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# **Between citizenship and human rights: The struggle for justice after Indonesia's 1965 mass violence**

Vannessa Hearman

**Abstract** Since the authoritarian New Order regime ended in May 1998, human rights activists and survivors have campaigned for successive governments in Indonesia to address the needs of survivors of the 1965-66 anti-communist violence. The article traces the changing strategies of activists and survivors in this campaign. In the early democratic period from 1998 to 2004, Indonesian activists sought to transform ideas of citizenship into an inclusive one, embracing and restoring the rights of former political prisoners. However, Indonesian government inaction on past human rights abuses forced them to reconsider their strategy. It propelled them back to a historical practice under the New Order of calling on external allies, including international human rights organizations, to highlight the state's failure to protect citizens' rights. The reliance on international partners and norms, however, also implies accepting a limitation on the ambition of human rights activism, since enforcement remains in national governments' hands.

Keywords: human rights, citizenship, 1965 anti-communist violence, Indonesia

## **Introduction**

When the authoritarian New Order regime ended in May 1998, human rights activists in Indonesia initially found a new, more open terrain in which to press their claims for justice for past abuses. Under the New Order, activists focused predominantly on appealing for allies and protection at the international level and relying on global human rights ideas. During the democratic era, they saw the state as having the capacity to provide redress for victims, but they also as the institutions of the state as important target for democratic reform. Accordingly, they shifted at first towards campaigns based on national citizenship rights, aiming to abolish provisions that discriminate among citizens. Activists sought to transform the idea of citizenship into one that embraced those previously excluded from having equal rights with their fellow citizens, namely the survivors of the 1965-66 anti-communist violence. This article examines the strategic choices made by human rights activists over the two decades of democracy, focusing in particular on the campaign for justice for members and sympathisers of the Indonesian Communist Party (Partai Komunis

Indonesia, PKI) who were killed, imprisoned and suffered other abuses.

The New Order was marked by numerous cases of mass violence (Anderson, 2001). All involved the police or military, but also many proxy civilian actors, such as paramilitary groups and youth organizations with links to the regime (Fealy and McGregor, 2010, p. 48; Ryter, 1998, p. 46). Violence seeped into the fabric of everyday life, and this has complicated the question of accountability.

For twelve years now, I have researched political developments in the post-authoritarian period and how they affect the pursuit of accountability for the 1965-66 violence. Over that time, I have followed closely the activities of survivor and human rights groups as well as their opponents. I have written extensively about Indonesia's struggles and debates over how to remember the 1965-66 massacres. My concern is with analyzing the changing strategies of survivor and human rights groups aimed at gaining more traction over this issue with the rest of the citizenry in Indonesia, as well as with the state. The present study complements and extends the work of others, cited below (McGregor, 2008, Wahyuningroem, 2013, Pohlman, 2016 and Wardaya, 2015). In this study, I have relied on field observations made primarily in Jakarta over the years of 2012-2014, and an analysis of the activities and written documents, correspondence and reports by individuals involved in human rights campaigns and the major human rights organizations in Indonesia, including Kontras (Commission for the Disappeared and Victims of Violence), AJAR (Asia Justice and Rights), and Elsam (Institute for Policy Research and Advocacy).

The view of the state as being the best focus for activism and as a provider of rights and redress stands in contrast to the lack of concrete gains for survivors to date in Indonesia. With rising authoritarianism and threats of violence by government leaders against a supposed new generation of communists, activists have again shifted towards

increasing reliance on international organizations, such as the United Nations and Amnesty International. They hope to bring greater pressure to bear on the government by leveraging the connections they have internationally. They have also worked hard to popularize the concepts and practice of global human rights ideas and values, in the hope of eliciting interest among Indonesian government and bureaucracy. As I will discuss below, this process entails a degree of vernacularization (Merry 2009, p. 219). Human rights norms are translated, adapted and transferred to the local setting, with its local institutions and meanings. NGOs have been the most prominent translators in the process of vernacularization, acting as a bridge between international agencies and funding bodies on the one hand, and survivors and local governments on the other.

The primacy of global human rights norms as the basis of activism has resurfaced in Indonesia as a result of the government's unwillingness to cooperate with the network of activists and survivors to remake Indonesian citizenship. The latter's emphasis on the international, however, has still not delivered major rights gains. In a situation where the nation-state continues to be the main arbiter of rights, a campaign that relies on international human rights norms has limited reach within a country that chooses to ignore them.

### **Citizenship, human rights and transnational advocacy networks**

Citizenship and human rights are interrelated concepts. Both arise from philosophical traditions prioritizing ideas of equality and natural rights dating from Enlightenment era philosophers such as John Locke. Both concepts promise to depoliticize access to equality, rights, and resources by making them available to a greater number of people who possess the same qualities (of belonging to a particular nation-state, or of satisfying the criteria of being human) (Shafir, 2004, p 13). The premise that all citizens in a given nation-state ought to have the right to vote and to

access a state-funded medical scheme is one example. Another example is the idea that all humans have the right to be free from torture, as codified in the 1948 Universal Declaration of Human Rights (UDHR). The predominant modern concept of citizenship links rights and political participation with membership in a nation-state (Brysk and Shafir 2004, p. 3). The concept of human rights, however, suggests that all humans inherently possess rights by virtue of their humanity, rather than as a result of their membership of a certain political community.

Despite the commonalities they share in terms of origins and intention, distinctions between the two rights traditions lie in the fact that one stream anchors rights in membership, while the other disconnects rights from membership to a given polity, and therefore supposedly universalizes rights (Shafir, 2004, p. 11). From the 1990s, ‘in an accelerated fashion’, as a result of the advent of globalization, human rights seemed close to overtaking citizenship as the main source of rights (Brysk and Shafir, 2004, p. 4).

Over time, disentangling the two rights traditions from one another has become more difficult with the increasing convergence of the two and the overlapping protections afforded by both (Shafir and Brysk, 2006, p. 257). As rights accorded to the citizen (on the basis of his or her membership of the nation-state) expand to incorporate wider social and political rights, various sectors of society have relied on the concept of citizenship as a basis for mobilization in struggles for recognition and redistribution (Basok et al. 2006, p. 268). Human rights norms too have exerted influence on changing and broadening understandings of citizenship rights by them becoming codified in national laws. The 1945 Indonesian Constitution, for example, contains a section, Chapter XA, titled ‘Human Rights’, that was added in 2000 and modelled heavily on the UDHR (Herbert, 2008, p. 457). The chapter set out the rights that citizens ought to

enjoy.

More recently, the understanding of what constitute human rights has expanded beyond the UDHR provisions. There are, for example, attempts to broaden human rights to include the right to development and to environmental protection (Shafir, 2004, p. 19). Concepts related to human rights that have arisen more recently, such as transitional justice, impunity, and genocide prevention, also show the strides made in human rights theory and practice (Sikkink 2011, Roht-Arriaza 1995 and Arthur 2009).

In view of these developments, and of greater interconnectedness globally, transnational advocacy networks (TANs) have been built across national boundaries that aspire to take advantage of the universality promised by human rights. International nongovernmental organizations (NGOs) form the core of these advocacy networks. Keck and Sikkink show that NGOs active in human rights advocacy form a quarter of ‘international nongovernmental social change groups’ listed in the Union of International Associations’s Yearbook of International Organizations from 1953 to 1993 (Keck and Sikkink 1998, pp. 10-11). One of the reasons activists form TANs, according to these scholars, is when:

channels between the state and its domestic actors are blocked, [and] the boomerang pattern of influence characteristic of transnational networks may occur: domestic NGOs bypass their state and directly search out international allies to try to bring pressure on their states from outside (Keck and Sikkink 1998, p. 12).

In this article, I argue that the ‘boomerang effect’ describes best the primary reason for Indonesian human rights activists leaning more heavily towards TANs and international human rights norms promotion, as channels of communication and meaningful influence with lawmakers are blocked. Activists are attempting to leverage their relationships with

international NGOs and United Nations bodies in order to convince their government to take action in favour of the 1965 victims and to prevent the recurrence of mass violence.

However, some stumbling blocks remain in the implementation of this strategy. The core of the international human rights regime, ‘a system of rules and implementation procedures centred on the UN,’ consists of the UDHR and the Covenants of Economic, Social and Cultural Rights, and of Civil and Political Rights, the UN Commission on Human Rights and the Human Rights Committee (Donnelly 1989, p. 208). Those who rely on international human rights norms and advocacy networks quickly realize that, while strongly declaratory, the international human rights regime lack systematic and strong monitoring and enforcement (Donnelly 1989, pp. 210-211).

Similarly, the thinness and lack of traction of human rights within authoritarian nation-states can also pose a risk to activists who hope to set in train a ‘boomerang’ effect of influencing their governments by fostering TANs. Noting a sound of caution on claims regarding the strength and long antecedents of human rights, Moyn traces the ‘global human rights revolution’ to as recently as the 1980s, when ‘a variety of groups around the world, and all governments, learned to speak the language’ of human rights (Moyn, 2010, p. 218). Given the concept of human rights is ‘recent and contingent,’ and its triumph was due to its minimalism, Moyn doubts if human rights can sufficiently deliver a new politics of humanity (Moyn, 2010, p. 225). Shafir warns that, ironically, ‘international regimes of enhanced human rights are more likely to continue strengthening states’ enforcement capacities’, as long as such regimes rely on nation-states (Shafir, 2004, p. 25). In short, those who hope that the deployment of international human rights concepts and advocacy networks will persuade uncooperative governments to change their behaviour face powerful forces to the contrary.



In the next section, I discuss the 1965-66 anti-communist violence and persecution, and the subsequent human rights campaigns against the Suharto New Order regime. I go on to discuss how democratization affected the survivors of the violence and their families after 1998. The failure to win significant gains from the government on human rights accountability then led to a refocusing by activists and survivors on grassroots activities built upon human rights concepts related to transitional justice. Transitional justice refers to measures taken at moments of transitions to democracy, when countries leave behind authoritarian rule or conflict. These measures provide justice to those who suffered under repressive regimes, and to shore up a fragile democracy (Arthur 2009, p. 355). In Indonesia, these have included truth-telling and the holding of public hearings, as well as gathering testimonies from survivors for campaign purposes.

### **The 1965-66 anti-communist violence and persecution**

From October 1965, members and sympathizers of the PKI were killed, detained and purged by the Indonesian Army and its allies. This violence occurred after a small group of soldiers and military officers, calling itself the Thirtieth September Movement, murdered seven army officers, including the majority of the top army leadership, on 30 September – 1 October 1965. The Movement declared the replacement of the cabinet of President Sukarno with a 45-member revolutionary council.

The army suppressed the Movement and accused its long-term political rival, the PKI, of having masterminded the ‘coup attempt’. The suppression campaign culminated in an army-led takeover of government, beginning from March 1966. The Provisional People’s Consultative Assembly issued decree No. 25 in 1966, banning the PKI, other leftist mass organizations, and the ideology of Marxism-Leninism (Bedner

2015).<sup>1</sup> The anti-communist campaign ushered in thirty-two years of the New Order regime under President Suharto, during which the military took full advantage of the concept of ‘dual function’, practicing both socio-political and security roles.

The army, allied with political parties and religious groups opposed to the PKI, such as Indonesia’s largest Islamic organization, Nahdlatul Ulama (NU), orchestrated or participated in the killing and abuse of leftists. Half a million were killed from October 1965 to approximately March 1966. Between 600,000 and 750,000 people were imprisoned, mostly without trial (Amnesty International, 1977, p. 41). Detainees were categorized into A, B and C categories, depending supposedly on degrees of involvement in the Movement. Presidential Decree No. 28 of 1975 set out Category C detainees as those who were indirectly, or suspected to have been indirectly, involved in the Movement (Bedner, 2015). Over the course of the purges, leftists also suffered torture, rape, beatings, and forced labor. Many of those who avoided long-term imprisonment were suspended or sacked from the public service and leadership positions (Bedner 2015).

The regime persecuted leftists formerly associated with the PKI by attacking their citizenship rights and discriminating against them. After most leftist political prisoners were released in the late 1970s, they were monitored and had to report regularly to local authorities. The Minister of Home Affairs Instruction No. 32/1981 set out that former political prisoners (*eks tapol*) needed a residential permit from the district administration and had to obtain permission to travel or move their place of residence. The ministerial instruction also barred them from certain occupations, such

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<sup>1</sup> These included the Indonesian Women’s Movement (Gerwani), trade union confederation SOBSI (Sentra Organisasi Buruh Seluruh Indonesia), the peasant organisation BTI (Barisan Tani Indonesia, Indonesian Peasants’ Union), the youth wing of the PKI known as the People’s Youth (Pemuda Rakyat) and the People’s Cultural Institute (Lembaga Kesenian Rakyat, Lekra).

as those of public servant, writer and journalist. Their identity cards contained the discriminatory code of ET, denoting *eks tapol*, until 1995. They could not vote or run for parliament and were closely monitored in times of elections. Family members of *eks tapol* suffered stigma and discrimination. Leftist Indonesians exiled in Europe and elsewhere lost their citizenship when they refused to pledge allegiance to the Suharto regime (Hearman, 2010).

### **Opposition to New Order authoritarian rule**

Campaigns against New Order authoritarianism e from the late 1960s to the 1990s relied increasingly on links built between Indonesian activists and those outside the country. At first, the movement to free Indonesia's political prisoners in the late 1960s was small and was founded on links forged by Indonesian exiles in China and to a lesser extent the Soviet Union with other leftist organizations around the world. The Cold War and the Sino-Soviet split proved to be serious obstacles to building a large campaign in support of the release of the prisoners.

The shift by activists internationally in the 1970s to a focus on human rights and the UDHR to sidestep Cold War divides by advocating universal human rights also impacted on Indonesia in the long run (Moyn, 2010, p. 212, Simpson, 2013). The growth of organizations such as Amnesty International (founded in 1961), Human Rights Watch, the Helsinki Watch Groups in the Soviet Union and Europe all pointed to a 'human rights boom' in the 1970s (Cmiel 2012, p.39). As criticisms grew of the New Order's corruption, authoritarianism, and inequitable development from the mid-1970s, the number of political detainees grew. Indonesian NGOs began to link the release of political prisoners to international human rights. Indonesian NGOs began campaigning for political prisoners and freedom of expression alongside international

organizations, such as Amnesty International, Human Rights Watch, media freedom group Article 19, TAPOL Human Rights Network, the World Council of Churches, and the Religious Society of Friends (Quakers) (Simpson, 2013, p. 195). Activists exchanged information and carried out, for example, petition and letter writing campaigns, to put pressure on the New Order regime and its donors such as the International Governmental Group on Indonesia (IGGI) (Hearman, 2016, p. 151). Internationally, activists protested in support of their Indonesian counterparts in countries, such as the Netherlands, Australia, Japan, Great Britain and the United States against Indonesia's human rights record (Simpson, 2013, p. 197).

With the support of its international allies, sometimes governments of those very same countries, the New Order proved largely impervious to grassroots pressure for many years. The turning point was the 1991 Santa Cruz Massacre in Indonesian-occupied East Timor, in which the army was captured on film shooting and killing 271 Timorese demonstrators. As a result of the international outcry, the regime established a Commission of Inquiry into the killings, and in 1993, a National Human Rights Commission (Komnas HAM) (Setiawan, 2016, p. 5-6). Unexpectedly, Komnas HAM became a reputable organization by concluding several investigations in cases implicating the army or government figures (Setiawan, 2016, p. 8). Notwithstanding, in the 1990s, the regime was one of the key proponents of the idea of 'Asian Values', whereby authoritarian developmentalist governments in Southeast Asia argued that, unlike in liberal democracies, collective development and welfare had greater import than individual human rights (Thompson, 2001, p. 156). The New Order also restricted international organizations that criticized it from working in Indonesia, such as Australia's Community Aid Abroad (Blackburn, 1992). Discussion related to political issues, such as the proposal to abolish the ET (*eks tapol*) status on identity cards, was

very much controlled by the government and the army (*Kompas*, 1995, p. 1).

### **Democratization and its impact on activism concerning 1965**

In May 1998, the New Order ended when President Suharto resigned after protests by students and other sectors of society. Vice President B.J. Habibie replaced Suharto as president. Indonesia passed new laws and regulations and ratified a range of international conventions, such as international instruments against torture and for the elimination of racial discrimination (KKPK, 2014a, p. 340). Two laws that form the main legal framework on human rights, were passed, namely Law 39/1999 on human rights, and Law 26/2000 on the establishment of human rights courts to try crimes against humanity and genocide. Both laws make references to the UDHR and the rights of Indonesian citizens to be afforded protection. As mentioned earlier, Chapter XA of the Constitution, titled 'Human Rights', was added in 2000 and contains provisions on the rights to citizenship, non-discriminatory treatment, and protection from abuse and torture. The chapter also sets out that Indonesians enjoy the freedoms of expression and to organize, and to hold peaceful assembly (Herbert, 2008, p. 457). It repealed, in 1999, a subversion law that had been used against political opponents. Military representation in parliament and the dual function doctrine were abolished. At a formal level, the new Indonesia made a break with the past, by incorporating international human rights precepts into the country's Constitution and laws.

Democracy created opportunities to demand justice for past human rights abuses. At least six national survivor/ victim groups were established, mostly involving leftist victims.<sup>2</sup> Along with major NGOs, such as Elsam, the Legal Aid Foundation and

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<sup>2</sup> These groups included Pakorba (Paguyuban Korban Orde Baru, Victims of the New Order Association), LPR-Krob (Lembaga Perjuangan Rehabilitasi Korban Rejim Orde Baru, Organization for the Struggle to Rehabilitate New Order Victims), YPKP (Research Foundation for Victims of the 1965–1966 Killings) and LPKP '65 (Lembaga Penelitian Korban Pembunuhan 1965, the Research Institute for Victims of the 1965

Kontras, they campaigned for measures such as the rehabilitation of victims and restoration of their rights as citizens, as well as establishment of a Truth and Reconciliation Commission (TRC). These groups embedded the 1965 case within a raft of other major human rights abuses committed by actors associated with the New Order.

Activists and 1965 survivors worked with Indonesian government institutions, such as Komnas HAM, the president's office, the Department of Education, as well as the judiciary to foster a new climate of respect for human rights. President Abdurrahman Wahid (1999-2001), who was also a leader of the Islamic organization NU whose members were implicated as perpetrators in the 1965 violence (McGregor and Fealy 2010), showed interest in taking serious measures to rehabilitate survivors. In 2000, he apologized in a personal capacity for NU's involvement in the violence. He also repealed a state regulation requiring public servants to be vetted for possible "connections" with 1965 (*litsus*, Penelitian Khusus, Special Investigation). In 2004, the Education Department approved a new curriculum for national history that allowed textbooks to discuss various theories about who was responsible for the Thirtieth September Movement, not necessarily the PKI as had been the case previously (Leksana 2009, p. 187). In the same year, in the last days of the presidency of Megawati Sukarnoputri (in office 2001 – 2004), a law to form a TRC was passed (Herbert, 2008, pp. 469-470), and several legal cases extending the rights of *eks tapol* were successful. The Constitutional Court upheld a lawsuit for *eks tapol* to have the rights to contest elections and vote. The Supreme Court also upheld former detainee Nani Nurani's demand to be relieved from having to report to her local authorities, something she had been required to do since 1984 (Firdaus, 2016). Indonesian government representatives

met and acknowledged leftist exiles overseas, granting some new passports (Hearman, 2010). These developments advanced the citizenship rights of *eks tapol* and leftist exiles.

Between 1998 and 2004, survivors and activists saw Indonesia's transition to democracy as imbued with hopes that the state was capable of addressing past human rights violations. NGOs and survivor groups organized public meetings for survivors to be heard. Survivors recorded their accounts in (auto)biographies and oral history collections (Hearman, 2009). New NGOs involving young people and women, such as the Syarikat Network, Lingkar Tutar Perempuan (Women's Storytelling Circle) and the Eastern Indonesia Women's Network documented survivors' experiences of abuse. They aimed to foster citizen solidarity at the local level (McGregor, 2008, pp. 11-14; Budiawan, 2004, pp. 203-212; and Kolimon, 2015). The Indonesian Institute of Social History also collected testimonies, and with the Indonesian History Teachers' Association, explored different ways of teaching history (Institut Sejarah Sosial Indonesia, n.d.). In the early phase of the democratic era, therefore, Indonesian NGOs and activists turned their attention to the Indonesian state and the local community to create an engaged citizenry. Elizabeth Jelin in her study of Latin American NGOs in the 1970s and '80s described engaged citizenry as based on 'an ethics of solidarity, a concern for rights and reciprocal recognition, and a human concern for others.' (Jelin, 1996, 115n6 cited in Faulk, 2004, p. 176).

The main target of human rights activism in the 'hopeful' period of the democratic era was firmly the Indonesian state, which was still seen as capable of transforming its political institutions and delivering justice to victims. Therefore, despite the wide international networks that Indonesian human rights NGOs possessed and relied upon, the focus of many campaigns was still the transformation of Indonesian society and

convincing the government to fulfil the needs of victims. The involvement of NGOs as recipients and diffusers of transitional justice ideas was oriented towards the repair of the social fabric and accountability at the top. Initiatives focused on restoring voice, or hearing ‘silenced voices’ and ‘forbidden memories’, vernacularized transitional justice ideas such as the therapeutic benefits and community-building capacity of storytelling (Godwin Phelps, 2004).

Several years on, however, activists had to review their strategy, because their efforts had achieved mixed results. The 1966 parliamentary decree banning Marxism-Leninism and the PKI remains on the books. President Megawati ignored requests in 2003 from the Supreme Court, the House of Representatives and Komnas HAM to rehabilitate survivors of New Order era abuses and to treat them equally with other citizens (Hutabarat, 2011, p. 161). In 2005, Jakarta District Court judges ruled the court had no jurisdiction in a class action lawsuit brought by *eks tapol* and the Indonesian Legal Aid Institute against five Indonesian presidents for failing to protect the human and citizenship rights of *eks tapol* (Hutabarat, 2011, p. 46). Campaigns explicitly based on citizenship rights targeting state institutions and political leaders seemed to dissipate after the failure of this lawsuit.

Further setbacks followed. In 2006, the Constitutional Court declared the TRC law unconstitutional, a move that halted the founding of the TRC. In this, the Court upheld the claims of six NGOs and two survivors of political violence who brought the law to the Court, arguing its extensive amnesty provisions were unconstitutional (Sulistiyanto and Setyadi, 2006, pp. 196-197). In the absence of a TRC law, Indonesia is no closer today to establishing such a body. In 2012, President Yudhoyono promised an apology to victims of past human rights abuses (including 1965) and their families, but none was ever issued. A report by the Komnas HAM in the same year, concluding the



military had been responsible for crimes against humanity in the anti-communist violence, still awaits further investigation by the Attorney General's office (AGO). Only the AGO can determine if sufficient grounds exist to warrant the setting up of an *ad hoc* human rights court.

### **The Year of Truth Telling: Deploying human rights-based appeals at the local level**

In the context of the government's lack of action on the 1965 case, activists had to rethink their approach. Instead of putting more energy into appealing directly to the central government, they expanded the local mobilization of citizens all over the country. Still hoping for Yudhoyono's apology to materialize, between 2012 and 2013, an *ad hoc* human rights umbrella organization known as the KKPK (Koalisi Keadilan dan Pengungkapan Kebenaran, Truth and Justice Coalition) organized a number of public hearings, part of a transitional justice model, to place pressure on the government. These hearings formed part of what they termed the Year of Truth Telling (*Tahun Kebenaran*). The KKPK consists of 47 national and local human rights organizations, and was initially formed in 2008 to lobby the government to create a new TRC law (KKPK 2014a, p. 2). Member organizations include relatively new and large NGOs that work in multiple countries, such as AJAR, and well-established advocacy NGOs such as Elsam and Kontra. National and local survivor groups are also represented in the coalition.

Several public hearings were held each in the towns of Palu (Sulawesi), Solo (Java), Kupang (West Timor), Banda Aceh and Jayapura (West Papua), and in Jakarta, in 2012 and 2013 (Pohlman 2016). The hearings dealt with a range of human rights cases including the forced disappearance of activists, violence in West Papua, the 1965 case and victims of land seizures by the government or corporations. Each meeting

heard victims give testimonies to the public and a panel of community leaders. The hearings reflected the idea in transitional justice of truth-telling as a first step. To define truth-telling, I broaden Mendeloff's concept of it to include *all* public mechanisms, *formal and non-formal*, for examining the causes and conduct of past conflict and accounting for crimes and abuses committed during the conflict (Mendeloff, 2004, p. 357). His definition implies that processes of truth-telling ideally ought to include the participation of all parties in a conflict. However, in the KKPK public hearings, truth-telling has been mainly a one-sided affair with the absence of official government representatives and perpetrators of violence.

The emphasis of the hearings on the local level took advantage of Indonesia's regional autonomy policy, which gave local governments, from 2004, budgetary and local regulatory powers. The local level, and influencing local governments, became new areas of activity for activists. The public hearings held in two towns, Palu and Solo, show how activists vernacularized international human rights concepts, such as providing redress and the opportunity for survivors to be heard, as well as the limitations of activities framed around the concept of human rights.

In Palu, a city of approximately 350,000 people and the capital of Central Sulawesi province, the group SKP-HAM Palu (Solidaritas Korban Pelanggaran Hak Asasi Manusia, Solidarity with Victims of Human Rights Abuses) organized the events related to the Year of Truth-Telling. Founded in 2004, SKP-HAM's secretary, Nurlaela Lamasitudju, is the daughter of local Islamic cleric, Abdul Karim Lamasitudju. Her personal connections with religious leaders in Palu have pushed the issue of human rights into the spotlight since 2012. The mayor of Palu, Rusdy Mastura, is, to date, the only government leader to have provided an apology to the 1965 victims, announced at a Year of Truth-Telling event on 24 March 2012 (Sangadji and Mariani, 2013).

The SKP-HAM followed up Mastura's promises of providing healthcare and scholarships to victims and their families, but to provide these, an enabling framework, such as a local regulation was needed. There was, at first, doubt whether a local government could issue a regulation of a 'political' nature, such as one that dealt with human rights (Lamasitudju, 2015). The administration overcame this stumbling block by 'nesting' the mayoral regulation to provide aid to victims and their families beneath a Regional Action Plan for Human Rights (Rencana Hak Asasi Manusia, Ranham) (Kantor Walikota Palu, 2013). The Palu local government's difficulty highlights the limited regulatory capacity at the local level in regard to human rights, as well as insufficient knowledge and lack of experience with using such rights-based instruments.

The stance of SKP-HAM Palu is more strongly guided by a human rights framework than that of the town administration. SKP-HAM Palu has been the main driving force propelling the administration to adopt a range of human rights initiatives through the mayoral regulation. These initiatives included the founding of a committee to oversee the protection of human rights and the restoration of victims' rights in the Palu area. Subsequently, Palu was declared a 'Human Rights Aware Town' in May 2013 at the organization's urging, an initiative that requires the town to hold human rights-related events each year. To overcome the hesitancy and lack of experience of the civil servants in working with human rights concepts, Lamasitudju has framed SKP-HAM as a partner for giving practical support and training in the application of those concepts (Lamasitudju, 2015). Nonetheless, possibly anticipating a backlash to the administration's preoccupation with human rights issues, Mastura has been careful to refer to ideas of 'equality, openness and humanitarian considerations' as his motivations in assisting victims and their families (Sangadji and Mariani, 2013). It

seems from his point of view, equality between citizens and humanitarianism were stronger, more viable bases for his action locally, rather than human rights. These differences in the stance of the city administration and the NGO show the difficulties in vernacularizing international concepts of human rights.

The city of Solo, in Central Java, is distinct from Palu in many ways. In this city of close to 600,000 people, the scale of the repression, including large-scale killings and imprisonment was far greater than in Palu (Hasworo, 2004). Several survivors' organizations arose after May 1998. One of these is the Joint Secretariat on 1965 (Sekber '65), a group initially set up under the auspices of the legal aid group YAPHI, (Yayasan Pengabdian Hukum Indonesia, Indonesian Foundation Dedicated to Law).

Because of the vulnerabilities of all survivor groups against charges of 'communist resurgence', Sekber '65 cultivates relations with local religious and government leaders, such as Solo mayor FX Rudyatmo and his predecessor (now president), Joko Widodo. It aims to foster grassroots connections and to gain social acceptance of its members by supporting other local social justice campaigns, such as the rights of street traders.

On 13 December 2012, Sekber '65 held its public hearing at Rudyatmo's mayoral residence, attended by about 200 people, including students and representatives from religious organizations (Rahayu, 2012). The hearing featured six testimonies, five about 1965 by Sekber '65 members, and one on the forced disappearance of pro-democracy activists in 1998. Afterwards, a panel of five 'community members' consisting of religious leaders and academics recommended that the state acknowledge and rehabilitate victims of human rights abuses. Sekber '65 considered the event successful, not least because it cemented the group's relationship with Rudyatmo, on whom it could rely for patronage and protection.

Being mindful of its vulnerable position in regard to anti-communist redbaiting, Sekber '65's stated goal is reconciliation between citizens, rather than punishment or retribution (Wardaya, 2015). Sekber '65 seems to have jettisoned those aspects of the global transitional justice 'toolkit', such as truth-seeking and justice, in preference for less controversial and non-political 'reconciliation' (c.f. Kolimon, 2015). By framing its events and activities as humanitarian and not political, it hoped to avoid the wrath of the local army and anti-communist groups.

### **Responses to the return of authoritarianism to Indonesia**

The boldness of survivor groups, human rights NGOs, academics, and intellectuals in the early democratic period in pursuing government action on the 1965 case, has led to harassment against such groups and individuals from the military and anti-communist groups. According to Sekber '65, the organization and Mayor Rudyatmo were pressured through telephone calls and anonymous messages to cancel the Solo hearing. One local army commander declared, after the hearing, that there was a communist resurgence in Central Java, a province of which Solo is a part (Sismanto, 2012).

Despite President Joko Widodo's promises to resolve past abuses, and taking into account that most discriminatory regulations against *eks tapol* have disappeared (Bedner, 2015), there is growing mobilization by the army and anti-communist groups against the reopening of the 1965 issue. A more inclusive citizenry has still not materialized. In 2015 alone, one NGO showed there had been 27 attacks and bans on meetings and public gatherings dealing with 1965, with many of them occurring in regional towns (Utama 2015, Al Faruqi 2015, Kusumadewi 2015 and Hearman 2015). Armed Forces commander Gatot Nurmantyo, and even President Widodo himself, threatened violence against 'resurgent communists' (Nugroho 2017). This rising

authoritarianism has gone largely unchallenged, as there is a deep ambivalence among Indonesians when it comes to defending 1965 victims in the absence of any national consensus on the events (Djakababa 2017).

In this environment of ambivalence and hostility, in November 2015, coinciding with the fiftieth anniversary of the violence, the International People's Tribunal (IPT) on 1965 was held in The Hague, in the Netherlands. It was organized by a coalition of Indonesian and foreign lawyers, activists, and intellectuals. Indonesians also participated as witnesses. Though the IPT has no enforcement powers, the judges found the Indonesian state guilty of crimes against humanity and of genocide (Santoso and van Klinken, 2017).

An increasingly hostile environment in Indonesia to discussions about 1965 has produced two countervailing tendencies within Indonesian human rights activism. On one hand, activists like those in Sekber '65 have distanced themselves from the heavy focus on international human rights norms, for fear of alienating the Indonesian government and people. In the lead-up to the IPT, activists like Rahayu in Sekber'65 worried that references to legal-judicial measures, such as the use of the term 'tribunal', were too confrontational and could arouse the ire of the government. With its group of international judges and appeals based on international human rights precepts, she was concerned the IPT could jeopardize the non-confrontational, grassroots work their organization had been doing (Rahayu, 2012). On the other hand, for other NGOs, being involved in the organization of the IPT held its own attractions. Activists' cooperation with international scholars and members of the legal profession helped them break out of the sense of isolation produced by years of targeting the Indonesian government, and raised new campaign possibilities. The framing of the 1965-66 violence as an international issue promised to reinvigorate domestic campaigns. They hoped to

produce a 'boomerang effect' of pressuring the Indonesian government from without.

Predictably, however, Indonesian government representatives rejected or ignored the findings of the IPT. Then-Coordinating Minister for Political Affairs and Security, Luhut Pandjaitan went further, condemning Indonesians involved in the Tribunal as being 'no longer Indonesian' (BBC Indonesia, 2015). By 2015 such a condemnation was unfortunately no longer unexpected. Since then, local authorities have pressured organizers to cancel IPT follow-up events in Indonesia, or risk attacks by anti-communist groups (Hariyanto, 2017 and Wieringa, 2017). Such backlash has created even more difficulties for those activists in the KKKPK who have been arguing more in favor of a citizenship approach.

In the face of rising authoritarianism in the country, activists continue, however, to scale up the campaign on human rights in Indonesia. Amnesty International established its first-ever office in Indonesia in 2017, headed by prominent activist Usman Hamid (Shintia, 2017). Indonesian activists have used the formal UN Human Rights Commission and mechanisms such as the Universal Periodic Review (UPR) to turn the spotlight on the government (Fernida, 2014, p. 57). In their campaigns, activists are also focusing more on combatting impunity than they used to do, in line with international trends (McGregor, 2017, p. 552; KKKPK, 2014b, p. 7). Defined as a lack of sanctions for human rights abuses, impunity is believed to adversely affect the capacity of newly democratizing governments to build democracy (Roht-Arriaza, 1995, p. 292). Increasing efforts to combat impunity internationally has taken what Sikkink terms 'the justice cascade', or a large number of individual criminal prosecutions against state officials (Sikkink, 2011, p. 5). She shows that, between 1983 and 2004, 48 countries had conducted human rights prosecutions (Sikkink, 2011, p. 269). However, criminal proceedings against members of the army and civilians responsible for the 1965-66

violence are unlikely in Indonesia. There is little support within the government for dealing with past atrocities (Pohlman, 2016, p. 74 and Wahyuningroem, 2013, p. 125), even with external pressure. The internationally acclaimed documentary on some perpetrators of the violence, *The Act of Killing*, did not force the government to take any action on the 1965 case. Instead, it uses international mechanisms like the UPR to highlight its human rights achievements, earning praise from the UN Human Rights Commission and member states and countering its critics (UNHRC 2012).

Despite the evident lack of political will, however, activists must continue to appeal to the government. In its final report on the Year of Truth Telling, for example, the KKPCK still directs its demands to the Indonesian government to enact both judicial and non-judicial mechanisms on past abuses (KKPK 2014, pp. 7-11). As long as the implementation of human rights regimes relies on nation-states, activists faced with intractable governments are in for a long battle. The renewed rise of authoritarianism and (bizarrely, since the PKI disbanded fifty years ago) of anti-communist sentiment in Indonesia threatens to heavily curtail the impact of human rights activism on the 1965 case.

## **Conclusion**

Indonesia formally has electoral democracy. It has ratified a number of international conventions and incorporated human rights norms into its laws and Constitution. Early in the democratic phase, activists and survivors worked hard on a range of initiatives at the community and state levels to make Indonesian citizenship more inclusive.

However, the campaign for greater state accountability for past human rights abuses has stalled. Attempts to vernacularize international human rights ideas and measures have not had resounding success due to opposition from officials combined with fear



and apathy from Indonesian fellow-citizens. An Indonesian citizenship that reintegrates victims of past abuses remains out of reach and becomes an increasingly remote prospect with the rise of a new authoritarianism under President Widodo. The possibility of putting into practice transformative ideas of citizenship and the creation of an engaged citizenry, as it relates to addressing past and preventing future human rights abuses, has receded. To gain recognition and redress for survivors, Indonesian citizen action groups have gone back to appealing to the international legal order. They once more frame their struggle as one that needs international intervention and solidarity.

These observations from Indonesia highlight the reality that the enforcement of human rights has remained largely at a national scale and dependent on governments. The promise of the breadth and inclusiveness of universal human rights has been checked by the lack of a strong international enforcement, resistance from nation-states, and governments that are adept at championing their achievements in the international arena, while doing little for victims back home.

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