

# Weekly Update Human Rights in Indonesia – IPT Verdict – 20-07-2016

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## Impunity

On 20 July 2016 the final judgment of the International Peoples Tribunal (IPT) has been presented in Jakarta, Amsterdam, Berlin, Phnom Penh and Melbourne. In Amsterdam some one hundred people had gathered to view the presentation of the verdict on screen by the Presiding Judge Prof. Zak Yacoob.

As introduction Mrs. Dr. Frederiek de Vlaming noted that the International People's Tribunal as a mechanism offers a framework to research and analyse evidence on human rights violations of the past. It is a researching instrument rather than a judicial path. It aims at contributing to the realization of the right to the truth as a necessary element of any form of justice. Dr. de Vlaming paid tribute to the many volunteers of the IPT and the impressive result that will soon be brought forward to the Indonesian formal institutions (Komnas HAM, Attorney-general's Office, etc.) and to the United Nations Human Rights Council for further consideration.

The judges of the International People's Tribunal have finalized this report after the four days hearing in November 2015 with testimonies by victims and expert analyses. The verdict concludes that it considers the human rights violations committed in 1965/66 and the years after amount to crimes against humanity, and that the State of Indonesia can be held responsible.

The crimes that have been enumerated as being crimes against humanity by their widespread and the systematic nature include: killings, imprisonment, enslavement, torture, enforced disappearances, sexual violence, enforce exile, propaganda and complicity by foreign countries (USA, UK and Australia). That all these serious human rights violations are considered crimes against humanity is a very important milestone in the battle against impunity.

On genocide the verdict states:

“The facts brought before the Tribunal by the Prosecution include acts that fall within those enumerated in the Genocide Convention. These acts were committed against a significant section of the Indonesian nation or “Indonesian national group”, a protected group as enumerated in the

Genocide Convention and were committed with the specific intent to annihilate or destroy that section in whole or in part. This possibly applies also to crimes committed against the Chinese ethnic minority group. The State of Indonesia is bound by the provisions of the 1948 Genocide Convention under international customary law.”

In the Amsterdam meeting there was a debate about the definition problems concerning genocide as such, and it was noted that identifying all these crimes against humanity is beyond doubt and a sufficient basis for further procedures.

The meetings around the world generated a lot of publicity in Australia and in Indonesia. You can view the film presenting the verdict on YouTube: [https://www.youtube.com/watch?v=G5CE9qNZxw0&feature=em-share\\_video\\_user](https://www.youtube.com/watch?v=G5CE9qNZxw0&feature=em-share_video_user). And read it: <http://www.tribunal1965.org/final-report-of-the-ipt-1965/>

Also recommended reading: Inside Indonesia Magazine: <http://www.insideindonesia.org/marching> and <http://www.insideindonesia.org/justice-denied>

The Indonesian Government did already respond (The Jakarta Post, 20-07-2016, <http://www.thejakartapost.com/news/2016/07/20/indonesia-rejects-ipt-1965-recommendations.html> )

The government has reaffirmed its stance of no apology to the victims and survivors of the 1965 communist purge or their families as recommended by the International People's Tribunal for the 1965 crimes against humanity (IPT 1965).

Coordinating Political, Legal and Security Affairs Minister Luhut Pandjaitan said on Wednesday that Indonesia had its own legal system and no external party could dictate the way this nation solved its problems. "Our country is a great nation. We acknowledge and we will resolve this problem [the 1965 tragedy] in our way and through universal values," Luhut told reporters at the Presidential Palace on Wednesday.

Therefore, he further said, the government would not bow to the IPT 1965's recommendations.