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## U.S. Covert Actions in the Indonesian Genocide: the International Criminal Court

Mia C. Rabkin  
*Binghamton University*, [mrabkin1@binghamton.edu](mailto:mrabkin1@binghamton.edu)

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## US Covert Actions in the Indonesian Genocide: International Criminal Court

### Abstract:

After the Korean War in 1950, the Cold War expanded to Asia transitioning from purely economic aid in Europe from the Marshall Plan, to direct military intervention then to covert military operations under the Eisenhower Administration in Indonesia. The focus of this research is on the United States military intervention through covert military operations from 1950-66 and details the evolution of foreign policy in Indonesia from economic aid to supplying names of PKI insurgents to be slaughtered. With the general research questions of how did CIA interference through covert military operations in Indonesia highlight a shift in CIA intervention from economic aid through the Marshall Plan to infiltrating regimes and massacring civilians ? Why is it that the major powers are rarely prosecuted for crimes against humanity, war crimes and, genocide under the International Criminal Court and rarely face any consequences? From, 1953-1958 the United States intervention in Indonesia took on a new form, of infiltrating the PKI party through the CIA and then began to form “civic action” missions through training opposition troops in 1957, the US trained Suharto assist in turning the Indonesian army to a counter insurgency unit independent off Sukarno led state, through establishing SESKOAD civic action training centers run by the CIA that became the training grounds utilized for the political takeover of General Suharto. In 1962 the United States began covert military operations to Indonesia and drastically increased its MAP to the region, and four months before the coup de atat two large trade deals took place, these weapons and communication systems were used in the communist purge amounting to war crimes, crimes against humanity and assistance in genocide and these trade deals would also benefit Suharto’s business partners until 1966. Due to the anarchy of the international world system, and the lack of enforcement from the ICC the United States will not be held accountable for war crimes, crimes against humanity and, genocide.

**Keywords: The International Criminal Court, Covert Military Actions, Genocide, Cold War Foreign Policy in Asia, War Crimes, Crimes Against Humanity, Regime Change**

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The focus of this paper is on the United States covert military actions under the guise of containment in the context of the Cold War, and highlights the shift in policy from purely economic aid to aggressive military intervention in Asia through CIA covert action operations, assisting in staging coup and, ultimately genocide in Indonesia. Specifically during the Cold War the CIA implemented a containment policy through interfering in 3rd world elections, staging

coup d'etats to install leaders sympathetic to US strategic national interests. The containment policy was used as justification for the United States government to carefully infiltrate the Sukarno regime and then, assist the Suharto regime militarily in committing crimes against humanity and ultimately being complicit in genocide. In order to be more digestible, there are three distinct parts with the first section focusing on the background of the United States intervention in Asia which covers the start of the Cold War in Europe with the introduction of the Marshall Plan in 1949 delivering economic aid to Europe and the ideology of McCarthyism domestically fueled the United States Cold War Foreign Policy of “making the world safe for democracy”. In the second section, the shift from economic aid to proxy wars and covert military operations is seen with the start of the Korean War in 1950 and military intervention in Indonesia starting in 1950-1966<sup>1</sup>. Intervention in Indonesia started off as economic aid under President Eisenhower and was transformed into CIA infiltrating all levels of Indonesian society, transforming the Indonesian military into a para-state, and through trade deals committing war crimes and subsequently genocide through supplying 5,000 names. The third section explores and defines the nature of these crimes under international law while explaining the enforcement problem of the International Criminal Court, which causes major powers such as the United States to never be held responsible for war crimes, crimes against humanity, genocide ect.

### **Section 1: Background to US intervention in Asia: The Marshall Plan and McCarthyism**

In the 1940s the United Nations adopted the term 1st, 2nd and, then 3rd world to refer to nations and their levels of development, during the 1940s Europe was decimated economically and was losing its grip on its' third world colonies leading to subsequent decolonization in the

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<sup>1</sup> Kim, Jaechun. “U.S. Covert Action in Indonesia in the 1960s: Assessing the Motives and Consequences.” *Journal of International and Area Studies*, vol. 9, no. 2, Institute of International Affairs, Graduate School of International Studies, Seoul National University, 2002, pp. 63–85

1950s. To ensure Europe would be able to recover financially and be “safe for democracy”<sup>2</sup> the US instituted the Marshall Plan, and started the philosophy of utilizing aid to influence other countries political decisions. In the 1940s there was a new world order with the United States emerging as a superpower alongside the Soviet Union, and in the same tier as these superpowers were capitalist democratic countries<sup>3</sup> being defined as first world countries, with the second world referring to the communist bloc of eastern europe, and third world countries being old colonial possessions primarily in Latin America, and Asia<sup>4</sup>. During the 1940s/50s the third world nations were being decolonized and were faced with the decision of entering the capitalist world system as a democracy or industrializing through the soviet model of communism. During the 1940s the ideology of containment came from the idea that Western Europe had to be sealed off from the communist bloc of Eastern Europe, which was reiterated in the Truman Doctrine before being adopted into an actual policy through the Marshall Plan in 1948<sup>5</sup>. The Marshall Plan was devised to keep Western Europe out of the USSR’s sphere of influence through economically tying them to the United States through \$15 billion dollars worth of aid given to rebuild their countries along with decreasing trade regulations in hopes of fostering trade and keeping these nations non-communist<sup>5</sup>. In 1949 the policy of containment changed with China falling to communism and then, the USSR dropping an atomic bomb in Kazakhstan. After China fell to

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<sup>2</sup> MICHAEL WINES Special to The New York Times. "C.I.A. Tie Asserted in Indonesia Purge: Officials Deny that there was a U.S. Plan to Provide Targets." *New York Times (1923-)*, Jul 12, 1990, pp. 1. *ProQuest.org*.

<sup>3</sup> Blum, William. *Killing Hope : U.S. Military and CIA Interventions since World War II*. Monroe, Me. :Common Courage Press, 2004.

<sup>4</sup> Kim, Jaechun. "U.S. Covert Action in Indonesia in the 1960s: Assessing the Motives and Consequences." *Journal of International and Area Studies*, vol. 9, no. 2, Institute of International Affairs, Graduate School of International Studies, Seoul National University, 2002, pp. 63–85

<sup>5</sup> Scott, Peter Dale. "The United States and the Overthrow of Sukarno, 1965-1967." *Pacific Affairs*, vol. 58, no. 2, Pacific Affairs, University of British Columbia, 1985, pp. 239–64, <https://doi.org/10.2307/2758262>.

communism the Cold War began to take root in Asia, with the formation of the Korean war in 1950 and France losing its grip on Japan in 1945<sup>6</sup>.

During 1947-54 the ideology of Mccarthyism was alive and well within the United States and was evident in its foreign policy especially in the start of militarization of the Cold War through engaging in proxy wars such as the Korean/Vietnam Wars while, utilizing the same economic incentive to nations across Asia to resist communism which transitioned into military aid and intevrention in Indoneisa, ending in genocide. Mccarthyism was a term coined after US Senator Joseph McCarthy who led a campaign during the start of the Cold War citing that communists had infiltrated the United States government with no evidence and led to dozens of individuals losing their jobs and, being blacklisted even though they didn't belong to the communist party<sup>7</sup>. McCarythesim was part of the larger national "red scare" in the United States which was driven largely by fear that we had to rid our nation of an un-American enemy that had infiltrated our media and governance attempting to get rid of American values aka democracy. Through the tense domestic political climate at home fueled by the Cold War, a new dimension to the Cold War emerged with the Korean War becoming a proxy war in 1950 with the United States militarily backing South Korea, who was fighting against the communist North backed by China<sup>8</sup>. The Korean War is representative of the shift from the purely economic aid driven policy of the Marshall plan to militarization, through fighting proxy wars in third world nations in hopes of installing governments sympathetic to US interests such as oil, foreign markets in key regional locations all in an effort to curb the Soviet expansionism of communism. Domestically the shift to militarization was pushed under NSC-68 which called for the Truman administration to start

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<sup>6</sup> Blum, William, and William Blum. *Killing Hope: US Military and CIA Interventions since World War II*. Zed Books, 2014.

<sup>7</sup> Roosa, John. *Pretext for Mass Murder : The September 30th Movement and Suharto's Coup d'Etat in Indonesia*, University of Wisconsin Press, 2006. *ProQuest Ebook Central*, <https://ebookcentral.proquest.com/lib/binghamton/detail.action?docID=3444860>.

building up Nuclear weapons along with the military intervention, after the USSR developed an atomic bomb<sup>8</sup>. Now that the cold war had spread to Asia, the economic aid incentive was now applicable in the form of NSC-86 which provided economic aid to any country resisting communism<sup>9</sup>. This aid was first spread to Japan in East Asia, the United States hoped if they built up as an industrial power within East Asia, that it would provide them with key trade routes and keep Indochina and Indonesia from falling into communism.<sup>10</sup>

## **Section 2: US Intervention in Indonesia**

Overall, the Korean and Vietnam Wars were anomalies within the Cold War as the United States used its military troops in direct combat and once this proved too costly, under President Eisenhower intervening through covert military operations through the CIA to evade public discontentment became the norm. This shift of covert military operations was first used in Indonesia in 1953 in the form of infiltrating the PKI party, all of the military activity besides the Korean and Vietnam war didn't involve US troops in frontline combat. However for the Korean war the United States drafted 1.5 million men, and in Vietnam over 1.8 million men were drafted<sup>11</sup>. Despite the ideology of McCarthyism there was public pushback against the drafts, and after the deaths of 40,000 American troops in Korea and 58,220 men in Vietnam<sup>12</sup>. This public pushback was from Congress and the general public in the Eisenhower administration and served as an external constraint, with Congress not wanting to fund military operations in Indonesia

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<sup>8</sup> Pieper, Moritz A. "Containment and the Cold War: Reexamining the Doctrine of Containment as a Grand Strategy Driving US Cold War Interventions." *Inquiries Journal/Student Pulse* 4.08 (2012).

<<http://www.inquiriesjournal.com/a?id=672>>

<sup>9</sup> IBID

<sup>10</sup> Roosa, John. *Pretext for Mass Murder : The September 30th Movement and Suharto's Coup d'Etat in Indonesia*, University of Wisconsin Press, 2006. *ProQuest Ebook Central*, <https://ebookcentral.proquest.com/lib/binghamton/detail.action?docID=3444860>.

<sup>11</sup> See source 8

<sup>12</sup> Scott, Peter Dale. "The United States and the Overthrow of Sukarno, 1965-1967." *Pacific Affairs*, vol. 58, no. 2, Pacific Affairs, University of British Columbia, 1985, pp. 239–64, <https://doi.org/10.2307/2758262>.

because they didn't want to lose the support of their constituents<sup>13</sup>. Indonesia had an immense supply of oil and natural resources useful to the United States but after it became independent it was run by President Sukarno who was backed by the largest communist party in the world the PKI<sup>14</sup>. Starting in 1953, under the Eisenhower administration we began to increase our military aid to the NSC 117/1<sup>15</sup> and economic aid to the PSI and Masjumi Muslim who were the opposing political parties without congressional approval. Through supplying millions of aid to opposing parties we hoped to influence the future elections<sup>16</sup>.

From 1953-1958 the United States intervention in Indonesia took on a new form, of infiltrating the PKI party through the CIA and then began to form "civic action" missions through training opposition troops in support of the 1957 regional rebellions attempting to overthrow the Sukarno led government. In 1950 the first documented form of military aid to the Indonesian military took place in the form of 5 million dollars to be used to supply arms for 20,000 troops under the MSA act<sup>17</sup>. Up until 1953 US military aid to Indonesia wasn't under a formal trade agreement and once it was formalized the United States was asked over its first permanent training center of roughly 1,000 troops and this was at the request of the Dutch who were leaving the region. While they did not take over this training center due to political opposition, there was the start of an agreement where 20 or so military officers from Indonesia

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<sup>13</sup> "UNITED STATES OBJECTIVES AND COURSES OF ACTION WITH RESPECT TO SOUTHEAST ASIA." *US, National Security Council, NSC 5405, "United States Objectives and Courses of Action with Respect to Southeast Asia," 16 January 1954*, US, National Security Council, <https://www.mtholyoke.edu/acad/intrel/pentagon/doc20.htm>.

<sup>14</sup> U.S. Embassy Tracked Indonesia Mass Murder 1965." *U.S. Embassy Tracked Indonesia Mass Murder 1965 | National Security Archive*, 8 June 1965, <https://nsarchive.gwu.edu/briefing-book/indonesia/2017-10-17/indonesia-mass-murder-1965-us-embassy-files>.

<sup>15</sup> *IBID.*

<sup>16</sup> : See *U.S. Embassy Tracked Indonesia Mass Murder 1965 | National Security Archive Docs. 79-87* for the entire 1972 transcript.

<sup>17</sup> "UNITED STATES OBJECTIVES AND COURSES OF ACTION WITH RESPECT TO SOUTHEAST ASIA." *US, National Security Council, NSC 5405, "United States Objectives and Courses of Action with Respect to Southeast Asia," 16 January 1954*, US, National Security Council, <https://www.mtholyoke.edu/acad/intrel/pentagon/doc20.htm>.

were allowed to come over to the states and become educated in US military bases<sup>18</sup>. One of these graduates was Yani who would lead the coup against President Sukarno in 1965<sup>19</sup>. These graduates would go on to implement US style military education in Indonesian training centers. In 1957 once regional rebellions sprung up around Indonesia led by PRRI Dan Permesta rebels who were rising up against the Sukarno regime who had recently declared martial law over the nation<sup>20</sup>. The United States viewed these rebellions in the context of the Cold War and that these groups were attempting to overthrow the regime and therefore, the NSC and CIA backed the rebellions through military aid.

After the failed rebellions of 1957, Pauker began to call for the US trained Suharto to assist in turning the Indonesian army to a counter insurgency unit independent off Sukarno led state, through establishing SESKOAD civic action training centers. These centers were run by the CIA and became the training grounds utilized for the eventual political takeover of General Suharto, and were the center of US foreign policy in Indonesia under President Kennedy.<sup>21</sup> In 1958 the PKI in Indonesia was the most powerful group in the country and the United States, and the CIA began to push their contacts with the Indonesian trained generals for them to liquidate the opposition. Also in 1958, US trained general Suharto established the SESKOAD<sup>22</sup> which through US aid through 1962 became ground zero for the transition of the Indonesian army from revolutionary to counter insurgency against the PKI. The SESKOAD was able to expand its

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<sup>18</sup>“U.S. Embassy Tracked Indonesia Mass Murder 1965.” *U.S. Embassy Tracked Indonesia Mass Murder 1965* | *National Security Archive*, 8 June 1965, <https://nsarchive.gwu.edu/briefing-book/indonesia/2017-10-17/indonesia-mass-murder-1965-us-embassy-files>.

<sup>19</sup>“U.S. Embassy Tracked Indonesia Mass Murder 1965.” *U.S. Embassy Tracked Indonesia Mass Murder 1965* | *National Security Archive*, 8 June 1965, <https://nsarchive.gwu.edu/briefing-book/indonesia/2017-10-17/indonesia-mass-murder-1965-us-embassy-files>.

<sup>20</sup>: See *U.S. Embassy Tracked Indonesia Mass Murder 1965* | *National Security Archive Docs. 79-87* for the entire 1972 transcript.

<sup>21</sup> By MICHAEL WINES Special to The New York Times. "C.I.A. Tie Asserted in Indonesia Purge: Officials Deny that there was a U.S. Plan to Provide Targets." *New York Times (1923-)*, Jul 12, 1990, pp. 1. *ProQuest*,

<sup>22</sup> IBID



reach through civic action programs all the way to the village level through special US set up MILLTAG in Jakarta in 1962 which was a military training group, and by this time SESKOAD had transformed the Indonesian military into a para-state that would negotiate with foreign powers independent of the Indonesian government<sup>23</sup>. Furthermore, through the expansion of civic action programs through SESKOAD and MILLTAG, the United States set up political liaisons who would go into cultural, youth, religious organizations and indoctrinate the population.<sup>24</sup>

In 1965 Congress called for an end to all aid to Indonesia citing it would be “aiding the communists” however, under President Johnson five months before the coup military spending increased and under new military deals with US companies Lockheed and Rockwell standard were reorganized to business partners of Suharto<sup>25</sup>. The commissions from Lockheed and Rockwell were used as political payoffs to back Suharto, and some of these weapons and communication systems were used in the genocide which would put the United States in a position of being tried for crimes against humanity. President Johnson took a harder anti-Sukarno stance than President Kennedy and had created the illusion that all aid had stopped to Indonesia<sup>26</sup> while the US had stopped all economic aid just as right before the coup de atat in Chile, military spendings towards “covert action missions” increased<sup>27</sup>. In May 1965 Lockheed Martin with CIA connections reorganized the military aid commission to be redirected to middle men such as August Munir Dasaad who had been building relations with Suharto since the

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<sup>23</sup> Kim, Jaechun. “U.S. Covert Action in Indonesia in the 1960s: Assessing the Motives and Consequences.” *Journal of International and Area Studies*, vol. 9, no. 2, Institute of International Affairs, Graduate School of International Studies, Seoul National University, 2002, pp. 63–85

<sup>24</sup> “U.S. Embassy Tracked Indonesia Mass Murder 1965.” *U.S. Embassy Tracked Indonesia Mass Murder 1965* | *National Security Archive*, 8 June 1965,

<https://nsarchive.gwu.edu/briefing-book/indonesia/2017-10-17/indonesia-mass-murder-1965-us-embassy-files>.

<sup>25</sup> *IBID*

<sup>26</sup> See source 24.

<sup>27</sup> By MICHAEL WINES Special to The New York Times. “C.I.A. Tie Asserted in Indonesia Purge: Officials Deny that there was a U.S. Plan to Provide Targets.” *New York Times (1923-)*, Jul 12, 1990, pp. 1. *ProQuest*,

1930s. Another case of this political payoff is with Rockwell Standard who as authorized by President Johnson sold over 200 aero aircrafts to the Indonesian military with the middle man getting the commission being Bob Hasan a political associate of Suharto. These 200 aircrafts were used in the actions of these US companies citing that they were predicting a boost in Indonesian and US relations economically. In 1962 all economic aid was cut from Indonesia, while US military spending increased and propaganda was pushed out right before the coup<sup>28</sup>. The combination of aid being cut, and increase in spending destabilized the economy and caused rapid inflation, the same pattern of aid being cut, while military spending increased with an influx in anti-communist propaganda followed by a CIA backed coup and media shut down is seen in Chile in 1972 with the Allende election<sup>29</sup>.

On October 1st 1965, Commander Yanni and five other military generals were kidnapped from their homes in Jakarta and subsequently killed, their kidnappers seized the national radio pledged allegiance to the Sukarno regime stated they were protecting him from a coup, this series of murders led to the oustings of the Sukarno regime and the genocide of over 500,000 Indonesians<sup>30</sup>. The September 30th Events happened immensely fast within hours of the kidnapping and murders General Suharto took command of the army launching a counter attack against the rebel officers, and the officers ended up fleeing to a square in Jakarta from the radio station but by the early morning of the 2nd all the rebel officers were captured<sup>31</sup>. However, this movement disappeared before it could explain its aims to the public, and instead General Suharto

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<sup>28</sup> "UNITED STATES OBJECTIVES AND COURSES OF ACTION WITH RESPECT TO SOUTHEAST ASIA." *US, National Security Council, NSC 5405, "United States Objectives and Courses of Action with Respect to Southeast Asia," 16 January 1954*, US, National Security Council, <https://www.mtholyoke.edu/acad/intrel/pentagon/doc20.htm>.

<sup>29</sup> By MICHAEL WINES Special to The New York Times. "C.I.A. Tie Asserted in Indonesia Purge: Officials Deny that there was a U.S. Plan to Provide Targets." *New York Times (1923-)*, Jul 12, 1990, pp. 1. *ProQuest*,

<sup>30</sup> See source 28.

<sup>31</sup> See source 28.

blamed the PKI backed by communist China for staging the attempted coup<sup>32</sup>. The rebel officers staged the coup calling themselves the Revolutionary Council as they believed within days a coup backed by the CIA would occur ousting the current Indonesian government. The week following the coup, all media within Indonesia was shut down except the radio, in which Armed Forces Chief Commander Nausea made speeches calling for the eradication of the communist party<sup>33</sup>. Within 13 days after the coup the communist purge was underway led by General Suharto and then through propaganda sponsored by the CIA carried out by civilians on a village level in Bali and East Timo<sup>34</sup>. Suharto claimed that the communist Indonesian government has refused to take responsibility for the mass killings that erupted after the September 30th movement to this day and instead blamed it on the PKI and civilians.

Decades after the September 30th Movement, CIA agents such as Ralph McGhee and memos between President Kennedy and Suharto released contradict the CIA who claimed to have had no involvement in the coup, but if these statements are true, then the United States could be tried for crimes against humanity in Indonesia. The media coverage of the September 30th Event was immensely limited due to Indonesian closing down its media and borders after the coup and the few american reporters, who reported on the situation were going by word of mouth, and were not able to leave Jarakta to see what was actually happening in the countryside. While accurate media portrayal of the event is scare, the United States documented the genocide through 30,000 NSA documents that were released in 2008<sup>35</sup>. Despite many military connections between the formation of the Indonesian army through civic action, creating communist

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<sup>32</sup> Blum, William, and William Blum. *Killing Hope: US Military and CIA Interventions since World War II*. Zed Books, 2014.

<sup>33</sup> IBID.

<sup>34</sup> See source 32.

<sup>35</sup> "U.S. Embassy Tracked Indonesia Mass Murder 1965." *U.S. Embassy Tracked Indonesia Mass Murder 1965* | *National Security Archive*, 8 June 1965, <https://nsarchive.gwu.edu/briefing-book/indonesia/2017-10-17/indonesia-mass-murder-1965-us-embassy-files>.

propaganda, training army officials and providing killing lists etc. The first public talk of the investigation started in 1975<sup>36</sup> In 1975 when looking into the CIA a Senate Committee stated “some evidence of CIA involvement in plans to assassinate President Sukarno. After this statement was released the committee never investigated the CIA<sup>37</sup>. In interviews with former CIA employees who were in Indonesia such as Ralph McGhee who in an interview confirmed that the CIA had selectively censored what had been put out to the public in regards to Indonesia and that the, “ Where the necessary circumstances or proofs are lacking to support U.S. intervention, the C.I.A. creates the appropriate situations or else invents them and disseminates its distortions worldwide via its media operations<sup>38</sup>. A prominent example would be Chile...” . McGhee then goes on to cite the similarities between the Indonesian coup and Chilean coup in 1972 with Allende then admits, <sup>39</sup>“Estimates of the number of deaths that occurred as a result of the latter C.I.A. [one word deleted] operation run from one-half million to more than one million.” While the CIA censored a singular word the the claims made by Officer McGhee, which were corroborated by Tad Zhu, combined with NSA documents indicating US involvement in the genocide, doesn’t paint a picture of innocence. If the one word censored is CIA “backed or supported” which is what the evidence today points to then the United States would be liable for crimes against humanity concerning the tracking down of 5,000 individuals to be murdered, and supplying military weapons that were used in genocide<sup>40</sup>. However, if this

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<sup>36</sup> “U.S. Embassy Tracked Indonesia Mass Murder 1965.” *U.S. Embassy Tracked Indonesia Mass Murder 1965* | *National Security Archive*, 8 June 1965,

<https://nsarchive.gwu.edu/briefing-book/indonesia/2017-10-17/indonesia-mass-murder-1965-us-embassy-files>.

<sup>37</sup> *IBID*

<sup>38</sup> Blum, William, and William Blum. *Killing Hope: US Military and CIA Interventions since World War II*. Zed Books, 2014.

<sup>39</sup> *The September 30th Movement and Suharto's Coup d'Etat in Indonesia*  
*The United States and the Overthrow of Sukarno, 1965-1967.*” *Pacific Affairs* pg 78-84

<sup>40</sup> . Roosa, John. *Pretext for Mass Murder : The September 30th Movement and Suharto's Coup d'Etat in Indonesia*, University of Wisconsin Press, 2006. *ProQuest Ebook Central*,  
<https://ebookcentral.proquest.com/lib/binghamton/detail.action?docID=3444860>.

censored word said CIA “led or initiated” then the US would be liable for a wider range of crimes.

In 1990, Robert J Martens admitted to handing over a list comprised of over 5,000 alleged communists that the CIA had tracked down from 1964-1966 that were aligned with the PKI and this list led to the deaths of 5,000 Indonesian civilians, which falls under a crime against humanity however due to ethnic chinese indonesians being targeted in this list aswell, it would fall under assistance in genocide<sup>41</sup>. Robert J Martens, in 1964 who had previously been deployed in Poland over USSR affairs began compiling lists of names from communist pamphlets in Indonesia to learn more about the structure of the PKI in Indonesia and once he compiled a substantial amount of names he met with Adam Malik, who would become the foreign minister and provide Malik with the list who gave it to the Indonesian army .Martens highlights that it wasn’t designed to be a kill list but that the government knew these individuals would die and didn’t care because they were probably communists. In this list ethnic Chinese Indonesians were included as being suspicious of being affiliated with communism because of their ethnic background, and due the definition of genocide being specifying that groups based on ethnicity in mass killing, the ethnic chinese targeted would fall into that category.<sup>42</sup> While the rest of the names provided would fall under crimes against humanity because they were targeted based on “political affiliation” not race, gender or ethnicity.<sup>43</sup> Therefore the United States through

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<sup>41</sup> *Understanding the International Criminal Court*. 2017, <https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf>.

<sup>42</sup> “United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>.

<sup>43</sup> “U.S. Embassy Tracked Indonesia Mass Murder 1965.” *U.S. Embassy Tracked Indonesia Mass Murder 1965 | National Security Archive*, 8 June 1965, <https://nsarchive.gwu.edu/briefing-book/indonesia/2017-10-17/indonesia-mass-murder-1965-us-embassy-files>.

supplying the Indonesian military with a kill list would be tried for genocide and crimes against humanity.<sup>44</sup>

In 1962 the United States began covert military aid to Indonesia and drastically increased its MAP to the region, and four months before the coup two large trade deals were made with Lockheed Martin, and Rockwell standard and these weapons and communication systems were used in the communist purge amounting to war crimes<sup>45</sup>, and these trade deals would also benefit Suharto's business partners. In the face of public scrutiny American military funding for Indonesia went covert in 1962 and was financed through secret CIA "civic action" missions which consisted of military personnel, intelligence and weapons<sup>46</sup>. On June 17th 1966, in a memo between the 303 committee and the department of defense explains how the United States will be providing communications equipment to key Indonesian military officers, " this communication system will provide for effective troop deployment and will assist in assuring the security of the moderate Indonesian military and civilian political elements"<sup>47</sup>. Further on in the document, it is specified that this communication equipment will be provided to General Nausea and General Suharto in February 1966. By February 1966, the United States had hundreds of NSA documents describing in detail how the Indonesian military led by General Suharto before he transitioned to become president, were slaughtering civilians. These communication systems were provided by Lockheed Martin a major US weapons manufacturer who after cementing this trade deal in February 1966, redirected its payoffs from the deal to Dassad to avoid being sued

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<sup>44</sup> IBID

<sup>45</sup> Blum, William, and William Blum. *Killing Hope: US Military and CIA Interventions since World War II*. Zed Books, 2014.

<sup>46</sup> "United Nations Office on Genocide Prevention and the Responsibility to Protect." *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>.

<sup>47</sup> IBID.

for its collateral contributions<sup>48</sup>. Dassad was a political associate of General Suharto<sup>49</sup>. The Lockheed communications systems allowed for faster communication between military officers who were still on the rampage of the Communist purge. A war crime is defined as a violation of the rules of war which are laid out in the Geneva Convention. War crimes include but are not limited to, “wilful killing, torture or inhumane treatment, wilfully causing suffering, extensive destruction of personal property, intentionally attacking civilians, rape and sexual slavery”<sup>50</sup>. Supplying weapons to an adversary who are murdering its citizens for their political beliefs and in some cases being ethnically Chinese is a violation of the laws of war which specifically not targeting civilian populations<sup>51</sup>. The United States was supplying communication systems in the February 1966 Lockheed Martin deal that assisted in the genocide of Indonesian communist sympathizers, and ethnic Chinese Indonesians<sup>52</sup>. Through assisting the Suharto regime in the communication system this would have the United States responsible for war crimes.

### Section 3: The International Criminal Court

War Crimes, Crimes against humanity, genocide and the Modern Laws of War were not officially defined in an international field until after the Holocaust and led to the creation of the International Criminal Court in the Hague Netherlands in 2002. The Modern Laws of War was created in 1949 through the Geneva Convention after World War Two, and has been ratified by over 196 countries<sup>53</sup>. The Modern laws of war are based upon five principles that cite war and

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<sup>48</sup> “United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>.

<sup>49</sup> *Understanding the International Criminal Court*. 2017, <https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf>.

<sup>50</sup> *IBID*

<sup>51</sup> “United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>.

<sup>52</sup> Blum, William, and William Blum. *Killing Hope: US Military and CIA Interventions since World War II*. Zed Books, 2014.

<sup>53</sup> : See *U.S. Embassy Tracked Indonesia Mass Murder 1965 | National Security Archive Docs*. 79-87 for the entire 1972 transcript.

armed conflict should only be taken up if militarily necessary, and parties must not inflict unnecessary suffering, there must be a distinction between civilians and the enemy targets, the damage to civilian property must not be excessive and should only be done to gain military<sup>54</sup> advantage or because of threat of attack and honor. Violating any of these five principles would be considered a war crime when done on a wide scale in an armed conflict. In Indonesia, the Indonesian military on a mass scale, murdering over 500,000 civilians, taking 70,000 communist suspects prisoner and subjecting them to torture while they were imprisoned are war crimes but also fall under the crimes against humanity<sup>55</sup>. War crimes refers to acts that are in violation in of the five principles of war which dictate how civilians should be treated in in the setting of an armed conflict, while Crimes Against Humanity encompasses crimes committed in times of peace and at war.<sup>56</sup> Rome Statute defined Crimes Against Humanity as any of these acts committed as part of a wide spread or systematic attack against civilians, with knowledge of the attack. However, Crimes Against Humanity unlike Genocide and War Crimes is not codified into international law but is referred to as an international norm and appears in treaties such as Rome Statute 8.<sup>57</sup> Crimes Against humanity includes the systematic attack against civilians with knowledge of the attack, and includes the 500,000-1,000,000 murdered Indonesians who were suspected of being communists, the 70,000 political prisoners<sup>58</sup>. Crimes against humanity would also include the United States supplying of weapons such as communication systems in the 1966

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<sup>54</sup> <sup>4</sup> See the 2017 *Understanding the International Criminal Court Section 8 pgs 39-51* for full Rome Statute definitions

<sup>55</sup>“United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>.

<sup>56</sup> See Mr. Moritz's Containment and the Cold War: *Reexamining the Doctrine of Containment as a Grand Strategy Driving US Cold War Interventions*. Pg 31-37.

<sup>57</sup> *Understanding the International Criminal Court*. 2017, <https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf>.

<sup>58</sup> IBID



Lockheed Martin deal which were used to communicate the locations of suspected communists to be slaughtered. The United States with knowledge of the genocide supplied the Indonesian military with 14 million dollars in aid, which was used to train civilians who would murder their fellow civilians after being fed anti-communist propaganda sponsored by the United States. Genocide is defined by the Rome Statute 8 as committing any acts with the intent to destroy in whole or in part , ethnic,religious,national or racial group.<sup>59</sup>Some of these acts are killing members of a specific group, forcibly transporting children of one group to another, bringing about conditions of life to bring about the destruction of the group such as starvation<sup>60</sup>. Through targeting a specific group of Indonesians solely based on the fact they were ethnically Chinese, the Indonesian Suharto regime committed genocide, and through providing a list of names to the Indonesian government for the purpose of extermination the United States would be an accessory to Genocide<sup>61</sup>. War Crimes, genocide and the Modern Laws of War were not officially defined in an international field until after the Holocaust and led to the creation of the International Criminal Court in the Hague Netherlands in 2002.

In order for a nation to be tried for War Crimes, Crimes Against Humanity and Genocide in the International Criminal Court states must have signed the Geneva Convention and ratified Rome Statute 8, however most major powers such as the United States have not ratified Rome Statute 8 and therefore can never be tried for their crimes. The first modern attempt at creating

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<sup>59</sup> "Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity." *OHCHR*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-non-applicability-statutory-limitations-war-crimes>.

<sup>60</sup> United Nations Office on Genocide Prevention and the Responsibility to Protect." *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>.

<sup>61</sup> "Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity." *OHCHR*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-non-applicability-statutory-limitations-war-crimes>.

accountability for states on how to conduct themselves in armed conflict is the Geneva Convention which was signed in August 1949 and today has been ratified by 194 countries<sup>4</sup>. After seeing the atrocities of the Holocaust in World War Two states wanted a way to hold nations accountable for their crimes through expanding the scope of International Humanitarian Law. The Geneva Convention comprises four documents ranging from how to treat prisoners in war to how civilians should be treated in war. While the Geneva Convention expanded the scope of International humanitarian law there was no international body to enforce these laws until the creation of the Rome Statute in 1998 which is the founding treaty of the International Criminal Court<sup>4</sup>. Rome Statute outlines what is defined as war crimes, crimes against humanity, genocide, crimes of aggression and 123 states have ratified the Rome Statute and are members of the International criminal court<sup>62</sup>. After a state ratifies the Statute then after, that particular date, they can be tried for any of the four international crimes. The Statute is broken down into different articles which a country must sign and then ratify individually, these articles define different types of crimes humanity, genocide, war crimes ect<sup>63</sup>. No major powers have all of these articles ratified and major powers such as the United States, Russia signed but never ratified, and nations such as China and India never signed nor ratified<sup>64</sup>. The problem with international law is that actors can not be held accountable for their actions through court if they choose not to ratify the Rome Statute, and therefore will never face proper legal repercussions for their current and

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<sup>62</sup> “United Nations Office on Genocide Prevention and the Responsibility to Protect.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>.

<sup>63</sup> “Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.” *OHCHR*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-non-applicability-statutory-limitations-war-crimes>.

<sup>64</sup> *Understanding the International Criminal Court*. 2017, <https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf>.

previous<sup>65</sup>. Instead the ICC must only try its member states and has been judged by international media for only trying African nations except Georgia for international humanitarian crimes<sup>66</sup>.

To conclude this paper, the United States pursued a containment policy during the early cold war of giving military/economic aid to nations, then switched to infiltrating third world governments, political parties, and staging coup to install authoritarian governments sympathetic to their interests. Indonesia is the first country where we see the switch from strictly military and economic aid as seen in the Marshall Plan in Europe and the NSC-46 for the rest of the world to going into covert civic action operations run by the CIA starting in 1962. Starting in 1953 the United States began to infiltrate the PKI and educate thousands of Indonesian military officers who would go on to establish US military style Indonesian training camps. Then in 1957 the CIA began to militarily back rebel groups who were trying to oust the Sukarno regime, and in 1962 the SQUAD was established which was a US sponsored training center for transforming the Indonesian military into a paramilitary independent of the state. These training centers would train civilians utilizing CIA anti-communist propoganda during the communist purge. Approximatly 4 months before the start of the purge the US signed two major trade deals with the Indonesian military supplying them with air crafts and communication systems that were used in the genocide. Then in February 1966 the state department supplied even more communication systems to the Indonesian army with knowledge of the horrific killings. The Indonesian genocide led to an estimated 500,000-1,000,000 inncoent civilians being slaughtered and due to the United States and Indonesia never ratifying Rome Statue they can never be tried for their crimes.

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<sup>65</sup> "Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity." *OHCHR*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-non-applicability-statutory-limitations-war-crimes>.

<sup>66</sup> *Understanding the International Criminal Court*. 2017, <https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf>.

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