 2003 Law on General Elections banned anyone 'directly or indirectly involved' in the October 1965 events from standing as candidates for local, provincial or national assemblies. The ban was lifted by the Constitutional Court in 2004 for being discriminatory and unconstitutional. But this is the only discriminatory regulation to have been repealed. The Court does not have the power to review laws passed prior to October 1999 (when the Indonesian Constitution was amended for the first time) yet most discriminatory laws were enacted before that date. A Class Action against all five post-Suharto presidents, which was filed by a group of victims along with some political luminaries in 2004 to seek compensation for the millions held without trial, is still stuck in the courts.

Of all the post-Suharto presidents, only Abdurrahman Wahid (Gus Dur), during his presidency from October 1999 to July 2001, took action to remove some of the most blatant discriminations, including the repeal of *litsus* ('special investigations' to which prisoners were subjected to determine whether they had a 'clean environment'). He also made a public apology to the victims, speaking also for his organisation, the Nahdlatul Ulama (NU), many of whose members took part in the killings.

As a consequence of these laws and regulations, the Indonesian State has enforced a system which breeds prejudice against millions of its citizens.

The Stigma Persists

This deplorable situation, with so many discriminatory laws still in force, means that the stigma attached to being an ex-tapol persists against people who were held without due process and imprisoned for years without ever being tried and found guilty of anything.

During the past few months, there have been many stories in the Indonesian press about continued stigmatisation. The following cases give but a taster of the true scale of the problem.

Tjahyono, chair of his local Institute of the Struggle for the Rehabilitation of Victims of the New Order, who spent ten years in Nusakambangan Island prison and on Buru, says he won't feel free

until he is rehabilitated and the historical record is rectified. His children who, as infants, spent time in a juvenile detention centre, still suffer the consequences of his past. One daughter has 001 (distinguishing her as the child of a 1965 victim) marked on her ID. As a result, she has been denied any teaching jobs, so makes a living as a dressmaker. His son has been refused a job in the civil service.

Gusti, now 85 years, has been forced, along with 175 other ex-tapols, to relocate to Argosari, an isolated village in East Kalimantan. Oentung, another ex-tapol in Argosari, spent ten years in a string of prisons. The reason for his incarceration was his devotion to the Javanese traditional drama, ludruk, that led him to join the cultural organisation, LEKRA, which had close ties with the PKI. Another inmate of Argosari is Kasran, 81, located there because he joined the peasants' organisation, BTI. His children were taunted as 'PKI children' and 'children of a murderer' by their schoolmates, forcing them to quit their school.

Verdi Ishak, the 45-year old son of the publisher Joesoef Ishak, is a sociologist, unable to find work in his own field; he now works at a foreign embassy.

Rehabilitation, the Way Forward

Forty years have passed since the events of October 1965, and seven years have elapsed since the downfall of the architect of the New Order, Suharto. It is now time for the pain and misery inflicted on these innocent victims to end.

A comprehensive act of rehabilitation is long overdue. This should consist of:

1. A Presidential Decree granting full rehabilitation and restitution to all the victims of 1965 and their offspring.
2. The restoration of the civil and legal rights of the victims of 1965.
3. A Presidential Decree annulling all the discriminatory laws and regulations introduced since 1965.
4. The creation of an independent commission of historians and civil and political figures to review the historical records, to provide a true accounting of what happened in 1965 and after.
5. Suharto must be tried

While millions of his victims still suffer from the continuation of discrimination, Suharto the architect of their sufferings, lives in secluded luxury with his children who enriched themselves during his years in power. In 2004, he faced charges of corruption, but the trial was adjourned on grounds of ill-health. In May this year, the government of President Susilo Bambang Yudhoyono announced that no further action would be taken against him.

The government should rescind this decision and acknowledge that the man who was responsible for the calamity that befell Indonesia from 1965 - 1998 should be brought to account for his crimes against humanity. He must not be allowed to go unpunished.

P.S.

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* This article was written by Carmel Budiardjo, founder of TAPOL, who spent more than three years as an untried prisoner, from September 1968 until January 1971.