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**IPT 1965:
FIFTY YEARS FIGHTING FOR JUSTICE**

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Abstract

The article describes the process of the IPT 1965 as an effort to raise international solidarity and pressure towards the Indonesian government to solve the crime against humanity in 1965-1966. Despite the fact that the IPT 1965 could not enforce any legal consequences to the Indonesian government, it has several positive contributions for human rights activism. It provided opportunities for the survivors to reveal their sufferings and expert witnesses to share their knowledge, which serve as a counter of the Indonesian state's official history and propaganda. As the trial procedure and the testimonies were kept in the website of the IPT 1965, they serve as a virtual monument of people's struggle for justice. It also raised awareness about the international obligation of the compliant foreign states under the UN Responsibility of States for Internationally Wrongful Acts (2001).

The article also examines the representation of the IPT 1965 by international and national media. With an exception of *Junge Welt*, I argue that the international media tended to domesticate the 1965 as a national problem of Indonesia and left out the involvement of the compliant foreign states. The national media covered different opinions on the IPT 1965 which provided a societal mapping prior to the plan of national reconciliation.

Keywords

International People's Tribunal 1965, Indonesia, Media Representation, Human Rights

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Introduction

Our tribunal, it must be noted, commands no State power.
It rests on no victorious army.
It claims no other than a moral authority
(Bertrand Russell, 1967: 125)



The IPT 1965 at Nieuwe Kerk, The Hague

From 10 to 13 November 2015, around 200 audience, including myself, attended the International People's Tribunal for Crime against Humanity in Indonesia in 1965-1966 (IPT 1965), which took place at the Nieuwe Kerk, the Hague, the Netherlands. An international panel of lawyers and human rights activists laid the groundwork for holding the Indonesian government accountable for the gross human rights violation against members and alleged affiliates of the Indonesian Communist Party (PKI).

The tragedy began on 30 September 1965 when six army generals and a captain were murdered. General Soeharto, who took over the army command, alleged the PKI involved in the killings of the generals as a maneuver of coup d'état against President Soekarno. Using the propaganda of the failed coup d'état, Soeharto banned the PKI and organized the mass killings. The 1965-66 anti-communist purge had resulted in around 1.5 million victims murdered and 50,000 were detained without trials.¹

For the tribunal, the prosecution team prepared and read 9 indictments, among others murder, torture, imprisonment, enslavement, sexual violence, enforced disappearance and persecution without fair trials. In his opening speech, the Chief Prosecutor Todung Mulya Lubis, S.H., explained:

After World War II, after Hitler and the Nazis, the mass killings in the aftermath of 1965 in Indonesia must have been one of the worst atrocity [sic.] in our human history... Fifty years is not a short time by any means and yet, the wounds and pain stayed in the blood of the people, the relatives and children, and the grandchildren, not to mention the whole nation... the government seemingly does not want to deal with anything related to the atrocities happened in 1965 onwards.

The aims of the IPT 1965 were, therefore, to raise public awareness and international solidarity for the victims and survivors.

In the IPT 1965, the distinguished panel of judges came from South Africa, Australia, the Netherlands, the United Kingdom, France and Iran. The chief judge was Zak Yacoob, who served the Constitutional Court of South Africa (1998-2013) and has had a long commitment to underground anti-apartheid movement. The other judges have long standing careers as lawyers, activists and university lecturers in law, human rights and peace movement. Sir Geoffrey Nice, a



The Judges

British barrister, worked as the prosecutor of Slobodan Milosevic at the International Criminal Tribunal for the Former Yugoslavia (1998-2006). He is also a Gresham professor of Law in London (2012-2016). Helen Jarvis is a Vice-President of the Permanent People's Tribunal. She has worked on human rights issues, particularly in the case of Cambodia. Mireille Fanon Mendes France has participated as a judge in several Permanent People's Tribunals in Rome. She has worked as a legal advisor at the French National Assembly. John Gittings is a former East Asia editor and Foreign Leaders-writer of *The Guardian* (London). He wrote "The Indonesian Massacres, 1965-1966: Image and Reality" (Gittings, 1999). Shadi Sadr is an Iranian human rights lawyer and feminist. Her work focuses on ending crimes against humanity in the Islamic Republic of Iran. Cees Flinterman is an honorary professor of human rights at Utrecht University and Maastrich University. He was the chair of the Netherlands delegation to the UN Commission on Human Rights (1993-1994).²

The IPT 1965 team had communicated the plan to the Indonesian government before the trial. As the defendant, the Indonesian government was given the opportunity to send its representative to the trial. To ensure the fairness of the trial, at the beginning of each session, Chief Justice Zak Yacoob formally inquired if a representative of the Indonesian government was present at the tribunal. None appeared.

Why and How does the IPT 1965 Matter?

Any crime committed by individuals or groups can be judged and punished by the State. However, crimes committed by the State usually result in impunity, as the State is not willing to judge and punish its own actions
(Permanent Peoples' Tribunal on Sri Lanka in Simm & Byrnes, 2012: 15)

The people's tribunal owes its history to Bertrand Russell, the British philosopher and political activist, who in 1966-1967 held a tribunal to investigate the war crimes committed by the United States during the Vietnam War (Power, 1984: 126). Its rationale is based on people's moral

obligation to evaluate critically whenever the state committed violence. It also demonstrates that law and legal system are not exclusively the state's domain, but they are also people's domain. Regardless its efficacy as a vernacular legal system, a Russell tribunal nevertheless conducts a careful scrutiny based on evidences, witnesses and investigations. As a non-governmental initiative, it may not carry legal consequences for the government held accountable. Without legal legitimacy to punish the accused state(s), what then could be expected from the people's tribunal? Why do people do it anyway?

Since its first trial in 1966, there have been more than 80 people's tribunals conducted worldwide. They investigated crimes against humanity committed by various states. In its later development, the people's tribunal had expanded its focus to include international organizations, such as the World Bank and G7 (Simm & Byrne, 2014: 2). The accused state or party, indeed, generally does not respond positively to such a tribunal. The result of a people's tribunal, however, can be sent to the United Nations as a feedback to improve the international law. In 2000, the Women's Tribunal, for example, was held in Tokyo. It investigated the cases of comfort women or sexual slavery committed by the Japanese military during World War II. Dolgopol (2003: 245) argues that it contributes to the definition of sexual slavery during war as a crime against humanity. It opens up a new dimension in the discussion of war accountability as rape and sexual slavery were not properly addressed during the International Military Tribunal for the Far East (Tokyo Trials) in 1946-1948.

While it is known as peace activism and a way to raise international awareness and networking, the people's tribunal also offers an alternative to the state's narrative or mainstream history of conflicts and/or crimes against humanity. It invites victims' and experts' perspectives, which the media hardly accommodate. In the digital era, many IPT organizers keep the court sessions and witnesses' records publicly accessible through their websites, which thus become virtual monuments, resources for research and empowerment of people's struggles.

The IPT 1965 was actually the third tribunal, which positioned the Indonesian government as the accused. The first people's tribunal was held for the sake of East Timor in Lisbon in 1981. It was an initial effort to raise international awareness regarding the Indonesian military invasion into East Timor, which was done with the support of the United States and the complicity of Australian, New Zealand and the United Kingdom governments. Byrnes and Simm (2013: 729) argue that it made the world aware of the violence experienced by the local people and "provided material to be employed in the ongoing diplomatic and advocacy efforts in relation to the military occupation of East Timor."

In Sydney in 2013, the second tribunal known as Bloody Biak Tribunal was dedicated for freedom activists in Papua, who experienced killings, tortures and rapes by the Indonesian army. The Biak tribunal recommended the Indonesian government to stop violence against the Papuans and to end military impunity. It also urged the US and Australian governments to end their complicity in the violence perpetrated by the Indonesian military (UNPO, 4 Jun 2014).

Both international people's tribunals took long processes to reach their goals. The East Timor independence was only achieved in 2002. In the Papua case, the Indonesian government

made no formal response. A positive sign, however, appeared on 5 October 2015 when the military commander of the Papua region apologized for the ‘unethical actions’ committed by Indonesian soldiers (Radio New Zealand, 8 Oct 2015).

The IPT 1965 was not the first effort to bring forward the crimes against humanity during 1965-1966. The National Commission of Women’s Rights (Komnas Perempuan) and the National Commission of Human Rights (Komnas HAM) have investigated the issue and published summary reports in 2007 and 2014 respectively. Comparing the approaches of the three institutions, both national commissions focused on the roles of the Indonesian government in committing human rights violations against the PKI members and alleged affiliates, while the IPT 1965 included the international involvement in the 1965 atrocity. In the last indictment, the chief prosecutor charged the US, the UK and Australian governments for their aids and complicity during the 1965 atrocity, which can be defined as ‘wrongful acts’ according to the international law. The IPT 1965, thus, raised the public awareness of the existence of the Responsibility of States for Internationally Wrongful Acts (UN, 2001). The acts require the involving and/or compliant foreign state(s) to provide reparation, compensation and/or restitution for any moral and/or material damage (Article 28-39).

The Voices of Survivors and Witnesses

One of the most poignant yet powerful parts in the people’s tribunal is the public hearing of long oppressed and silenced voices; those of the survivors and witnesses. There were 10 survivors and 9 expert witnesses who testified at the IPT 1965. For safety reasons, some of them chose to testify behind a screen using pseudo names. The survivors came from various places in Indonesia. While five came from Java, the others were from the outer islands, such as North Sumatra and North Sulawesi. The expert witnesses represented Bali, Buru Island, East Nusa Tenggara, and Wonosobo (Central Java). The wide area of representation is to support the fact that the 1965-1966 atrocity and violence took place at national level.

The survivors told of incredible sufferings since 1965. They described not only personal stories; they were also witnesses to the violence and cruelty on a broader scale. All of them testified that there was no legal procedure following their detentions. The raid and detention process of those accused as PKI members and sympathizers could be based on rumors and unverified allegations, instead of careful investigation or reliable evidence. Several survivors had no affiliation with the PKI. They were, nevertheless, kept in prison for years.



A survivor, Martono

The mass killings took place in many parts of the country. Martono of Central Java testified that for the period of three years (1967-1969)³ the army ordered him to drive a truck filled up with dead bodies and dispose them into the river. He transported on average two bodies every day and 20 to 25 on weekends. From this testimony alone, the death toll of alleged PKI members and sympathizers was around 6750. The investigation of the

Indonesian Human Rights National Commission (Komnas HAM, 2014) verifies that mass killings had taken place between 1965 and 1966. The bodies were buried in mass graves in various places in Indonesia.

All of the prisoners experienced physical tortures. Some received electric shocks while they were interrogated by the army officers. For female prisoners, they were very prone to sexual violence. A female survivor, Kingkim Rahayu (pseudonym), described in details how rapes happened in a female prison of Central Java. Several prisoners, who could no longer cope with the cruelty, committed suicide.



Another survivor, Martin Aleida

The physical and sexual tortures were followed with long imprisonment and enslavement. The Buru Island was the most notorious concentration camp with 11,647 prisoners. For the period of 9 to 11 years, the prisoners were forced to work hard without pay. They received very poor health services and were malnourished. Similar condition took place in other concentration camps, such as in Moncongloe (South Sulawesi), Argosari (East Kalimantan) and Plantungan (Central Java).

Hundred thousands of people were disappeared mysteriously after they were taken into custody by the army in 1965-1966. Intan Permatasari of North Sumatra had seven disappeared family members and could not find them up until now. Another survivor, Astaman Hasibuan, testified that enforced disappearances took place in many villages in North Sumatra. The victims were farmers and small plantation owners. Their lands were confiscated by the State and their families were outcast from the villages. Hasibuan said that there were six villages of 2000 hectares which subsequently became a rubber plantation of the Goodyear Company. This testimony brought an ecological perspective and indicated the foundation of capitalist economy in Indonesia, which took place right after the 1965 atrocity.

The impact of the 1965 atrocity was experienced by thousands of Indonesians who were studying or working in Communist countries, such as the Soviet Union, China, Albania, North Korea and Vietnam. Even if they were not necessarily affiliated with the PKI, they were asked by the Indonesian embassies to sign a statement condemning the Soekarno's regime and supporting Soeharto. Those who refused to sign the statement had their passport confiscated. Two survivors recounted their experiences of being stateless in Bulgaria, the Soviet Union and China for more than 20 years before they sought political asylum in the Netherlands in the late 1980s. They represented the Indonesian exile communities which are now living in the Netherlands, France, Germany and Sweden.

Despite their sufferings, many survivors decided to continue their struggles to press the Indonesian government to acknowledge the crimes against humanity in 1965-1966. Instead of taking a position as victims, they proved to be strong and courageous. A witness described his motivation to testify at the IPT 1965, "After having such a difficult life for many years, we have

nothing to lose anymore. They can intimidate us, but they can't take our courage and strength (to live). We will continuously fight for our rights.”

The Roles of Foreign Countries and Propaganda Afterwards



An expert witness, Bradley Simpson

The IPT 1965 situates the 1965 mass killings in the Cold War context. The Indonesian military committed these actions with the support of local paramilitary, youth and religious organizations, and with contributions from the US, the UK and Australian governments. Based on a comprehensive archival research, Bradley Simpson, an historian and author of *Economists with Guns* (Simpson, 2010), mentioned that the Western governments perceived

the failed coup d'état as a critical moment to wipe the PKI and Communism out of Indonesia. The

Australian government helped with anti-Communist propaganda and broadcasting, which blamed the PKI for the failed coup d'état. The US government provided military equipment, such as small arms, handy talky, uniforms and medicine, and military training. The CIA handed out a list of the PKI members' names to the Indonesian army as an invitation to kill. Under the Soeharto regime, the US government facilitated the Indonesian army with trainings to continue anti-Communist propaganda. The British government provided a naval ship, which allowed the Indonesian army to transport more troops from North Sumatera to East Java.

Although the Dutch government was not mentioned as a supporting foreign country in the 1965 atrocity, expert witness Saskia Wieringa described two Dutch universities which helped the Indonesian psychologists to categorize 'the level of Communism' among the prisoners. The personality tests, such as Rorschach test, were applied without scientific evidence how they could accurately determine the depth of one's Communist belief or commitment. Yet, these categories were used to determine the severity and length of punishment.

The international dimension of the 1965-1966 atrocity in Indonesia has not been fully explored since related archives and documents, particularly those of the intelligence bureaus, were still categorized as top secret or sensitive. There were indications that, for example, the Swedish government provided financial aid through intermediaries to the Indonesian military to purchase extra bullets during 1965-1966, while the Soviet Union provided weaponry.⁴

As the expert witnesses urged the foreign governments to open their related archives and documents, the IPT 1965 also demands the Indonesian government to amend the official history of the 1965 atrocity and to end anti-Communist propaganda. Under President Soeharto's New Order regime between 1966 and 1998, the young generation in Indonesia was obliged to believe in the state's version of history, which blames the communist party for the failed coup d'état in 1965. The fall of Soeharto in 1998 has brought opportunities to revisit the history of 1965. But

while many Indonesians are eager to learn new perspectives of the PKI, the Leftist Movement and the 1965 atrocity, the Indonesian state unfortunately maintains the New Order's approach to this particular episode of history.⁵ After 50 years of the alleged PKI's coup attempt, the Indonesian government has continued to ban books, magazines, public discussions and events related to Communism and Leftist movement.

The Roles of International Media: Domesticating the 1965 Crimes against Humanity

The roles of media are imperative as the ways of covering the people's tribunal may shape the perceptions of the general public. The IPT 1965 received coverage from international and Indonesian national media. *The Guardian*, *The Diplomat*, *De Groene Amsterdammer*, and *Junge Welt* are several international media which reported the trial in foreign languages. *BBC*, *CNN* and *Deutsche Welle* are three international media which reported the trial in their Indonesian channels, but not even once in their English or German version. The national media covered the trial in Indonesian, for example *Antara*, *Tempo*, *Merdeka*, *Kompas* and *Gatra*, while *the Jakarta Post* reported it in English. For the discussion of this section, I use mainly online media due to the fact that in the digital era, the online media reach wider audience worldwide. By using several articles of these international and Indonesian national media, by no means I represent all media.

I argue that in representing the IPT 1965, the international media contributes to the domestication of the 1965 atrocities. Most of the international media discussed the trial procedure as an effort to revisit the dark history of Indonesia and to gauge what to expect from the current government under President Joko Widodo (October 2011-present) in dealing with the 1965-1966 crime against humanity. *The Guardian* (11 Nov 2015) reports that communist phobia in current Indonesia will hinder the rehabilitation of victims and survivors and national reconciliation. A similar tone is found in *The Diplomat* (19 Nov 2015), which describes the difficulties to get the Indonesian government to recognize the atrocity and to apologize even after 50 years of the bloody incident. The international media however do not mention the complicity and support of foreign governments to the Indonesian military, which can be seen as the domestication and omission of the international responsibility in the 1965-1966 crime against humanity. An exception is made by *Junge Welt*, a German left-wing daily (23 Nov 2015). It covers in details the U.S. military support and psychology war suggested by Guy Parker of the RAND Corporation to provide General Soeharto and his army with the justification for mass killings and tortures in 1965-1966. It also discusses the New Order's developmental policies, which heavily directed by the International Monetary Foundation and its Western allies. Critical it might be, the *Junge Welt*,



Press Conference

which was once the largest daily in German Democratic Republic era, has unfortunately a small circulation. (Backes & Moreau 2008: 71).⁶

The domestication of the problem was even stronger when CNN, BBC and *Deutsche Welle* (DW) provided coverage of IPT 1965 in the Indonesian language only and did not publish any report of the trial in English or German. Even when CNN reported the propaganda and contribution of foreign governments (11 Nov 2015b), the message reached the Indonesian audience only.

The Indonesian National Media: Pros and Cons of the IPT 1965

The Indonesian media focus more on the pros and cons around the IPT 1965, especially how the Indonesian government officials, religious and anti-communist groups and human rights activists reacted to the trial. By giving voice to various groups, I argue that the national media have provided a societal mapping of acceptance and rejection, which can give clues on who and what constitute the obstacles of reconciliation.

On the side of the Indonesian government, attitudes to the IPT 1965 were not unitary. Vice President Jusuf Kalla and the Coordinating Minister of Politics, Legal and Security Affairs Luhut Pandjaitan are two officials who opposed the IPT 1965. Both condemned the tribunal and commented that the Indonesian government will not pay attention to the recommendation of the IPT 1965, let alone to the ideas of reconciliation and rehabilitation for the victims and survivors (*Antara*, 14 Nov 2015; *Kompas*, 10 Nov 2015). The General Attorney, Prasetyo, and the State Secretary, Pratikno, on the other hand, stated that they are working hard to find the best solution, possibly reconciliation, under the guidance of President Joko Widodo, even though the president refused to apologize formally to the 1965 victims and survivors. Prasetyo and Pratikno, however, objected to the fact that the IPT 1965 was held abroad. They believed that solution to the problem should have been discussed in Indonesia. They also criticized the IPT 1965 team for undermining Indonesia's national pride and the ability of the nation to take care of its own history and past conflicts (*Antara*, 12 Nov 2015).

The fact that the IPT 1965 took place in the Hague received many negative reactions, despite the organizer's explanations that Indonesia was impracticable to hold the tribunal.⁷ Beside Indonesian nationalist sentiments, another possible reason for their criticism came from the belief that after the Soeharto's authoritarian era, the Indonesian government would be able to conduct the so-called transitional justice.⁸ Starting in the era of President Bacharuddin J. Habibie (1998-1999), the Indonesian government has been partially engaged in transitional justice, such as the release of political prisoners. President Abdurrahman Wahid (1999-2001) continued it by offering the ideas of the national reconciliation for the 1965-1966 killings, although his ideas were then rejected by paramilitary and religious groups. After fifteen years of reformation, however, some studies have concluded that the Indonesian government has failed to conduct transitional justice, as there is no reconciliation and compensation for the victims. Furthermore,

the reform of the Indonesian military and judicial institutions is insignificant, so that the perpetrators still enjoy impunity (Wahyuningroem 2013; Kimura 2015).

Among the religious groups, the perspectives of Nahdlatul Ulama (NU) and Muhammadiyah, two largest Islamic organizations in Indonesia, represented the majority of Indonesian Muslims. The NU's perspective is particularly important because NU members were actively involved in the killings of PKI members in 1965 (see Fealy & McGregor, 2010; Sulisty, 2000). Both NU and Muhammadiyah did not support the IPT 1965. Salahuddin Wahid, one of the NU leaders and brother of the former president Abdurrahman Wahid, however, admits in an interview by Indonesian daily, *Kompas*, that the standpoint of NU members about PKI is diverse. The first group, yet the smallest, is those who rejects the idea of reconciliation at all cost. The second is those who support reconciliation as long as it situates both PKI and NU members as victims.⁹ In line with Abdurrahman Wahid's point of view, the third is the members who acknowledge NU's active roles in the 1965-1966 killings and support efforts to reveal the truth. They also agree to end the anti-Communism propaganda (*Kompas*, 29 Sept 2015).¹⁰

From the perspective of human rights activists, most of them supported the IPT 1965 and the idea of reconciliation. For example, Asvi W. Adam, an historian who testified at the IPT 1965, explains that bringing the case to the international audience will give moral pressure to the Indonesian government to conduct further investigation and reconciliation of the 1965 atrocities. He discusses the roles of foreign governments in supporting the crimes against humanity in 1965-1966 and expects the responsibilities of the US, the UK and Australian governments to provide rehabilitation and compensation for the 1965-1966 victims and survivors (*Gatra*, 19-25 Nov 2015). Hendar, a human rights and pluralism activist, shares a similar view. He appreciates the IPT 1965 as "a way to speak the truth from the people's perspectives" and demands the Indonesian government to show their commitment to solve the crimes against humanity (*GatraNews*, 13 Nov 2015).

In sum, the coverage of various perspectives on the 1965-1966 mass killings and the PKI by the Indonesian national media may be useful to prepare the early steps toward reconciliation. As the cases of other people's tribunals have demonstrated, after the IPT 1965 there will be a long struggle to press the Indonesian government and involved foreign governments to resolve the 1965-1966 crimes against humanity. The IPT 1965, however, has stimulated public awareness and discussions in international and national levels on violation and protection of human rights and the need for reconciliation in the future. It has, after all, given an opportunity to survivors and victims to express their struggles after 50 years of fighting for justice.

* Photos are taken by the IPT 1965 media team and published with permission.

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¹ The estimation of killed victims varies from 78,500 to 3 million. Some experts use a moderate estimation of 500,000 victims, while others use 1.5 million.

² Find the full profile of the IPT 1965 judges in <http://1965tribunal.org/1965-tribunal-hearings-the-judges/>

³ The period of violence stretched from 1965 to 1979. The mass killings and other violence peaked between October 1965 and March 1966 when around a half million people were slaughtered (Cribb 1990). Even after this period, the killings, tortures, forced disappearances and imprisonments continued at a slower pace. The enslavement camp in Buru Island began in 1969 and ended in 1979.

⁴ The reason why the Soviet Union as a communist country provided the Indonesian army weaponry to banish the PKI, hypothetically, could be contextualized within the split and military clash between China and Soviet Union starting in 1963 to 1969 (Tsai 2003, p. 32). As Soekarno grew a closer relationship to China in 1964-1965 (Zhou 2014, p. 32), the Soviet Union might perceive him as a potential threat.

⁵ See for example UU No. 27/1999 (article 107a – e) which categorizes acts of spreading Communism/Marxism-Leninism through publications, public discussions, or any other ways as criminal

acts. UU No. 2/2008 (article 40) prohibits political parties in Indonesia to use Communism or Marxism/Leninism as their philosophy.

⁶ The most recent information of the *Junge Welt* circulation is not available. The online reader toll for this article is 1779 as of Dec 1, 2015.

⁷ Representative examples are the cancelation of the 2015 Ubud Writers and Readers Festival, which had initially scheduled a discussion session on the 1965 violence (*Jakarta Post*, 23 Oct 2015) and the prohibition of Joshua Oppenheimer's films, *The Act of Killings* and *The Look of Silence*, in Indonesia (*Merdeka*, 11 Dec 2014).

⁸ By transitional justice, the International Center for Transitional Justice (ICTJ) defines "the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses." There are four core elements: (1) criminal prosecution, (2) reparations, (3) institutional reform of abusive state institutions, and (4) truth commissions. The ICTJ acknowledges, however, different approaches to be included in transitional justice, such as memorials and renaming public spaces. See ICTJ's website, *What is Transitional Justice?*

⁹ In many cases, NU members who participated in the 1965-1966 killings situated themselves under the Indonesian military pressure to kill or they would be killed (*Antara News*, 25 November 2015).

¹⁰ In 2000, in the name of the NU, then President Abdurrahman Wahid apologized to PKI members for the organization's active roles in the 1965 killings. However, he did not apologize in his capacity as President of Indonesia.

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