

Transitional Justice Fact Sheet: Indonesia

Background

In 1965, General Suharto rose to power in sweeping anti-communist violence in which five hundred thousand to a million people were killed. For 32 years, Suharto's oppressive "New Order" regime committed human rights violations across the archipelago. The people of Aceh, East Timor and Papua experienced particularly serious violations. Whereas the conflict in East Timor ended with a vote for independence in 1999, and in Aceh in 2005 with a peace accord, violent military operations continue in Papua.

Repression, natural resource exploitation, and military violence have resulted in thousands of victims of detention, torture and extrajudicial killings in Indonesia. In 1998, Suharto toppled from power during mass demonstrations and actions were quickly taken for political reforms. In 1999, the new government passed several laws and regulations reflecting its commitment to build a legal system that would guarantee the rule of law and the supremacy of human rights based on justice and truth. During this period known as *reformasi*, the National Human Rights Commission, National Women's Rights Commission, and the Victim and Witness Protection Agency collaborated to initiate a transitional justice process.

Although the Aceh government finally established a Truth and Reconciliation Commission in 2013 and started to work on 2016, the Indonesian national government, now 20 years after *reformasi*, has not yet shown a strong commitment to acknowledgement of the truth about widespread violence committed by state actors, sought prosecution of perpetrators, prevented the repetition of violations, or fulfilled reparations for victims. Since *reformasi*, survivors, together with civil society actors, actively document their stories of experiences through many media platforms and have consistently taken a significant role in demanding justice for victims of human rights violations in Indonesia.

Transitional Justice Initiatives

NATIONAL LEVEL		ACEH CONTEXT
TRUTH	<p>Official</p> <ul style="list-style-type: none"> • 1993: The President establishes the National Commission on Human Rights (<i>Komnas HAM</i>). • 1998: Findings by the Joint Fact-Finding Team for the Events of May 1998 include widespread sexual violence took place during the riots on 15-13 May; the majority of the victims were of Chinese descent. • 1998: The President establishes the National Commission on Violence Against Women (Komnas Perempuan) that has since conducted inquiries into sexual violence during 1998 riots, and documented gender-based violations committed during mass violence in 1965, and armed conflicts in Aceh and Papua. • 1999: Passage of Human Rights Law No. 1999/39 strengthens the role of <i>Komnas HAM</i> • 2001: Law No. 2001/21 on Special Autonomy in Papua states that the Papua government should establish a Truth Commission in Papua. • 2004: A national Truth and Reconciliation Commission (TRC) is initiated by Law No. 2004/27, but following a judicial review in 2006 is annulled by the Constitutional Court. • 2005-2008: The Indonesia-Timor-Leste Commission for Truth and Friendship finds Indonesian security forces in Timor-Leste responsible for gross human rights violations related to the East Timor Referendum in 1999. <p>Unofficial</p> <ul style="list-style-type: none"> • 2012-2013: The Coalition for Justice and Truth (KKPK) initiates an unofficial truth-seeking process comprising a series of local hearings and public campaigns across the country. In November 2013, KKPK holds a national “Year of Truth” hearing in Jakarta where survivors gather to give testimonies about their experiences of violence. 	<p>Unofficial</p> <ul style="list-style-type: none"> • 1999: The Independent Commission for the Investigation of Violence in Aceh finds that security forces perpetrated patterns of mass violence during the period when Aceh was declared a military operation zone. • 2006: Law No. 2006/11, Law on the Aceh Government, states that the Aceh government should establish a Truth Commission and Reconciliation in Aceh. • 2013: The Government of Aceh issues Qanun No. 2013/17 to establish the Aceh Truth and Reconciliation Commission (TRC) as a local truth-seeking process and reconciliation designed and implemented in Aceh. In 2016 the Government of Aceh appoints seven commissioners to the Aceh TRC with the mandate to reveal the truth and provide reconciliation in Aceh. <p>Unofficial</p> <ul style="list-style-type: none"> • Civil society documents survivors’ stories and conducts public hearings as alternative forms of truth seeking. In 2010 The Coalition of Revealing Truth of Aceh (KPK Aceh) conduct an unofficial truth-seeking process to hear testimony on the 1999 killings at Simpang KKA in Aceh.

<p>JUSTICE</p>	<ul style="list-style-type: none"> • 2015: An international people’s tribunal on the mass violations of 1965, held in The Hague, Netherlands, results in key findings on crimes against humanity and genocide. • 2000: The government enacts the Human Rights Court Law No. 2000/26 that regulates the judicial procedure of gross violations of human rights. • 2001-2013: Komnas HAM conducts ad hoc pro justitia inquiries into ten cases of crimes against humanity. However, the Attorney General is not conducting a further investigation. • 2001: Law 2001/21 on Special Autonomy in Papua states that the Papua government should establish a permanent human rights court to adjudicate gross violations of human rights in Papua. • The Human Rights Court acquits all defendants in three cases brought before it: <ul style="list-style-type: none"> - 2002-2004: crimes against humanity in East Timor - 2003-2004: crimes against humanity of Tanjung Priok 1984 - 2004-2005: crimes against humanity of Abepura case in Papua Abepura, Papua 	<ul style="list-style-type: none"> • 2006: Law No. 2006/11, Law on the Aceh Government, states that the Aceh government should establish a human rights court in Aceh as promised by the peace agreement. • 2013: Komnas HAM conducted ad hoc pro justitia inquiries into five cases of gross violations of human rights committed from 2003-1997. Since 2016, two cases are delivered to the Attorney General for further investigation. The Commission continues to conduct pro justitia investigations for 3 other cases.
<p>REPARATION</p>	<p>Official</p> <ul style="list-style-type: none"> • 2000: Reparation is included in Law No. 2000/26 on the Human Rights Court. • 2002: Government regulation PP 2002/3 on compensation, restitution and rehabilitation for victims of “gross violations of human rights” provides details regarding reparation for human rights violations. • 2004: The verdict by the Human Rights Court regarding crimes against humanity in the Tanjung Priok case acknowledges reparation for 13 victims. However, since all perpetrators are acquitted, the reparation is annulled. • 2006: Indonesia’s Witness and Victim Protection Agency (Law No. 2006/13) provides health and psychosocial services for witnesses and victims, including those related to cases investigated by <i>Komnas HAM</i>. • 2012: The Mayor of Palu (Central Sulawesi) delivers an informal apology to the victims and survivors of 1965 atrocities in his area. This action is later affirmed by the Palo Mayor’s Decree No. 2013/25 relating to the National Action Plan on Human Rights for the Province. 	<p>Official</p> <ul style="list-style-type: none"> • 2002: The Governor of Aceh initiates a compensation scheme under the Islamic tradition, diyat, for the families of those killed or disappeared during the conflict. Due to the lack of acknowledgement of the violations and issues of transparency, many victims were not satisfied with this scheme. Therefore, the Aceh Reintegration Agency tried a different scheme. However, the assistance had little reparative impact for the victims.

<p>INSTITUTIONAL REFORM</p>	<ul style="list-style-type: none"> • 2014: The head of the Religious Affairs Office of Buru Island delivers an unprecedented formal apology to couples whose marriage certificates (1979) were stamped: “political prisoners G30S/PKI” marking their former status as accused Communists. New marriage certificates are issued to replace the old discriminatory certificates. • 2015: <i>Jarum Mei</i> (the May Needle), a monument initiated by a local community together with support from Komnas Perempuan and the city government of Jakarta, is inaugurated. The monument is a memorial for members of the community, mostly young people, who died during the riots of May 1998. <p>Unofficial</p> <ul style="list-style-type: none"> • Since 2007: Survivors of various human rights’ violations in Indonesia and their families, together with civil society supporters, gather for a weekly vigil in front of the President’s palace in Jakarta to remember incidents of mass violence in the past. To date the vigil has been conducted more than 500 times. • 2013: A human rights museum called Omah Munir was established to commemorate Munir, a human rights activist who was killed in 2004. This museum also serves as a platform for human rights education. <ul style="list-style-type: none"> • 2002: The Indonesian Constitution is amended to include special rules that promote human rights. • 1999/2002: Presidential Instruction No. 1999/2 divides the police and military into two separate institutions. This regulation is reinforced by Law No. 2002/2 on National Indonesian Police that establishes the Indonesian Police as a state security institution. • 2004: Law No. 2004/34 on National Indonesian Military forbids members of the Indonesian military to be involved in any political matters or in business and the private sector and provide a role of TNI as state defence institutions. 	<p>Unofficial</p> <ul style="list-style-type: none"> • KPK Aceh along with victims’ communities build monuments and symbols of memory for those who suffered during the conflict. These include monuments at Simpang KKA, Jamboe Keupok, and Rumoh Geudong. <ul style="list-style-type: none"> • 2005: The European Union, along with five ASEAN countries, establishes the Aceh Monitoring Mission (AMM), an international coalition mandated to assist the Free Aceh Movement (GAM) and the Indonesian government with implementation of the peace accord. The AMM tasks include, among others, to monitor the demobilisation of GAM and the decommissioning of its weapons; to monitor the reintegration of GAM, the human rights situation, and legislative change; and to rule on disputed cases, including amnesty (DDR).
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