

RECOGNIZING PAST CRIMES  
AGAINST HUMANITY IN INDONESIA

Mr. LEAHY. Mr. President, the realignment toward Asia has focused our attention on partnerships with countries in the region. We share political, economic, security, and humanitarian interests, creating complex and multi-dimensional relationships. But our commitment to the protection and promotion of human rights must continue to be a foundation for our relations with these countries, as with others around the world. We must continue to advocate for open societies where dialogue and dissent are encouraged and where security forces are professional and accountable. At the same time, we cannot ignore history.

Fifty years ago, under the guise of a state-sanctioned Communist purge, hundreds of thousands of Indonesian men, women, and children were murdered. Many more were rounded up and led to concentration camps where they were imprisoned, and many were tortured by the security forces of a dictatorial and brutal regime that had the backing of the United States. It has been widely recognized as one of the worst mass atrocities of the 20th century, but efforts to establish a truth and reconciliation commission to come to terms with these crimes have stalled at every turn. The atrocities are still not recognized or discussed by the Indonesian Government, and the perpetrators were long celebrated as heroes for their actions.

The United States should lead by example in acknowledging this tragic history and reaffirm that human rights are at the forefront of our strategic relationships in Indonesia and beyond. As the most senior member of the Appropriations Committee, I have supported conditions on foreign assistance, including requiring recipient countries to protect freedoms of expression and association, respect the rule of law and due process, reform their judicial systems and security forces, and strengthen other key elements of a democratic society.

Through the "Leahy Law," I have sought to encourage reform of Indonesia's military and police forces, promote cooperation with civilian authorities, and hold human rights violators accountable. I have also supported efforts to demilitarize West Papua and stop the human rights violations associated with the militarization of that island.

Unfortunately, while Indonesia has made important economic and political strides since the systemic repression of the Suharto years, impunity for the horrific crimes of the 1960s and during the final years of the independence struggle in East Timor remain glaring examples of unfinished business that are inconsistent with a democratic society based on the principle that no one is above the law.

We need to recognize the role of our own government in this history, declassify relevant documents, and urge

the Indonesian Government to acknowledge the massacres and establish a credible truth and justice mechanism.

I ask unanimous consent that a poignant opinion piece on this subject that was published in the *New Yorker* on September 29, 2015, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the *New Yorker*, Sept. 29, 2015]

SUHARTO'S PURGE, INDONESIA'S SILENCE

(By Joshua Oppenheimer)

This week marks the 50th anniversary of the beginning of a mass slaughter in Indonesia. With American support, more than 500,000 people were murdered by the Indonesian Army and its civilian death squads. At least 750,000 more were tortured and sent to concentration camps, many for decades.

The victims were accused of being "communists," an umbrella that included not only members of the legally registered Communist Party, but all likely opponents of Suharto's new military regime—from union members and women's rights activists to teachers and the ethnic Chinese. Unlike in Germany, Rwanda or Cambodia, there have been no trials, no truth-and-reconciliation commissions, no memorials to the victims. Instead, many perpetrators still hold power throughout the country.

Indonesia is the world's fourth most populous nation, and if it is to become the democracy it claims to be, this impunity must end. The anniversary is a moment for the United States to support Indonesia's democratic transition by acknowledging the 1965 genocide, and encouraging a process of truth, reconciliation and justice.

On Oct. 1, 1965, six army generals in Jakarta were killed by a group of disaffected junior officers. Maj. Gen. Suharto assumed command of the armed forces, blamed the killings on the leftists, and set in motion a killing machine. Millions of people associated with left-leaning organizations were targeted, and the nation dissolved into terror—people even stopped eating fish for fear that fish were eating corpses. Suharto usurped President Sukarno's authority and established himself as *de facto* president by March 1966. From the very beginning, he enjoyed the full support of the United States.

I've spent 12 years investigating the terrible legacy of the genocide, creating two documentary films, "The Act of Killing" in 2013 and "The Look of Silence," released earlier this year. I began in 2003, working with a family of survivors. We wanted to show what it is like to live surrounded by still-powerful perpetrators who had murdered your loved ones.

The family gathered other survivors to tell their stories, but the army warned them not to participate. Many survivors urged me not to give up and suggested that I film perpetrators in hopes that they would reveal details of the massacres.

I did not know if it was safe to approach the killers, but when I did, I found them open. They offered boastful accounts of the killings, often with smiles on their faces and in front of their grandchildren. I felt I had wandered into Germany 40 years after the Holocaust, only to find the Nazis still in power.

Today, former political prisoners from this era still face discrimination and threats. Gatherings of elderly survivors are regularly attacked by military-backed thugs. Schoolchildren are still taught that the "extermination of the communists" was heroic, and

that victims' families should be monitored for disloyalty. This official history, in effect, legitimizes violence against a whole segment of society.

The purpose of such intimidation is to create a climate of fear in which corruption and plunder go unchallenged. Inevitably in such an atmosphere, human rights violations have continued since 1965, including the 1975-1999 occupation of East Timor, where enforced starvation contributed to the killing of nearly a third of the population, as well as torture and extrajudicial killing that go on in West Papua today.

Military rule in Indonesia formally ended in 1998, but the army remains above the law. If a general orders an entire village massacred, he cannot be tried in civilian courts. The only way he could face justice is if the army itself convenes a military tribunal, or if Parliament establishes a special human rights court—something it has never done fairly and effectively. With the military not subject to law, a shadow state of paramilitaries and intelligence agencies has formed around it. This shadow state continues to intimidate the public into silence while, together with its business partners, it loots the national wealth.

Indonesia can hold regular elections, but if the laws do not apply to the most powerful elements in society, then there is no rule of law, and no genuine democracy. The country will never become a true democracy until it takes serious steps to end impunity. An essential start is a process of truth, reconciliation and justice.

This may still be possible. The Indonesian media, which used to shy from discussing the genocide, now refers to the killings as crimes against humanity, and grassroots activism has taken hold. The current president, Joko Widodo, indicated he would address the 1965 massacre, but he has not established a truth commission, issued a national apology, or taken any other steps to end the military's impunity.

We need truth and accountability from the United States as well. U.S. involvement dates at least to an April 1962 meeting between American and British officials resulting in the decision to "liquidate" President Sukarno, the populist—but not communist—founding father of Indonesia. As a founder of the nonaligned movement, Sukarno favored socialist policies; Washington wanted to replace him with someone more deferential to Western strategic and commercial interests.

The United States conducted covert operations to destabilize Sukarno and strengthen the military. Then, when genocide broke out, America provided equipment, weapons and money. The United States compiled lists containing thousands of names of public figures likely to oppose the new military regime, and handed them over to the Indonesian military, presumably with the expectation that they would be killed. Western aid to Suharto's dictatorship, ultimately amounting to tens of billions of dollars, began flowing while corpses still clogged Indonesia's rivers. The American media celebrated Suharto's rise and his campaign of death. *Time* magazine said it was the "best news for years in Asia."

But the extent of America's role remains hidden behind a wall of secrecy: C.I.A. documents and U.S. defense attach papers remain classified. Numerous Freedom of Information Act requests for these documents have been denied. Senator Tom Udall, Democrat of New Mexico, will soon reintroduce a resolution that, if passed, would acknowledge America's role in the atrocities, call for declassification of all relevant documents, and urge the Indonesian government to acknowledge the massacres and establish a truth commission. If the U.S. government recognizes the genocide publicly, acknowledges its

role in the crimes, and releases all documents pertaining to the issue, it will encourage the Indonesian government to do the same.

This anniversary should be a reminder that although we want to move on, although nothing will wake the dead or make whole what has been broken, we must stop, honor the lives destroyed, acknowledge our role in the destruction, and allow the healing process to begin.

#### CBO COST ESTIMATE—S. 720

Ms. MURKOWSKI. Mr. President, in compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources has obtained from the Congressional Budget Office an estimate of the costs of S. 720, the Energy Savings and Industrial Competitiveness Act of 2015, as reported from the committee. I respectfully ask unanimous consent that the summary of the opinion of the Congressional Budget Office be printed in the CONGRESSIONAL RECORD. The full estimate is available on CBO's Web site [www.cbo.gov](http://www.cbo.gov).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

##### S. 720—ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2015

(October 19, 2015)

Summary: S. 720 would amend current law and authorize appropriations for a variety of activities and programs related to energy efficiency. The bill would require federal agencies that guarantee mortgages to consider whether homes with energy-efficient improvements would affect borrowers' ability to repay mortgages. The bill also would modify certain energy-related goals and requirements for federal agencies.

CBO estimates that enacting S. 720 would increase direct spending by \$15 million over the 2016–2025 period; therefore, pay-as-you-go procedures apply. Enacting the bill would not affect revenues. In addition, CBO estimates that implementing the legislation would cost \$218 million over the next five years, assuming appropriation actions consistent with the legislation.

CBO estimates that enacting S. 720 would not increase on-budget deficits or net direct spending by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2026. S. 720 would impose an intergovernmental mandate, as defined in the Unfunded Mandates Reform Act (UMRA), by requiring states and tribal governments to certify to the Department of Energy (DOE) whether or not they have updated residential and commercial building codes to meet the latest standards developed by building efficiency organizations. CBO estimates that the cost of that mandate would fall well below the annual threshold established in UMRA for intergovernmental mandates (\$77 million in 2015, adjusted annually for inflation.) This bill contains no private-sector mandates as defined in UMRA.

#### CBO COST ESTIMATE—S. 2011

Ms. MURKOWSKI. Mr. President, in compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources has obtained from the

Congressional Budget Office an estimate of the costs of S. 2011, the Offshore Production and Energizing National Security Act of 2015, as reported from the committee. I respectfully ask unanimous consent that the summary of the opinion of the Congressional Budget Office be printed in the CONGRESSIONAL RECORD. The full estimate is available on CBO's Web site [www.cbo.gov](http://www.cbo.gov).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

##### S. 2011—OFFSHORE PRODUCTION AND ENERGIZING NATIONAL SECURITY ACT OF 2015

(October 6, 2015)

Summary: S. 2011 would amend existing laws related to oil and gas leasing on the Outer Continental Shelf (OCS) and would remove restrictions on exporting crude oil produced in the United States. The legislation would modify the terms and conditions governing certain leasing activities and authorize new direct spending of proceeds from federal oil and gas leasing for certain programs and for payments to certain coastal states. In addition, the bill would authorize appropriations for grants to Indian tribes for capital projects and other activities aimed at adapting to climate change.

CBO estimates that enacting S. 2011 would reduce net direct spending by about \$0.2 billion over the 2016–2025 period. Provisions in titles I–III would affect oil and gas leasing on the OCS and CBO estimates those provisions would have a net cost about \$1.3 billion over the 10 year period. Increased collections from eliminating restrictions on exports of crude oil would total \$1.4 billion over the same period.

In addition, CBO estimates that implementing the bill would increase spending subject to appropriation by about \$700 million over the 2016–2020 period mainly for programs to assist Indian tribes. Because enacting the legislation would affect direct spending, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

CBO estimates that enacting the legislation would increase both direct spending and net on-budget deficits by more than \$5 billion in at least one of the four consecutive 10-year periods beginning in 2026.

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. To the extent that the bill would increase royalties and other revenue from offshore oil and gas development, the bill would benefit certain coastal states through the sharing of leasing receipts with the federal government. Some local and tribal governments, as well as 2 institutions of higher education, also would benefit from receipt sharing and grant programs funded by leasing revenues.

The bill contains no private-sector mandates as defined in UMRA.

#### CBO COST ESTIMATE—S. 2012

Ms. MURKOWSKI. Mr. President, in compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources has obtained from the Congressional Budget Office an estimate of the costs of S. 2012, the Energy Policy Modernization Act of 2012, as re-

ported from the committee. I respectfully ask unanimous consent that the summary of the opinion of the Congressional Budget Office be printed in the CONGRESSIONAL RECORD. The full estimate is available on CBO's Web site [www.cbo.gov](http://www.cbo.gov).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

##### S. 2012—ENERGY POLICY MODERNIZATION ACT OF 2015

(October 15, 2015)

Summary: S. 2012 would amend current law and authorize appropriations for a variety of activities and programs administered primarily by the Department of Energy (DOE). The legislation also would:

Expand and extend federal agencies' authority to use certain types of long-term contracts to invest in energy conservation measures and related services;

Specify various energy-related goals and requirements for federal agencies;

Modify DOE's authority to guarantee loans under Title 17 of the Energy Policy Act of 2005; and

Establish a pilot program to streamline the review and approval of applications for permits to drill for oil and gas on federal lands.

Assuming appropriation of amounts specifically authorized and estimated to be necessary under S. 2012—roughly \$40 billion over the 2016–2020 period (and an additional \$3 billion in later years)—CBO estimates that implementing this legislation would result in outlays totaling \$32 billion over the 2016–2020 period from those appropriations, with additional spending of about \$11 billion occurring after 2020.

CBO also estimates that the bill would result in additional direct spending. The estimated amount of direct spending depends on the budgetary treatment of federal commitments through certain types of long-term energy-related contracts, which CBO expects would increase under the bill. In CBO's view, commitments under such contracts are a form of direct spending because agencies enter into such contracts without appropriations in advance to cover their full costs. On the basis of that view, CBO estimates that enacting S. 2012 would increase direct spending by \$659 million over the 2016–2025 period.

However, for purposes of determining budget-related points of order for legislation considered by the Senate, section 3207 of the Concurrent Resolution on the Budget for Fiscal Year 2016 specifies a scoring rule for provisions related to such contracts (referred to in this document as the scoring rule for energy contracts). Specifically, that rule requires CBO to calculate, on a net present value basis, the lifetime net cost or savings attributable to projects financed by such contracts and to record that amount as an upfront change in spending subject to appropriation. Under that rule, CBO estimates that S. 2012 would increase direct spending by \$29 million over the 2016–2025 period.

Enacting S. 2012 could affect revenues, but CBO estimates any such effects would be insignificant in any year. Because the bill would affect direct spending and revenues, pay-as-you-go procedures apply.

CBO estimates that enacting S. 2012 would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2026.

S. 2012 would impose an intergovernmental and private-sector mandate, as defined in the