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Sexual Violence as Torture: Crimes against Humanity during the 1965–66 Killings in Indonesia

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ABSTRACT

In this article, I argue that sexualized forms of torture perpetrated mainly against women and girls in political detention camps across Indonesia between 1965 and 1970 were crimes against humanity. To make this argument, I draw upon some key cases in international criminal case law regarding the prosecution of sexual violence as torture as crimes against humanity. The prosecution of these cases is instructive for considering such crimes in the Indonesian case because they defined much of the gender jurisprudence for international crimes and because they were based on evidence given by women survivors. I contend that these sexualized forms of violence must be considered crimes against humanity because they were widespread and committed systematically against a civilian population. I argue that rape and other forms of sexual violence were perpetrated as torture in the detention camps that spread across Indonesia at that time. This violence, perpetrated primarily against women and girls, developed into a concerted, widespread strategy carried out systematically by the Indonesian military and its proxies. Drawing on testimonial data mainly by women who experienced this violence, I outline patterns in this sexualized torture. I situate this discussion within the context of the recent International People's Tribunal for 1965. As the investigator assisting the prosecutor on sexual crimes, I prepared evidence based on the testimonies of survivors and eyewitnesses. The oral testimonies of mainly women survivors were used to prepare this evidence and were drawn mostly from the oral historical documentation projects carried out by Indonesian human rights organizations. At the end of the article, I use two of these testimonies, one by a woman and one by a man, to illustrate some of the overall patterns of sexual abuse as torture.


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Following an attempted coup on 1 October 1965, the Indonesian army seized power and carried out a genocidal campaign against their main political rivals, the Indonesian Communist Party (Partai Komunis Indonesia, known as the PKI). An estimated 500,000 communist supporters and their associates were murdered in the purges that swept across the country in the six months following, and more than one million others were rounded

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up in waves of mass arrests and held as political detainees.¹ Detainees were held in prisons, in military and police posts and barracks, and in an unknown number of ad hoc detention centres set up across the archipelago. These centres were places where detainees frequently experienced violence, starvation, disease and humiliation, and many experienced torture and interrogation during their incarceration.²

In this article, I argue that rape and other sexualized forms of torture against mainly women and girls in these political detention camps across Indonesia following the 1 October 1965 coup were crimes against humanity. To make this argument, I first address the scope of the crimes themselves: the rape and other sexualized forms of torture used during political detention in Indonesia particularly during the period 1965–70. In this section, I draw briefly on a range of cases in international criminal law to illustrate how sexualized violence has previously been prosecuted as torture, a crime against humanity. In particular, I take up some of the gender jurisprudence developed over the past two decades at the International Criminal Tribunals for Rwanda (ICTR) and the former Yugoslavia (ICTY) to show that these forms of sexualized violence in Indonesia satisfy all elements of crimes against humanity.

In the second section of the article, I situate this research within the context of attempts to seek justice for crimes committed after the 1965 coup in Indonesia. In 2015, which marked fifty years since the killings began, a large group of survivors, human rights advocates and researchers from across Indonesia and around the world gathered to hold a people's court. The public hearings of the International People's Tribunal for 1965 were held in November 2015 in The Hague.³ The Tribunal brought together, for the first time, the growing body of evidence for crimes committed by the Indonesian military and its civilian counterparts. In the two years prior to the public hearings in 2015, researchers and human rights advocates had compiled detailed evidence briefs on a range of alleged crimes and on general patterns of violence across several provinces of Indonesia.⁴ As the lead investigator assisting the prosecutor on sexual crimes, I prepared the evidence brief for the sexual crimes charged as crimes against humanity.⁵ In this section, I outline the evidence put forward to the Tribunal for the charge of sexual violence to be recognized as torture and a crime against humanity. This evidence was based on the oral testimonies provided by those who witnessed or survived these atrocities, most of them women. I sketch my main findings in the evidence presented for this charge to the Tribunal in relation mainly to the types of sexual violence committed as torture, the perpetrators involved in assaults, and the contexts in which these crimes were perpetrated. In the final part of this article, I draw on small sections of two individuals' testimonies to illustrate some of the findings. One addresses the experiences of Ibu "E," the other Pak "HB": one woman's and one man's testimonies of sexualized torture.

These crimes were perpetrated against thousands, or potentially tens of thousands, of mainly women and girls held in detention. In the twenty years since the end of the New Order military regime (1966–98), hundreds of these women have participated in the oral historical documentation of these crimes, giving testimony to their own and others' experiences of rape and sexualized forms of torture. In preparing evidence for the International People's Tribunal, many of the oral testimonies given by these women and men were brought forth as evidence for these crimes. Through their testimonies, survivors give witness to the gender-based and sexual atrocities committed during this period.⁶

Crimes against Humanity: Rape and Sexualized Violence as Torture

Fifty years ago in Indonesia, a system of mass political detention evolved to hold hundreds of thousands of “suspected communists.”⁷ Sexual violence was widespread in the detention facilities. Many women who survived being imprisoned for months and years in these facilities describe experiences of rape, sexual enslavement and sometimes enforced prostitution. These rapes, gang rapes, sexual assaults and various forms of sexualized humiliation were perpetrated by the men who ran these facilities: soldiers, military policemen and, on occasion, members of civilian militia who were employed as guards.⁸

In this article, I pay specific attention to the many accounts of torture of a fundamentally sexualized nature told by survivors and eyewitnesses of this violence. Sexual violence was an essential part of much of the torture perpetrated by state and co-opted actors against their victims held in detention, particularly during the period 1965–70. These acts were perpetrated systematically against female detainees, but there were also specific types of sexual violence as torture used against male detainees. In all cases, these sexualized forms of violence were torture, as they were used to intimidate, degrade, humiliate, punish, control or destroy victims.⁹

Torture is defined slightly differently depending on the area of law (human rights law, international humanitarian law, international criminal law).¹⁰ In each area, the essential requirements are that the act of violence: (a) intentionally inflicted severe harm; and (b) was committed for a prohibited purpose (seeking information, degradation, humiliation, punishment, discrimination and so forth).¹¹ For the purpose of examining sexual violence as torture perpetrated as crimes against humanity in the Indonesian case, I draw on the elements of the crime outlined in the Rome Statute for the International Criminal Court (ICC).¹² As with all crimes against humanity, there are two “chapeau” elements that must be satisfied: first, that “the conduct was committed as part of a widespread or systematic attack directed against a civilian population”; and second, that “the perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.”¹³ For the purposes of the evidence prepared for the People’s Tribunal, the prosecutor contended that these acts were committed as part of a widespread or systematic attack against a civilian population, that is, against civilians deemed “communist sympathizers” following the 1965 coup in Indonesia.¹⁴

Pursuant to Article 7(1)(f) of the Rome Statute regarding torture as a crime against humanity, in the ICC Elements of Crime (EoC), the crime occurs when three further elements are satisfied: (1) the perpetrator inflicts “severe physical or mental pain or suffering” on the victim; (2) the victim was “in the custody or under the control of the perpetrator”; and (3) this “pain or suffering did not arise only from, and was not inherent in or incidental to, lawful sanctions.”¹⁵ In terms of how rape and other forms of sexualized violence have been prosecuted as torture as a crime against humanity, there has been a range of arguments made in the case law. To examine these crimes within the context of the anti-communist violence in Indonesia, in this section I draw on some of this case law. In particular, I briefly examine cases before the International Criminal Tribunals for Rwanda (ICTR) and for the former Yugoslavia (ICTY), which oversaw the development of some of the most extensive jurisprudence in the area of rape constituting torture as a crime against humanity.

Rape was first presented an act of torture in the 1998 Akayesu judgement before the ICTR. While acts of rape were not prosecuted as torture in that case, the Trial Chamber noted that rape can constitute torture under Article 3(f) of the Tribunal's Statute because:

Like torture, rape is used for such purposes as intimidation, degradation, humiliation, discrimination, punishment, control or destruction of a person. Like torture, rape is a violation of personal dignity, and rape in fact constitutes torture when it is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.¹⁶

This jurisprudence was developed further in a range of cases before the ICTY. It was in the Foča case before the ICTY (*Prosecutor v. Kunarac et al.*) that convictions were first made for acts of sexual violence as both rape and torture. The case held that the rapes committed by two of the defendants, Kunarac and Vuković, amounted to both crimes against humanity as rape and as torture as distinct offences.¹⁷ The Appeals Chamber upheld that sexual violence amounts to torture as it causes severe pain or suffering, whether physical or mental.¹⁸ This case also underlined that it is the context in which these acts are committed, rather than the frequency or otherwise of the acts themselves, that determines their nature as a crime against humanity. As was found in the Foča case, the accused:

[were] aware that there was an attack on the Muslim civilian population going on, and they willingly took an active part in it. [They] mistreated Muslim girls and women, and only Muslim girls and women, because they were Muslims. They therefore fully embraced the ethnicity-based aggression of the Serbs against the Muslim civilians, and all their criminal actions were clearly part of and had the effect of perpetrating the attack against the Muslim civilian population.¹⁹

This was also the case in Indonesia following the coup: perpetrators took an active part in wiping out and repressing alleged communists, and the acts of sexual violence in these camps, committed predominantly against women and girls, were perpetrated against them because of their real or perceived political affiliation with the PKI. This judgement demonstrates how an act of sexual violence need not be committed in a widespread or systematic fashion in order for it to be a crime against humanity. Rather, it must only form part of a widespread or systematic attack.²⁰ In the case of the sexual violence perpetrated as part of torture of women and girls (and some men) in the detention camps across Indonesia, I contend that this violence was widespread and systematic (see the final sections of this article). It need only be shown, however, that the attack against the civilian population (that is, suspected communists) was widespread or systematic, not that each specific crime be committed in a widespread or systematic way, only that it forms part of the attack.

Since the Foča case, other cases before the ICTY and ICTR have also upheld torture by means of sexual violence as a crime against humanity, including *Prosecutor v. Kvočka et al.*, *Prosecutor v. Simić et al.*, *Prosecutor v. Brđanin* and *Prosecutor v. Semanza*.²¹ In summary, the case law of the ICTR and the ICTY has shown that rape and other forms of sexualized violence are torture where the specific elements of torture are established. Based on the testimonies of those who survived, it is clear that the sexualized torture perpetrated in the detention camps across Indonesia after the 1965 coup fulfils these specific elements and therefore constitutes crimes against humanity.

Evidence of Sexual Violence as Torture before the International People's Tribunal for 1965

The International People's Tribunal for 1965, the public hearings for which were held in 2015 in the Netherlands to mark the fiftieth anniversary since the start of the killings, was essentially an effort to achieve some form of symbolic justice as there remain significant barriers to implementing formal transitional justice mechanisms within Indonesia.²² Successive administrations since the fall of the New Order regime have delayed, denied and postponed any real measures to redress or reconcile the many state-sponsored mass atrocities committed by that regime, including the massacres of 1965–66. The current administration under Joko Widodo (Jokowi) thus far appears unlikely to reverse this trend.²³ In the face of this ongoing impunity, the International People's Tribunal brought together survivors, activists, artists, journalists and academics from Indonesia and many other countries to address the violence of 1965. The prosecutors for the Tribunal charged the Indonesian state with crimes against humanity, the counts including murder, enslavement, imprisonment and torture.²⁴

My role in the Tribunal was to assist the prosecutor by preparing evidence on sexual crimes. Over eighteen months in 2014–15, I drew together more than three hundred testimonial accounts by mainly women survivors to create individual case files. From the violence described in these testimonies, we prepared evidence for seven separate crimes against humanity involving sexualized and gendered forms of violence: rape, torture, sexual slavery, enforced prostitution, forced pregnancy, "other" forms of sexual violence (forms of sexual assault), and "other inhumane acts" including forced marriage and forced abortion. In this article, I focus on the charge of rape and other sexualized forms of violence as constituting torture as a crime against humanity.

The testimonies that became the basis for these case files were drawn from a range of oral documentary sources. In the nearly twenty years since the end of the New Order, thousands of survivors of the 1965 violence, including many women survivors, have participated in oral historical documentation projects carried out by researchers, non-government organizations (NGOs) and government-funded institutions into the events that followed the coup. These include the testimony collection projects conducted by a broad range of survivor organizations across Indonesia.²⁵ These are in addition to the in-depth investigations into the killings undertaken by two of Indonesia's national human rights institutions: the 2007 report by Komnas Perempuan (the Commission for the Prevention of Violence against Women) on gendered forms of violence, and the 2012 report by Komnas HAM (the National Commission).²⁶ Both of the investigations concluded that crimes against humanity had been perpetrated during the anti-communist violence of 1965–66.

In preparing the evidence for sexual crimes for the prosecutor, part of my task was to use the testimonies collected by some of these oral historical documentation projects to create the individual case files.²⁷ These case files were listed by the name of the victim (most of them under pseudonyms), giving the location, timing and description of the criminal acts, as well as the name of perpetrator/s, and other details that were pertinent to understanding the context of the crime. Information, where available, was also given about where and when this individual's testimony was collected and by whom.

Using oral histories to prepare evidence of crimes, particularly sexual and gender-based crimes, presents a number of challenges. First, the purpose and form of life narrative bears little resemblance to that of legal testimony and one cannot easily be used in place of the other.²⁸ The life narratives recorded, transcribed and documented by the Indonesian NGOs and human rights organizations in Indonesia used to create the Tribunal's case files belong to a particular type of survivor testimony genre; the survivor narrates a personal story in order to give witness to a historical trauma. Indeed, in the twenty years since the end of the New Order, thousands of survivors and witnesses to human rights abuses committed during that regime have participated in these testimony-based oral historical projects by human rights organizations, all of which undeniably posit these testimonies as political claims to truth in order to demand official investigation into and redress of these abuses.²⁹

In the transit from life history to a detailed account of a criminal act, however, much is lost, obscured or simply missing. These life histories have mostly been told in long form and often focus more on personal experiences of events rather than on detailing the events themselves; details of exact dates, locations and involved persons and their actions that would be required in oral legal testimony are frequently left out of life histories.³⁰ In addition, for the life histories used to prepare evidence for the prosecutor, all were told at least three decades after the events they describe. Given too that the focus of the evidence brief that I prepared was sexual and gender-based crimes, I also had to take into account the various linguistic and pragmatic strategies used by survivors to speak about sexual assault. As elsewhere in the world, speaking about sexual violence in an Indonesian context means negotiating taboos; for example, victims and perpetrators are rarely identified by name and the forms of sexual violence perpetrated, if described at all, are frequently discussed in euphemistic terms that avoid naming violence directly.³¹

Despite these challenges, these survivor and eyewitness testimonies are the only available sources on the sexual and gender-based crimes perpetrated during this period in Indonesian history, and they provide detailed personal accounts of individuals' experiences of these crimes. These survivor accounts must also be preserved; many of those whose testimonies were recorded during the early years after the end of the New Order have now passed on; the numbers of direct survivors or witnesses to the 1965 events grows smaller each year. When creating the case files for the evidence brief, measures were taken to try to preserve those individual experiences recounted in the testimonies. Short sections of testimony given in the source document were translated into English and provided so as to convey to the judges, as far as possible, the description of these events by the survivor or witness. Given the wide variety of sources, and the many different ways in which these accounts were collected, there were often unavailable details. Some case files included comprehensive accounts of crimes, whereas in others the specific details about where, when and by whom crimes were perpetrated were often vague or missing. Once an individual's case file was prepared, it would then be coded by type of sexual or gender-based crime and then listed as evidence for that charge. Many of the case files appeared under multiple charges because many individuals experienced more than one type of sexual crime.³²

Once the individual case files were assembled under each charge, trends within these files were identified and summarized for the prosecutor. From the case files for sexual violence as torture, the experiences of fifty-eight individuals were presented as evidence.

From across these fifty-eight case files, the trends identified related to the conditions and timing of when these crimes occurred, the perpetrators who committed these offences, and the types of violence used against victims. More than two-thirds of the cases (seventy-two per cent) concerned crimes against female victims, most of whom were young women between the ages of approximately eighteen and forty years old at the time of the offence/s. The remaining cases involved male victims, all of them adult men from a wider age range. No child victims of sexual violence as torture were recorded, male or female.³³

The major trends in the case files presented included information about the perpetrators of these criminal acts. Perpetrators were exclusively adult men who were members of the Indonesian security services (e.g. army, military police) and their civilian proxies, drawn mostly from the militias who participated in wiping out and detaining suspected communists after the 1965 coup. Among the fifty-eight case files, the majority (eighty-five per cent) of survivors and witnesses described members of the armed services (soldiers or military policemen) as the perpetrators of torture. Approximately one quarter of the case files also reported the involvement of civilians, such as members of specific youth militias (e.g. Pemuda Pancasila or Ansor) or simply members of a “mob” (*massa*). It was rare for an individual perpetrator to be named and, in a small number of cases, there was no information recorded at all regarding the identity of perpetrator/s. There was only one case found in the oral testimonies in which a female police officer was a direct perpetrator of torture, and this case was not sexualized in nature.³⁴ This lack of females in the data does not preclude women’s active participation in the sexualized torture as perpetrators; it is just that no cases were recorded in the evidence for the Tribunal.

Another major trend was that acts of sexualized torture occurred frequently at the same time as other acts of torture, particularly in interrogation contexts. For example, as described in the cases examined in the section below, many of the women whose testimonies were examined recounted how they were often stripped naked and sexually assaulted at the same time as other acts of torture were committed, such as being beaten, kicked or given electric shocks. These acts of sexualized torture, while often specific in their intent to harm women as women (and men as men), should not be separated from these other acts of torture when considering the gravity of harm inflicted on individuals. Among the many and varied forms of sexualized torture themselves, patterns emerge that clearly illustrate the gendered and sexualized nature of these acts, which were purposely inflicted against mostly women and girls because of the harm that it would cause them, as women and girls. In all cases, these acts of violence were attacks on the personal and sexual autonomy and integrity of victims and were intended to cause severe harm, both physical and mental. This was, of course, also the case for male victims: of the approximately one quarter of cases listed involving sexualized acts of torture against men, the rape of a man by another man/men (anal rape by insertion of an implement) was intended as a deliberate strategy to cause severe harm to the victim and an essential and purposeful part of that harm was caused by the sexual assault and attack on the victim’s sexual autonomy.³⁵

In terms of the timing of these acts, most victims experienced acts of torture during the early stages of detention. This trend was most notable for women who spent longer periods in detention. That is, they tended to experience sexual violence (including sexualized torture) frequently during the initial weeks and months of detention but this violence

decreased afterwards. This is the basis on which I estimate that the majority of these criminal acts—sexual violence as torture, particularly during interrogation situations—occurred between late 1965 and approximately 1970. The rate of these incidents, as found in the evidence presented to the Tribunal but also within other studies carried out into this period, shows that the number of these interrogations decreased after this time.³⁶ This decrease in the frequency of interrogations, as would be expected, directly corresponds with the decrease in the number of people being arrested and brought into detention. By 1970, the mass arrests of the initial period after the coup were over, as were the various “clean up” operations that occurred during the latter part of the 1960s aimed at rounding up remaining “night PKI” members or at “cleansing” the civil and security services of their “leftist” or “Sukarnoist” elements.³⁷ By 1970, too, the majority of the political prisoner population—the “Category C” detainees, those deemed “fellow travellers” of the PKI and not committed communists—had been or were soon to be released.³⁸ This does not mean that acts of torture and ill-treatment, including sexualized forms of this violence, ceased after 1970, only that the frequency of these crimes decreased, particularly where these acts of torture and ill-treatment were used as part of interrogations.³⁹

The acts themselves of sexualized physical torture were numerous. For male and female victims, physical torture with a deliberately sexualized intent included: rape (vaginal, anal and oral by the penis of the perpetrator or the insertion of another object, including the fingers of the perpetrator); physical harm inflicted on the genital region (such as cutting, burning, whipping or electrocution); and, for female victims, injury to the breasts. The range of these forms of sexual torture was wide: perpetrators used their own bodies (their fists, feet, fingers and penises), sharp and blunt objects, electrical cables, open flames, lit cigarettes and other heated objects, objects in the room, and even the bodies of the victims themselves to inflict serious harm.⁴⁰

Acts of rape were mostly perpetrated by interrogators against their victims. However, there were some cases where detainees were forced to have sex with each other, and to perform other sex acts with one another. Rape perpetrated against women and girls mostly involved vaginal rape, although there were also several cases of oral rape and some rare descriptions of anal rape. The range of cases involving rape and sexual assault as part of torture had a great degree of variation by number of assaults and number of perpetrators, including: individual assaults by an individual perpetrator against an individual victim on one or more occasions; multiple assaults by multiple perpetrators against an individual on one or more occasions (this includes cases of “gang” rape); and multiple acts of rape or sexual assault by one or more perpetrators against a group of women, such as when a group of soldiers would rape a group of women over the course of an evening in a cell where the women were kept or at another detention location. Only three cases of rape of male victims were uncovered as part of the evidence collection for the Tribunal: two described incidents of anal rape by the insertion of an object; the third involved a man who was forced to rape his wife while they were both being tortured as part of interrogation.⁴¹ The few testimonies that revealed incidents of sexual violence as part of torture against male detainees mostly involved the electrocution, burning or beating of the genitals, as well as forced nakedness.⁴²

Other common acts of torture that were intentionally sexualized included a range of gendered forms of shaming and humiliation. Here, I refer to the very frequent descriptions

by women survivors (and some men) of being stripped either partially or totally naked for any kind of interrogation.⁴³ Other types of humiliation that manipulated gendered forms of shaming included hair-shaving and forced acts that were meant to demean prisoners. This included, for example, women having their hair cut short or shaved entirely, often being told that this was to show how they were “bad women”; and prisoners (male and female) being forced to crawl or beg (often naked) as forms of arbitrary punishment or for the entertainment of interrogators or guards. These acts included both those that constitute torture, given the severity of harm inflicted, and other forms of prohibited ill-treatment. The range of these types of gendered humiliation and shaming was also very wide, the range itself revealing the lengths to which perpetrators went to degrade their victims, often by using techniques that were deliberate in their intent to harm women as women or men as men. These sexualized techniques of control, humiliation and punishment, as can be inferred by the frequency with which they appear in the descriptions given of their treatment in detention by survivors, were a pervasive and fundamental part of the harm inflicted on detainees.⁴⁴

The sum of the evidence presented for the charge of sexual violence as torture manifestly demonstrated that these acts were crimes against humanity and fulfil the elements of crime in the three specific ways. First, these acts were part of a widespread and systematic attack against a civilian population: those who were, or who were perceived to be, members or supporters of the Indonesian Communist Party. Second, these acts of sexualized torture were mostly perpetrated in conditions of extreme coercion, whereby the victims were deprived of their liberty and held in detention illegally, without just cause and without due process, by members of the security services and their proxies. Victims were, by definition, under the control of perpetrators when these criminal acts occurred. Third, these acts of sexualized torture were perpetrated against predominantly women and older girl detainees by members of the security services and their proxies. These acts involved the intentional infliction of severe harm on victims and were carried out systematically against detainees who were held unlawfully because of their alleged communist sympathies. Some men (and potentially older teenage boys) also experienced sexualized torture, particularly as part of other torture acts during interrogations. It is likely that tens of thousands of detainees experienced sexualized torture during detention (most of them women), and these acts were an integral part of the widespread and systematic attack against civilians at this time. These acts were perpetrated against detainees in detention facilities across many regions of Indonesia, against an unknown but very large number of victims.⁴⁵

The evidence on sexual violence prepared for the prosecutor at the International People’s Tribunal for 1965 reflects strongly the research undertaken by the Indonesian women’s rights commission, Komnas Perempuan, a range of human rights organizations as well as academics.⁴⁶ Indeed, part of my task in preparing the evidence brief for the prosecutor was to draw together the findings of much of this research into sexual violence over the past two decades. While the focus of this article is on a particular type of this violence—that is, how sexual violence was also often torture—the broader findings from this body of research highlight its broad-ranging as well as systematic nature. Women and older girls were undeniably the main target of sexualized forms of violence, and those most frequently abused in this way were women members of the PKI and affiliated organizations (in particular, members of the communist-affiliated organization Gerwani) and

women who were relatives of men arrested or killed because of their communist affiliations.

Just as this violence had multiple dimensions, the causes too lie in numerous factors; as with all violence during conflict situations, sexual violence during the 1965–66 killings and in the detention centres involved the interaction of actors at various levels, micro- and macro-level dynamics and a wide range of motivations.⁴⁷ Based on this research over the past two decades, what is clear is that sexual violence in the Indonesian case had multiple causes. It was partly a consequence of the army's virulent misogynous propaganda campaign that posited communist women as sexually dangerous; as researchers including Saskia Wieringa and Steven Drakeley have clearly shown, this propaganda had a profound effect on the violence that followed.⁴⁸ Essentially, the perceived sexual excess of the PKI served to legitimize sexual violence against communist women during the killings and in political detention.⁴⁹ Sexual violence was also sometimes a result of opportunism, particularly in an environment of crimes against humanity in which the likelihood of negative consequences for this behaviour was very low.⁵⁰ In the testimonies of women who survived this violence, on at least some occasions, some men perpetrated sexual violence through opportunity; in particular, cases of "wife-taking," whereby women whose male relatives (usually husbands) were killed or arrested were then forced into new sexual relationships by men in their communities, were examples of opportunistic behaviours.⁵¹

Crucially, sexual violence during 1965–66 was also a means to attack, humiliate and destroy perceived communists and, with clear intent, to harm communist women. Many women who have given testimony about their experiences during this time highlight how sexual violence was used against them because of their perceived communist connections, and that it was a deliberate strategy to harm them.⁵² In this sense, the numerous forms of sexual violence deployed against women and older girls, and some men, were clearly part of an overall strategy to attack an identified civilian population—communists and their supporters—and were therefore crimes against humanity. In the evidence brief presented to the prosecutor, and as the judges of the International People's Tribunal for 1965 agreed, given the widespread and systematic nature of sexual violence committed during this period, and the context in which it was committed, this violence constituted crimes against humanity.⁵³

Two Cases: A Woman's and a Man's Testimonies of Sexualized Torture

To illustrate some of the trends in the evidence of sexual violence as torture as a crime against humanity, I present here small sections of two case files, one about the experiences of a woman, Ibu "E," the other a man, Pak "HB." While the experiences of only two individuals, the testimonies of Ibu E and Pak HB demonstrate some of the forms and uses of sexualized acts of torture discussed in the section above. Ibu E's testimony was collected as part of the research undertaken by the Komnas Perempuan team for their 2007 report into gender violence, Pak HB's as part of the Lontar Foundation's "Historical Memories" project in the early 2000s.⁵⁴ Sections of each transcript from their oral testimonies were translated into English and made part of the case files presented to the Tribunal as sexual violence as torture as crimes against humanity.

The acts of sexualized torture described by the two survivors both occurred while they were detained as political prisoners. Ibu E was held at a military barracks on the outskirts of

Solo, a town in Central Java, and it is unclear in her testimony exactly when these events took place, though from the context she describes, I believe it was early 1966. Pak HB was detained and tortured twice: the first time in 1968, the second in 1972. Pak HB was originally held at a military detention facility in Bogor, West Java, and then later in various detention centres in Jakarta. Ibu E's age at the time is unclear, but she was married with two small children, while Pak HB was in his early thirties, married, and had one small child. Ibu E and her husband were both detained in late 1965 or early 1966 (unclear timing) and both remained in detention until the late 1970s. While they were in detention, their two children were fostered by one of her younger siblings. It is unclear in her testimony whether she or her husband had been members or affiliates of the PKI, though she does make clear that she was accused of being a communist sympathizer. Pak HB, on the other hand, had been an active member of the PKI's youth association, Pemuda Rakyat, and had risen to a position of leadership within that organization in the early 1960s. Pak HB spent time in a number of detention facilities in Jakarta before being sent to the prison camp on Buru Island. While he was on Buru, his wife, who had been raising their child alone, asked for a divorce. Pak HB was finally released in 1978, returned to Java and later remarried.

For both Ibu E and Pak HB, torture began as part of the initial interrogations that were usually conducted shortly after a person was detained. For Ibu E, she recounts that, "One day, I was summoned to go to Solo, the city where I was born, to be questioned. I was not detained in prison, but I was taken to a military barracks" Once she arrived at the barracks, her first interrogations began. Pak HB was fired from his job in mid 1966 during a "screening" operation, that is, when various public services were "cleansed" of PKI elements. After this, he and his wife and child returned to his hometown near the outskirts of Jakarta to live with his parents. It was not until 1968, when the military was carrying out various "clean up" operations of PKI members, that he (and his father) were taken from their home by a group of soldiers to the local municipal government building (*lurah* office). From there, he was transported to an unnamed military facility in the nearby town of Bogor, where he was held for a few months. He managed to "trick" his way out of detention and returned to Jakarta where he "went into hiding," but was caught again in 1972. On that occasion, Pak HB was taken to a military detention centre in Tanah Abang in Central Jakarta.

For both, interrogations happened on multiple occasions: over weeks, I believe, for Ibu E and for over a month for Pak HB during his first and second periods of detention (the second period lasting months and occurring at multiple locations). Pak HB's transcript is much longer and more detailed than Ibu E's, and he provides much more information about the process of these interrogations. For example, Pak HB recounted in part of his testimony, discussing his time at the centre in Tanah Abang:

I was captured, then I was taken to the Tanah Abang task force (*satgas*) [building], and then I was questioned about where my friends were, what their names were, you understand? Then someone would come in and the beatings would start, along with the mental pressure. That's how it was, you know? Then we'd be beaten, and then there would be time for questions, and then more beatings. After resting for a bit, then it would start again, questions, more interrogations and then again and again and again. ... Beaten from behind, from the side, from everywhere. Then they [the interrogators] would need to rest, so we would rest for a bit too. And after that the interrogation would start again ... it wasn't just physical, but mental.⁵⁵

For Ibu E, too, she described various physical forms of torture beginning with interrogations. She recounted: "I was tortured with electric shocks. My arms and feet were tied for three days and three nights, without food or water. I nearly died when they released the rope."⁵⁶ Both Ibu E and Pak HB described how interrogations combined these various forms of physical violence with questioning and other forms of "mental pressure," and that these interrogations happened over extended periods of time.

How perpetrators harmed Ibu E and Pak HB, as with many detainees, varied greatly and incorporated numerous types of physical violence. These ranged from beatings and electric shocks to starvation, dehydration and stress positions used to induce severe muscle aches. For both, perpetrators soon incorporated sexualized forms of torture as part of the deliberate techniques to harm and humiliate them. For Ibu E and Pak HB, this involved anal rape. Both were stripped during their interrogations and sexually assaulted. As Ibu E describes, "Then they repeatedly pushed a piece of wood into my anus, until blood came out. My anus became swollen." Pak HB recounted:

Someone had put two bottles on the table. To, you know, to hit me with them. Then they would have broken, when [I was] hit with them. But they didn't do that. Instead I was ordered to squat down. "Squat," they told me. So I squatted. Squatted. Then, while I was squatting, then he took one of the beer bottles, like this, grabbed it, like this. I was [squatting] like this and the bottle's lid was off, and then he put the beer bottle under me. Like this. "Clench," he told me, so I clenched. I had to sit down onto it. It was pretty clear that there was nothing that I could do.

While anal rape was rarely reported by either male or female survivors, as these two cases show, this form of sexualized torture combined the physical act of sexual assault with an implement with the clear purpose of humiliation and intimidation. Pak HB does not discuss this incident further in his transcript; indeed, he changes topic quickly, and his interviewer does not raise it again. For Ibu E, though, this anal rape was used to injure and degrade her, and was one rape among many. As for many women held in political detention at this time, Ibu E experienced repeated acts of rape perpetrated by male guards and others at these facilities. As she recounted:

I was taken to a military barracks and had to submit to the sexual desires of the many men who were stationed there. Rapes took place day and night. Whoever came into the room where I had been placed would sleep with me. I still remember, once I had to submit to twelve men in one day, until I lost consciousness.⁵⁷

These rapes against predominantly women and older teenage girls in detention facilities were perpetrated both during interrogations and at other times.⁵⁸ The rapes that Ibu E describes in this section of her testimony presumably occurred in her cell/room, though she also makes a reference to rape and sexual assault being perpetrated during her interrogations. Whether occurring in interrogation or otherwise, these acts constitute sexual violence as torture as a crime against humanity. The interrogational setting itself is immaterial; these acts all fulfil the elements of the crime: they caused severe harm to victims, were inflicted for a prohibited purpose, and were intended to form part of a widespread or systematic attack against a civilian population, those being alleged communist supporters.⁵⁹ As shown in the testimonies of Ibu E and Pak HB, as in the many other testimonies that formed part of the evidence before the International People's Tribunal, sexual violence was an integral part of the torture perpetrated against detainees in Indonesia. As

such, these acts of severe violence used against Ibu E and Pak HB and, indeed, against tens of thousands of others during this period, must be understood as a crime against humanity.

Conclusion

The hundreds of testimonies examined for the International People's Tribunal for 1965 provide clear evidence of the systematic and widespread nature of sexual crimes committed as crimes against humanity. From the information provided in the testimonies examined in relation to sexualized forms of torture, clear patterns of this abuse emerged. These patterns, which relate to the types of violence used, by and against whom, fulfil all of the elements of sexual violence as torture as a crime against humanity. As has been established in the international criminal case law, these acts caused severe harm to victims, were committed for varying prohibited purposes, and formed part of the widespread and systematic attack against those deemed to be "communist sympathizers" in the mass violence that followed the 1965 coup.

The International People's Tribunal for 1965, for which these testimonies were analysed and presented as evidence, achieved some of the goals for which it had been established. As a forum to increase awareness domestically and internationally about the state-sponsored human rights abuses committed in the aftermath of the 1965 coup, the Tribunal's work was quite widely reported in Indonesian and international media.⁶⁰ In particular, the Tribunal drew unwanted critical attention to the Indonesian government, and criticism for ongoing impunity for human rights abuses and the lack of political will to resolve past atrocities.⁶¹ In the face of this criticism, some within the current Joko Widodo (Jokowi) administration condemned the Tribunal, rejecting the aims, mandate and findings, including the vice-president, Jusuf Kalla.⁶²

In response to the public hearings in late 2015, the current administration did make the unprecedented move of holding what was called a "national symposium on the 1965 tragedy," which was the first official discussion about the killings. The symposium, held in April 2016, brought together around two hundred people, including cabinet ministers, military and police officials, as well as survivors of the killings and representatives from various human rights organizations.⁶³ Despite a call by the chair, Lieutenant General (Ret) Agus Widjojo, at the start of the symposium for all attendees to speak openly and truthfully, the then Coordinating Minister for Political, Legal and Security Affairs, General (Ret) Luhut Panjaitan, set the tone of the symposium by stating that there would be no apologies from the government for the 1965 killings.⁶⁴ Since this symposium, there have been no further moves by the Jokowi administration to deal with the 1965 case.

Hard-line groups in Indonesia responded to both the Tribunal itself and the government's national symposium with harsh condemnation. In June 2016, a group of right-wing military personnel and hard-line religious leaders held their own symposium-in-response, in which they condemned the 1965 Tribunal and reaffirmed their opposition to opening up old wounds, instead stating that the past should be forgotten and that the nation should instead look towards the future.⁶⁵ Furthermore, some of the Indonesian participants and organizers of the Tribunal were personally targeted for their involvement after they returned to Indonesia; some religious and hard-line groups called for their prosecution, while others claimed that they were traitors to their country and should be charged.⁶⁶

In the year or so since these symposiums, there have been no further developments in Indonesia in dealing with past gross human rights abuses in general, let alone with regard to the 1965 case. As others have observed, in the two decades of “reform” since the end of the New Order regime in 1998, an “impenetrable climate of impunity” for past crimes has been developed and reinforced in Indonesia.⁶⁷ More worryingly still, there are increasing signs that the democratic back-stepping of the past ten years is growing worse;⁶⁸ hard-line religious and conservative groups appear to be on the rise in Indonesia and these groups are more frequently demonstrating their willingness to use violence and intimidation to repress those who oppose their interests, including those who would dig up the past and expose past crimes.⁶⁹ The slide back into militarist, authoritarian rule in Indonesia becomes more likely as time passes under the current administration.

The work of the International People’s Tribunal in uncovering and raising awareness about the crimes committed in 1965–66 grew out of—and was a major achievement for—the strong and vibrant civil society community in Indonesia that resists this culture of impunity. This community, which includes survivors, their advocates, human rights organizations and others, continues their work to uncover past abuses and to demand justice for these crimes.⁷⁰ It is because of the lack of leadership and political will on the part of Indonesia’s oligarchic elites to deal with the past that the Tribunal for the crimes of 1965–66 was held; as an appeal for social recognition and validation of survivors’ experiences and as a demand for an official acknowledgement of the harm done to them, in the hope of some form of restorative justice from the state that persecuted them.

The evidence presented to the Tribunal, too, came from the efforts of this community to document historical crimes, in the form of case files that were based mainly on the oral testimonial data from survivors collected over the past two decades. Through their testimonies, women and men survivors give witness to the gender-based and sexual atrocities committed during this period. More than that, these case files are all based on the testimonies of individual survivors who give witness to the crimes that they, their families, their loved ones and friends endured. Taken together, the testimonies of survivors show that these forms of sexualized violence perpetrated mainly against women and girls across Indonesia were not random; they were deliberate, and they were crimes against humanity.

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Disclosure Statement

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Notes on Contributor

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has edited and co-edited recent special issues on the 1965 massacres in Indonesia for the *Journal of Current Southeast Asian Affairs*, on discourses of stigma and violence for *PORTAL: Journal of Multidisciplinary International Studies*, and on confronting mass atrocities through oral history for the *Oral History Forum d'histoire orale*. Her research interests are Indonesian history, comparative genocide studies, torture, oral history and gendered experiences of violence. Her present research programme involves mapping longitudinal patterns of torture during the New Order (1966–98) in Indonesia.

Notes

1. For a general background on these events, see Robert Cribb, "Genocide in Indonesia, 1965–1966," *Journal of Genocide Research* 3, no. 2 (2001): 219–39. Douglas Kammen and Katharine McGregor, "Introduction: The Contours of Mass Violence in Indonesia, 1965–68," in *The Contours of Mass Violence in Indonesia, 1965–68*, ed. Douglas Kammen and Katharine McGregor (Singapore: NUS Press, 2012), 1–24.
2. On the conditions in these detention centres, see, for example, Amnesty International, *Indonesia: An Amnesty International Report* (London: Amnesty International, 1977); Carmel Budiardjo, "Political Imprisonment in Indonesia," *Bulletin of Concerned Asian Scholars* 6, no. 2 (1974): 20–23; Tapol, *Indonesia: The Prison State* (London: Tapol, 1976).
3. These public hearings for the International People's Tribunal for 1965 were held 10–13 November 2015 at the Nieuwe Kerk, in The Hague, the Netherlands. The judgement was handed down on 20 July 2016. For information about the Tribunal, as well as a video on the judgement, see <http://tribunal1965.org>.
4. For an overview of these research reports, see IPT 1965 Foundation, *Final Report of the IPT 1965: Findings and Documents of the International People's Tribunal on Crimes against Humanity Indonesia 1965* (The Hague/Jakarta: IPT 1965 Foundation, 20 July 2016). This report, prepared by the judges, was released on 20 July 2016 and is available online at www.tribunal1965.org/final-report-of-the-ipt-1965/ (accessed September 22, 2016). Included in these evidence briefs for the prosecutor were reports on murders, forced disappearances, exiles, propaganda and incitement, torture, enslavement and forced labour, among others.
5. Annie Pohlman, "Evidence Brief on Sexual Violence," report for the prosecutor, International People's Tribunal on Crimes against Humanity, Indonesia 1965 (The Hague: IPT 1965 Foundation, October 2015), unpublished.
6. For publications from some of these oral history-based projects that have focused on women's experiences and sexual violence, see Komnas Perempuan, *Gender-Based Crimes against Humanity* (Jakarta: Komnas Perempuan, 2007); Mery Kolimon and Liliya Wetangterah, eds., *Memori-Memori Terlarang: Perempuan Korban dan Penyintas Tragedi 65 di Nusa Tenggara Timur* [Forbidden Memories: Women Victims and Survivors of the '65 Tragedy in East Nusa Tenggara] (Kupang: Yayasan Bonet Pinggupir, 2012); Josepha Sukartiningsih, "Ketika perempuan menjadi tapol" [When Women Became Political Prisoners], in *Tahun yang tak pernah berakhir: memahami pengalaman korban '65* [The Year that Never Ended: Understanding the Experiences of '65 Victims], ed. John Roosa, Ayu Ratih and Hilmar Farid (Jakarta: ELSAM, TRuK and ISSI, 2004), 87–112; and Annie Pohlman, *Women, Sexual Violence and the Indonesian Killings of 1965–1966* (London: Routledge, 2015). Oral history testimony materials from these sources were included in the evidence prepared for the prosecutor of the International People's Tribunal for 1965.
7. See Douglas Kammen and Faizah Zakaria, "Detention in Mass Violence: Policy and Practice in Indonesia, 1965–1968," *Critical Asian Studies* 44, no. 3 (2012): 441–66.
8. See Komnas Perempuan, *Gender-Based Crimes against Humanity*, 116–33; Anna Mariana, *Perbudakan seksual: perbandingan antara masa fasisme Jepang dan neofasisme Orde Baru* [Sexual Enslavement: A Comparison between the Japanese Fascist Era and the New Order's Neofascism] (Tangerang: Marjin Kiri, 2015), 115–63; Pohlman, *Women, Sexual Violence*, 153–68.
9. No differentiation is made between sexual violence as torture or as ill-treatment. Both are prohibited in international human rights law, international humanitarian and international

- criminal law. There have, however, been different interpretations of what constitutes prohibited ill-treatment. See Steven Dewulf, *The Signature of Evil: (Re)Defining Torture in International Law* (Cambridge: Intersentia, 2011), 60–69.
10. On how torture is defined in these different areas, see Dewulf, *The Signature of Evil*, 44–46.
 11. See Sarah Fulton, *Redress for Rape: Using International Jurisprudence on Rape as a Form of Torture or Other Ill-Treatment* (London: REDRESS, 2013), 45–55.
 12. See International Criminal Court, *Elements of Crimes* (The Hague: ICC, 2011), ICC-PIDS-LT-03-002/11_Eng; Un Doc. PCNICC/2000/1/Add.2 (adopted 30 June 2000), pursuant to Article 7 (1)(f) of the Rome Statute regarding torture as a crime against humanity.
 13. UN Preparatory Commission for the International Criminal Court, *Report of the Preparatory Commission for the International Criminal Court, Finalized Draft Text of the Elements of Crimes*, UN Doc. PCNICC/2000/1/Add.2 (2000).
 14. See IPT 1965 Foundation, *Final Report*, 79.
 15. International Criminal Court, *Elements of Crimes*. It should be noted that the definition of torture in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) is slightly different from the definition of torture as a crime against humanity (in the EoC), particularly in regard to the requirement that the act is perpetrated “by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” See Manfred Nowark and Elizabeth McArthur, *The United Nations Convention against Torture: A Commentary* (Oxford: Oxford University Press, 2008), 28.
 16. *Prosecutor v. Jean-Paul Akayesu* (1998), ICTR-96-4-T, Trial Chamber Judgement, 2 September 1998, at para. 597.
 17. See *Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković* (2001), ICTY-IT-96-23-T & IT-96-23/1-T, Trial Chamber Judgment, 22 February 2001, at para. 495. These rapes were also found to be war crimes (as rape and as torture). For discussion on the arguments, see Anne-Marie L. M. de Brouwer, *Supranational Criminal Prosecution of Sexual Violence: The ICC and the Practice of the ICTY and the ICTR* (Antwerp: Intersentia, 2005), 97–98.
 18. See *Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković* (2001), ICTY-IT-96-23-T & IT-96-23/1-T, Appeals Chamber Judgement, at paras. 149–50.
 19. See *ibid.*, paras. 592 and 588.
 20. On this, see, for example, Alona Hagay-Frey, *Sex and Gender Crimes in the New International Law: Past, Present, Future* (Leiden: Martinus Nijhoff, 2011), 114–21.
 21. See *Prosecutor v. Miroslav Kvočka, Dragoljub Prcać, Milojica Kos, Mlađo Radić and Zoran Žigić* (2001), ICTY-IT-98-30/1-T, Trial Chamber Judgment, 2 November 2001; *Prosecutor v. Blagoje Simić, Miroslav Tadić and Simo Zarić* (2003), ICTY-IT-95-9-T, Trial Chamber Judgement, 17 October 2003; *Prosecutor v. Radoslav Brđanin* (2004), ICTY-IT-99-36-T, Trial Chamber Judgement, 1 September 2004; *Prosecutor v. Laurent Semanza* (2003), ICTR-97-20-T, Trial Chamber Judgement, 15 May 2003.
 22. See Annie Pohlman, “A Year of Truth and the Possibilities for Reconciliation in Indonesia,” *Genocide Studies and Prevention* 10, no. 1 (2016): 60–78.
 23. See the International Centre for Transitional Justice (ICTJ) and the Commission for Disappeared Persons and Victims of Violence (KontraS), *Derailed: Transitional Justice in Indonesia since the Fall of Soeharto—a Joint Report by ICTJ and KontraS* (Jakarta: ICTJ and KontraS, 2011); and Sri Lestari Wahyuningroem, “Seducing for Truth and Justice: Civil Society Initiatives for the 1965 Mass Violence in Indonesia,” *Journal of Current Southeast Asian Affairs* 32, no. 3 (2013): 115–42.
 24. For a summary of the counts and the evidence presented to the Tribunal for each, see Silke Studzinsky, “Closing Statement by the Prosecutors,” The International People’s Tribunal for 1965, The Hague, November 13, 2015, <http://tribunal1965.org/1965-tribunal-hearings-closing-statement-prosecutors/> (accessed November 16, 2015). As a people’s tribunal, the state, rather than individual perpetrators, was indicted. A discussion on the purpose of people’s tribunals, their powers and jurisdiction is beyond the purview of this article, but see Christine Chinkin, “People’s Tribunals: Legitimate or Rough Justice?” *Windsor Yearbook*

- of *Access to Justice* 24, no. 2 (2006): 201–20; and Craig Borowiak, “The World Tribunal on Iraq: Citizens’ Tribunals and the Struggle for Accountability,” *New Political Science* 30, no. 2 (2008): 161–86.
25. On some of these groups, see Documentation, “Reports by Human Rights and Victim Advocacy Organizations in Indonesia: Reconciling the Violence of 1965,” *Journal of Current Southeast Asia Affairs* 32, no. 3 (2013): 143–65. Some of the outputs from these various projects include KontraS, *Menyusun puzzle pelanggaran HAM 1965: sebuah upaya pendokumentasian* [Working Out the Puzzle of Human Rights Violations in 1965: An Effort at Documentation] (Jakarta: KontraS, 2012); Roosa, Ratih and Farid, *Tahun yang tak pernah berakhir*; and Haryo Sasongko and Melani Budianta, eds., *Menembus tirai asap: kesaksian tahanan politik 1965* [Piercing the Smoke Screen: Testimonies by 1965 Political Prisoners] (Jakarta: Amanah Foundation, 2003).
 26. Only the Komnas Perempuan report is publicly available: Komnas Perempuan, *Gender-Based Crimes against Humanity*. The 2012 report produced by Komnas HAM has remained confidential. Only the executive summary has been officially released: *The Report of Komnas HAM Regarding the pro justitia Investigation into Serious Human Rights Violations Related to the Events of 1965/6* (Jakarta: Komnas HAM, 23 July 2012).
 27. The main source documents used for the sexual violence evidence were the materials collected by Komnas Perempuan during their investigation into gender-based violence in the early 2000s, the oral testimonies collected by the Lontar Foundation’s “Historical Memories” project and the Indonesian Institute for Social History’s materials, in addition to some of my own interview data, collected since 2002. Of these testimonies, not all were converted into case files due to time constraints. Fifty-eight were prepared on torture cases. Note that there were more than one hundred other testimonies that included discussion of torture, but were not included in the fifty-eight cases because of time constraints and because they contained less detailed information about specific acts of torture.
 28. On the incompatibilities of the two, and related issues, see Stevan Weine, *Testimony after Catastrophe: Narrating the Traumas of Political Violence* (Evanston, IL: Northwestern University Press, 2006).
 29. On these oral historical projects and their political claims, see Pohlman, “A Year of Truth.” On oral historical testimonial genres and their claims to truth-telling, see also Kay Schaffer and Sidonie Smith, “Conjunctions: Life Narratives in the Field of Human Rights,” *Biography* 27, no. 1 (2004): 1–24; and Yvonne S. Unnold, *Representing the Unrepresentable: Literature of Trauma under Pinochet in Chile* (New York: Peter Land, 2002).
 30. On this genre of life testimony as a human rights genre, as opposed to its use as legal evidence, see Anne Cubilié, *Women Witnessing Terror: Testimony and the Cultural Politics of Human Rights* (New York: Fordham University Press, 2005).
 31. For a discussion on these linguistic and pragmatic strategies frequently employed by survivors to talk about sexual assault during the 1965 violence, see Annie Pohlman, “Testimonio and Telling Women’s Narratives of Genocide, Torture and Political Imprisonment in Post-Suharto Indonesia,” *Life Writing* 5, no. 1 (2008): 47–60.
 32. See Pohlman, “Evidence Brief on Sexual Violence.” I would like to acknowledge the advice given by Silke Studzinsky on the charges while preparing this document, as well as Cassandra McConaghy and Nikola Care from the University of Queensland Pro Bono Centre for their kind assistance in the preparation of a guide to preparing evidence of crimes against humanity.
 33. This does not preclude the occurrence of sexual violence being used as torture against child victims, only that no cases were presented in the evidence for the People’s Tribunal. There are known cases of child victims of torture in Indonesia at this time; see Annie Pohlman, “Child-Raising, Childbirth and Abortion in extremis: Women’s Stories of Caring for and Losing Children during the Violence of 1965–1966 in Indonesia,” *Journal of Current Southeast Asian Affairs* 32, no. 3 (2013): 99–104.
 34. This case is discussed in Komnas Perempuan, *Gender-Based Crimes against Humanity*, 100–101.
 35. Research on single or multiple assailant rape of male victims is limited, most of it in the area of social-psychological research into homosocial bonding, depersonalization of victims, peer

- pressure and forms of hyper-masculinization of perpetrators. For a review of some of this literature, see, for example, Karen Franklin, "Enacting Masculinity: Antigay Violence and Group Rape as Participatory Theater," *Sexuality Research and Social Policy* 1, no. 2 (2004): 25–40. While not directly related, there is also a growing body of literature on sexual assault in mass incarceration, most of it from the US, which also examines similar themes. See, for example, Cindy Struckman-Johnson and Dave Struckman-Johnson, "Stopping Prison Rape: The Evolution of Standards Recommended by PREA's National Prison Rape Elimination Commission," *The Prison Journal* 93, no. 3 (2013): 335–54; and Jese Lee Jackson, "Sexual Necropolitics and Prison Rape Elimination," *Signs* 39, no. 1 (2013): 197–220.
36. See Tapol, *Indonesia*, 1–9; Amnesty International, *Indonesia*, 75–7; Kammen and Zakaria, "Detention in Mass Violence."
 37. On the Trisula operation, for example, in South Blitar in 1968, see André Liem, "Perjuangan bersenjata PKI di Blitar selatan dan Operasi Trisula" [The PKI Armed Conflict in South Blitar and the Trisula Operation], in Roosa, Ratih and Farid, *Tahun yang tak pernah berakhir*, 163–201; and Vanessa Hearman, "Guerrillas, Guns, and Knives? Debating Insurgency in South Blitar, East Java, 1967–68," *Indonesia*, 89 (2010): 61–91.
 38. See, for example, Greg Fealy, *The Release of Indonesia's Political Prisoners: Domestic versus Foreign Policy, 1975–1979* (Clayton, Vic.: Centre for Southeast Asian Studies, 1995), appendix; and Justus M. van der Kroef, "Indonesia's Political Prisoners," *Pacific Affairs* 49, no. 4 (1976–77): 625–30.
 39. Elsewhere, I have discussed general trends in the timing of sexual violence incidents, and offered some explanations for the general decrease in frequency of these incidents over time. See Pohlman, *Women, Sexual Violence*, 79–82.
 40. On types of torture frequently used during this period, see, for example, Margiyono and K. T. Yunanto, *Neraka rezim Soeharto: misteri tempat penyiksaan Orde Baru* [The Soeharto Regime's Hell: The New Order's Mysterious Torture Centres] (Jakarta: Spasi and VHR Books); Pohlman, *Women, Sexual Violence*, 49–61.
 41. This third case can be found in Komnas Perempuan, *Gender-Based Crimes against Humanity*, 95–96.
 42. Reporting of sexual violence by male victims is rare, with numerous factors attributed to this under-reporting. See, for example, Sandesh Sivakumaran, "Sexual Violence against Men in Armed Conflict," *European Journal of International Law* 18, no. 2 (2007): 253–76; and Pauline Oosterhoff, Prisca Zwanikken and Evert Ketting, "Sexual Torture of Men in Croatia and Other Conflict Situations: An Open Secret," *Reproductive Health Matters* 12, no. 23 (2004): 68–77.
 43. On the frequent descriptions by women survivors of having been strip-searched for alleged physical "communist marks," sometimes called "cap PKI," see Pohlman, *Women, Sexual Violence*, 141–52.
 44. This range and the number of cases are too numerous to address in the confines of this article. For a longer discussion, see Pohlman, *Women, Sexual Violence*, 90, 130–41.
 45. There is no way of knowing how many women and girls (or, indeed, men and boys) were detained following the coup. The total detainee population was probably between one million and one-and-a-half million; see Fealy, *The Release of Indonesia's Political Prisoners*, appendix. Based on my own research since 2002 with mainly women survivors, I estimate that women and girls made up no more than fifteen per cent of the total detainee population. From the oral testimonies of male and female survivors, torture and ill-treatment were very common, and it seems that most people experienced this violence. John Roosa estimates that hundreds of thousands likely experienced torture; see Roosa, "The Truths of Torture," 32. In terms of sexualized forms of torture, again based on my own research, and on the findings of other reports that have focused on sexual and gender-based violence, I think it is reasonable to conclude that the majority of women detained experienced this violence. See Komnas Perempuan, *Gender-Based Crimes against Humanity*; Kolimon and Wetangterah, *Memori-memori terlarang*; Sukartiningih, "Ketika perempuan menjadi tapol"; and Pohlman, *Women, Sexual Violence*, 47–62.

46. See note 27, above, for some of the published materials on this topic. For the evidence brief, I also drew on the extensive collection of oral histories collected by human rights organizations, including: the Lontar Foundation in the early 2000s; the Indonesian Institute of Social History (Institut Sejarah Sosial Indonesia, ISSI) in the early 2000s; and some from the Foundation for the Research on the 1965/1966 Massacre (Yayasan Penelitian Korban Pembunuhan 1965/1966, YPKP), who began their work in the late 1990s.
47. On the multi-causality of violence during conflict, see, for example, Stathis N. Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006); and specifically on sexual violence during mass atrocities, see, for example, Nicola Henry, Tony Ward and Matt Hirshberg, "A Multifactorial Model of Wartime Rape," *Aggression and Violent Behaviour* 9, no. 5 (2004): 535–62.
48. Saskia E. Wieringa, *Sexual Politics in Indonesia* (New York: Palgrave, 2002); and Steven Drakeley, "Lubang buaya: Myth, Misogyny and Massacre," *Nebula* 4, no. 4 (2007): 11–35. See also Annie Pohlman, "The Spectre of Communist Women, Sexual Violence and Citizenship in Indonesia," *Sexualities* 20, no 1 (2016): 196–211.
49. See Pohlman, *Women, Sexual Violence*; and Pohlman, "The Spectre of Communist Women."
50. This is a highly controversial area in the research on sexual violence. See, for example, Tony Ward and Stephen M. Hudson, "The Construction and Development of Theory in the Sexual Offending Area: A Metatheoretical Framework," *Sexual Abuse: A Journal of Research and Treatment* 10, no. 1 (1998): 47–63.
51. See Pohlman, *Women, Sexual Violence*, 65–7, 164–7.
52. In their 2007 report, Komnas Perempuan argued that there was clear evidence of sexual violence being used as intentional and strategic violence in 1965 (see Komnas Perempuan, *Gender-Based Crimes against Humanity*, 167–75). See also Pohlman, *Women, Sexual Violence*, 74–77.
53. IPT 1965 Foundation, *Final Report*, 51.
54. For sections of Ibu E's testimony, see Komnas Perempuan, *Gender-Based Crimes against Humanity*, 97, 99 and 157–58. Note that this report reproduces only segments of Ibu E's testimony; the full transcript was unavailable. The full transcript of Pak HB's testimony was consulted during my evidence preparation and is held by the Lontar Foundation in their "Historical Memories" files. The transcript does not note when or where the interview was conducted, only that the interviewer was Putu Oka Sukanta.
55. Transcript of interview with Pak HB, Lontar Foundation.
56. This section of Ibu E's transcript is in Komnas Perempuan, *Gender-Based Crimes against Humanity*, 99.
57. Komnas Perempuan, *Gender-Based Crimes against Humanity*, 97.
58. Many women whom I interviewed as part of my own research, for example, described their fear of the night during their time in detention; not fear of the night itself, but that night-time would mean they would be "visited" or "called" or "borrowed," all meaning rape or other forced sexual acts, particularly with their guards. See Pohlman, *Women, Sexual Violence*, 81–82.
59. On establishing these elements, see Fulton, *Redress for Rape*, 45–48.
60. See, for example, Samantha Hawley, "Australia, UK, US All Complicit in Indonesian 1965 Massacres, International Judges Say," ABC News, July 21, 2016, www.abc.net.au/news/2016-07-21/1965-indonesian-mass-killings-were-crimes-against-humanity/7647274 (accessed June 2, 2017); Juliet Perry, "Tribunal Finds Indonesia Guilty of 1965 Genocide; US, UK Complicit," CNN, July 22, 2016, <http://edition.cnn.com/2016/07/21/asia/indonesia-genocide-panel/index.html> (accessed June 2, 2017); Farid Assifa, "Pengadilan rakyat di Den Haag berupaya ungkap peristiwa 1965" [People's Tribunal in The Hague Tries to Uncover the 1965 Event], Kompas.com, November 10, 2015, <http://internasional.kompas.com/read/2015/11/10/19144371/Pengadilan.Rakyat.di.Den.Haag.Berupaya.Ungkap.Peristiwa.1965> (accessed June 2, 2017).
61. See Katharine McGregor and Jemma Purdey, "Indonesia Takes a Small but Critical Step toward Reconciliation," Indonesia at Melbourne, April 26, 2016, <http://indonesiaatmelbourne.unimelb>.

- edu.au/indonesia-takes-a-small-but-critical-step-toward-reconciliation (accessed June 2, 2017).
62. See Noor Aspasia Hasibuan, "Jusuf Kalla soal siding rakyat 1965: itu pengadilan semu" [Jusuf Kalla on the 1965 People's Tribunal: It's a False Court], CNN Indonesia, November 11, 2015, <http://www.cnnindonesia.com/nasional/20151111181158-20-91088/jusuf-kalla-soal-sidang-rakyat-1965-itu-pengadilan-semu/> (accessed June 2, 2017).
 63. Yenni Kwok, "There Were no Apologies at Indonesia's First Hearing into the Savage Killings of 1965," *Time*, April 19, 2016, <http://time.com/4298769/indonesia-national-symposium-1965-killings> (accessed June 2, 2017).
 64. Ariel Heryanto, "Massacre, Memory and the Wounds of 1965," *New Mandala*, May 2, 2016, <http://www.newmandala.org/massacre-memory-and-the-wounds-of-1965/> (accessed June 3, 2017); Benjamin Soloway, "After 50 Years of Denial, Indonesia Take Shaky Steps Toward Historical Reckoning," *Foreign Policy*, April 29, 2016, <http://foreignpolicy.com/2016/04/29/after-50-years-of-denial-indonesia-takes-shaky-steps-toward-historical-reckoning/> (accessed June 3, 2017).
 65. See Prima Gumilang, "Rekomendasi symposium 'Anti-PKI': lupakan masa lalu" [The "Anti-PKI" Symposium's Recommendation: Forget the Past], CNN Indonesia, June 2, 2016, <http://www.cnnindonesia.com/nasional/20160602182958-20-135446/rekomendasi-simposium-anti-pki-lupakan-masa-lalu/> (accessed June 3, 2017).
 66. Members of Nahdlatul Ulama (Indonesia's largest Muslim organization), Pemuda Pancasila (a large militia organization) and the Prosperous Justice Party (PKS) were among those calling for prosecutions. See Katharine McGregor and Jemma Purdey, "Indonesia on Trial: Rights Activists Face Backlash," *Indonesia at Melbourne*, December 18, 2015, <http://indonesiaatmelbourne.unimelb.edu.au/international-peoples-tribunal-activists-face-backlash/> (accessed June 3, 2017).
 67. Budi Hernawan and Pat Walsh, *Inconvenient Truths: The Fate of the Chega! and Per Memoriam Ad Spem Reports on Timor-Leste* (Jakarta: Asia Justice and Rights, 2015), 3.
 68. On this back-stepping, see Edward Aspinall, "The Irony of Success," *Journal of Democracy* 21, no. 2 (2010): 20–34.
 69. See, for example, Eve Warburton, "Jokowi and the New Developmentalism," *Bulletin of Indonesian Economic Studies* 52, no. 3 (2016): 297–320; Phelim Kine, "Indonesian President Jokowi's 'Democracy Problem,'" Human Rights Watch, February 23, 2017, www.hrw.org/news/2017/02/23/indonesian-president-jokowis-democracy-problem (accessed June 4, 2017).
 70. See note 27, above. See also Pohlman, "A Year of Truth," 64–65.