



Transitional Justice:  
**INDONESIA CASE STUDY**

AJAR and KontraS Aceh

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TRANSITIONAL JUSTICE  
ASIA NETWORK



### Edition

First, October 2017

### About Asia Justice and Rights

Asia Justice and Rights (AJAR) is a regional human rights organisation based in Jakarta, Indonesia. AJAR works to increase the capacity of local and national organisations in the fight against entrenched impunity and to contribute to building cultures based on accountability, justice and willingness to learn from the root causes of mass human rights violations in the Asia Pacific region. For more information, visit <http://www.asia-ajar.org>.

### About KontraS Aceh

The Commission for Disappeared Persons and Victims of Violence in Aceh (KontraS Aceh) works to promote the compliance of civil and political rights as well as to build awareness amongst communities and victims of violence to strengthen the reconciliation process in Aceh. KontraS Aceh also encourages efforts against violence and crimes against humanity through policy, legal and political reforms. For more information, contact [kontrasaceh\\_federasi@yahoo.com](mailto:kontrasaceh_federasi@yahoo.com).

### About Transitional Justice Asia Network

Transitional Justice Asia Network facilitates learning and knowledge-building on transitional justice and accountability initiatives across the region.

### Photos

1. The Jefferson Building in Yogyakarta, Indonesia, is one of the locations of detention and torture for victims of the 1965-66 anti-communist violence.
2. KontraS Aceh holds a photo exhibition highlighting the Aceh conflict era of 1998-2005 (Photo credit: KontraS Aceh).
3. A public hearing in Jakarta on the theme of human rights violations during the “Year of Truth” in 2013 (Photo credit: Anne-Cecile Esteve).

General Soeharto ruled Indonesia oppressively with an iron fist for 32 years. He rose to power in 1965, in a wave of violence that killed five hundred thousand to a million people, with tens of thousands imprisoned for decades without trial. The “New Order” regime systematically committed gross violations of human rights across the archipelago, repressing rebellion in the outer islands, imposing a development model that required submission and uniformity as well as exploiting Indonesia’s natural resources and human capital to enrich Soeharto’s family and his associates.

In 1998, the Asian financial crisis led to mass demonstrations that forced Soeharto to resign, marking a transition to reform (or *reformasi*). This included amending Indonesia’s constitution to include human rights, removing the military from parliament, allowing the establishment of new political parties and direct elections for national and regional leaders, as well as strengthening the powers of the national human rights commission. In 1999, the upper house of parliament made a commitment towards a “just solution” referring to the conflict areas of Irian Jaya (now Papua) and Maluku, announcing its commitment to build “a legal system that guarantees the supremacy of the rule of law and human rights based on justice and truth”.<sup>1</sup> A year later, the upper house promulgated a resolution on national unity, calling for the establishment of a truth and reconciliation commission. However, two decades later, Indonesia has yet to meet its promise for accountability of the mass violations that took place during the New Order.

## Transitional Justice Initiatives

Indonesia has made some progress on accountability through the collective work of the national human rights commission (*Komnas Hak Asasi Manusia - HAM*), the commission to eradicate violence against

women (*Komnas Perempuan*), and a victim and witnesses protection agency (LPSK). However, the Indonesian government has not shown a strong commitment to recognise the truth about widespread violence by state agents, or to prosecute perpetrators, prevent recurrence and offer reparations to victims.

**Truth seeking:** In 1999, the human rights commission was endowed with powers to conduct investigations on crimes against humanity and genocide. To date, the commission has carried out ten investigations, referring its findings for prosecution by the attorney general.<sup>2</sup> With the exception of three cases tried in 2000-02, the Attorney General’s Office has not taken steps to prosecute the remaining seven cases. However, these investigations have made an important contribution to victims’ right to truth as the national human rights commission continues to conduct investigations into these serious crimes cases.

A law to establish a national truth and reconciliation commission was passed in 2004, but struck down by the Constitutional Court after a judicial challenge. Civil society and victims’ groups sought an amendment in the articles that required victims to forgive perpetrators in order to receive reparations. However, the Constitutional Court then struck down the entire law, a defeat in the struggle against impunity.

Efforts to attain partial truth have been more successful. The women’s commission has conducted inquiries into gender-based violations committed during Soeharto’s rise to power in 1965, as well as in the armed conflict zones of Aceh and Papua.<sup>3</sup>

1 TAP (People Consultative Assembly, MPR) No. IV Year 1999 on Broad Outlines of the Nation’s Direction 1999-2004

2 The ten cases are: violence during the referendum in East Timor (1999); the shootings in Tanjung Priok, North Jakarta (1984); shootings of students at Trisakti, and Semanggi I and II (1998-1999); the Wasior (2001-2002) and Wamena (2003) cases in Papua; the May Riots (1998); activist disappearances (1997-1998); the Talangsari case (1989); summary killings (1982-1985); 1965-66 anti-communist atrocities; gross violation of human rights in Aceh, including Jamboe Keupok, Aceh (2003) and Simpang KKA (1999).

3 As Victims also Survivors: A Report on the Findings and Documentation of the Condition of the Fulfillment of Human Rights of Aceh Refugee Women (Sebagai Korban Juga Survivor:

Similarly, a bilateral commission established by the governments of Timor-Leste and Indonesia found that systematic violations were committed by Indonesian security forces in Timor-Leste during the 1999 referendum.

The demise of the national truth commission has complicated the process of establishing a truth and reconciliation commission (TRC) for Aceh, as promised in the peace agreement of 2005. However, steady pressure by civil society and victims' groups in Aceh eventually led to a local TRC law in 2013. The seven commissioners selected in 2016 have just begun work while many face challenges. Another TRC was created as part of Papua's 2001 Special Autonomy Law, but efforts to establish this commission has all but stalled.

**Judicial Proceedings:** In 2000, Indonesia established a "human rights court" to try cases of genocide and crimes against humanity. The national human rights commission has the power to investigate and refer cases to the attorney general. The human rights court can try cases retroactively (meaning cases that took place before the 2000 law was passed), with agreement from parliament.<sup>4</sup>

As mentioned above, three cases have been brought to trial. Two ad hoc courts were established to try two cases: the violence regarding the referendum in East Timor (1999), and a massacre that took place in Tanjung Priok, North Jakarta (1984). The last case to be tried by the human rights court was the Abepura case that took place in Papua (2001). At first ruling, 18 persons were convicted (6 for East Timor and 12 for Tanjung Priok), but later they were all acquitted on appeal. This failure to deliver justice reveals a

Sebuah Laporan Temuan dan Dokumentasi Kondisi Pemenuhan Hak Asasi Manusia Perempuan Pengungsi Aceh), 2006; Listening to the Voice of Women Victims of the 1965 Massacre, (Mendengarkan Suara Perempuan Korban Peristiwa 1965), 2007; Stop! Testimony of Papuan Women Victims of Violence and Human Rights Violations 1963-2009 (Stop Sudah! Kesaksian Perempuan Papua Korban Kekerasan dan Pelanggaran HAM 1963-2009), 2009.

4 Human Rights Law (Law No. 39 of 1999) and a Human Rights Court Law (Law No. 26 of 2000

systemic weakness in the judiciary and a lack of political will in the executive branch. Although the human rights court still exists on paper, successive attorney generals have systematically ignored the referrals by the human rights commission and dismantled the unit mandated to follow-up these investigations.

**Reparations:** Under the current human rights legislation, reparations are provided by a decision made by a court of law. Thus the demise of the human rights court has effectively blocked victims from receiving reparations. However, the Witness and Victim Protection Agency (*Lembaga Perlindungan Saksi dan Korban*, LPSK), created in 2006, is empowered to provide referrals for urgent health and psychosocial services for victims, including those whose cases were investigated by the national human rights commission.

Civil society organisations and survivors are also engaging local governments to provide assistance and social services to victims. In October 2013, the Mayor of Palu in Central Sulawesi issued an unprecedented apology to victims of the 1965 atrocities residing in his city. He created a special decree to acknowledge victims and provide health care and basic assistance. In 2002, the governor of Aceh initiated a compensation scheme using Islamic tradition, known as *diyath*, for the families of those killed or disappeared. The programme provided a small grant of three million IDR (approximately 300 USD) for 20,000 victims of conflict in Aceh.

**Security Sector Reform:** Two important milestones were achieved in the early years of *reformasi*: Indonesia's police force was separated from the army and put under civilian control (1999) and the military no longer had automatic seats in parliament (2004). A revised law on the military prohibited the institution to own businesses, and sought to end the practice of military personnel involved in the private sector. However, continued efforts to reform the security sector have faced many challenges. For instance, military courts remain independent from any external oversight, whereas internal police and military mechanisms

investigating violations remain weak.<sup>5</sup> Without a vetting policy for individual members of the military, personnel linked to serious crimes, including those prosecuted in human rights courts or military tribunals, continue to serve, receive promotions and sit in elected office.

More recently, President Joko Widodo has announced his intention to pursue non-judicial measures for past violations, which some observers fear will close the door to prosecutions. An inter-agency team was established to deal with the major cases investigated by the human rights court and filed with the attorney general. Many victims are disappointed with a piecemeal strategy that urges reconciliation without seeking truth or pursuing any breakthrough in the judicial process. In February 2017, the Coordinating Minister of Politics, Law and Security, (Retired General) Wiranto, initiated the so-called “Harmony Council” to deal with past human rights violations. Appearing to again focus on reconciliation without truth and justice, the plan has been subject to criticism from civil society.

### *Civil society and survivor-led initiatives*

Without official acknowledgement and support, survivors continue to suffer trauma and the long-term impact of violations on their health, social relationships and finances. Many of them continue to suffer stigmatisation and discrimination based on their political or religious identity and reinforced by state policy and social norms. Only a small number of survivors have been able to access government-funded medical support.<sup>6</sup> Despite this situation, survivors have taken an active role in voicing their

demands. A weekly vigil every Thursday in front of the President’s Palace in Jakarta has been taking place for 510 times. Survivors are also engaged in documenting their stories and memory projects using different media platforms, in partnership with civil society.

*Reformasi* has enabled civil society to engage in political reform, playing an active role in encouraging and demanding the fulfillment of the rights to truth, justice and reparations. Civil society actors have been directly involved in government reform, creating new policies and laws in the process, and monitoring the human rights courts and investigations by the national human rights commission.

In response to the lack of an official truth-seeking process, civil society has led truth-seeking processes and public campaigns. A coalition of 50 NGOs called *Koalisi Keadilan dan Pengungkapan Kebenaran* (KKPK) or the Coalition for Justice and Truth conducted an unofficial truth initiative called “The Year of Truth”. A series of local hearings culminated in a national event in November 2013, in which survivors across the country came together to testify about violations they had suffered. Collating data from its members from Aceh to Papua, KKPK produced a final report entitled “Reclaiming Indonesia.”<sup>7</sup> In 2015, to mark 50 years since the atrocities of 1965, civil society organised an international people’s tribunal held in The Hague, the Netherlands. A panel of international jurists discovered key findings on crimes against humanity and genocide after eight months of testimonies from victims and witnesses.<sup>8</sup>

Civil society in Indonesia is also engaging and building networks with regional and

5 See, e.g., Chief of National Police Regulation on Human Rights, No. 8 of 2009 and Military Commander Regulation No. 73 of 2010.

6 AJAR’s action research documented stories of 60 women in Indonesia, 34 of them torture survivors. Only five were able to access medical support from Indonesia’s Witness and Victim Protection Agency (LPSK). See *Enduring Impunity: Women Surviving Atrocities in the Absence of Justice*, Jakarta: AJAR, October 2015, <http://asia-ajar.org/2015/11/enduring-impunity->

women-surviving-atrocities-in-the-absence-of-justice/

7 The coalition’s findings are available in its report, *Menemukan Kembali Indonesia* (Reclaiming Indonesia), at <http://www.asia-ajar.org/files/MENEMUKAN%20KEMBALI%20INDONESIA%20-%20BUKU%201.compressed.pdf>

8 Verdict of International People’s Tribunal on Crimes Against Humanity 1965, 20 July 2016 <http://www.tribunal1965.org/en/tribunal-1965/tribunal-report/>

international human rights groups, and using international human rights mechanisms, including the United Nations, to demand state accountability for mass violations.

## Future challenges, lessons learned and conclusion

To date, the Indonesian government has not shown a commitment to end impunity for mass violations that have occurred. There have been a number of hard lessons learned over nearly two decades of effort. These include:

- **The role of civil society is key** in pushing for truth and justice in the absence of effective state initiatives. Despite prolonged political constraints and the official denial of the massive human rights violations, civil society has been reformulating common aims, objectives, strategies and realistic goals. Greater respect for freedom of expression has also meant NGOs and victims' groups receive support from the media in raising awareness. The experiences of civil society organisations show the particular significance of building a public discourse as the first step in providing alternative knowledge to the public and pushing for formal acknowledgment from the state.
- **Form without substance will not produce results.** Despite all the laws, investigations, judicial proceedings, policies and decisions implemented across a wide variety of cases in Indonesia, "the progress has been largely restricted to form, but not to action." Furthermore, these were not isolated failures: "The series of successive failed mechanisms indicates that there are deep systemic factors that undermine efforts to achieve truth and accountability for past crimes."<sup>9</sup>
- **Women experience impunity in particular and often severe ways,**

9 ICTJ and KontraS, *Derailed: Transitional Justice in Indonesia since the Fall of Soeharto*, 2011, p. 11 at [https://www.ictj.org/sites/default/files/ICTJ-Kontras-Indonesia-Derailed-Report-2011-English\\_0.pdf](https://www.ictj.org/sites/default/files/ICTJ-Kontras-Indonesia-Derailed-Report-2011-English_0.pdf).

and are particularly **vulnerable to its economic effects**. In a vicious cycle, these constraints push justice even further away: "Economic hardships erode women's strength to think about justice and attempts to heal." Many women experience a continuum of violence: "Conflict and violations increase the vulnerability of women and the likelihood of domestic and community violence, and other forms of violence that are ongoing and compounding." Thus, survivors need long-term support to address the generational impact of human rights violations.

- Failed transitional justice mechanisms **have serious implications for the present**. Official indifference to past injustices leads to the continuation of abuse into the present, especially in Papua, where the Indonesian government and military continue to embrace the old ways of the New Order regime. The failure to recognise the truth about widespread torture, or to prosecute perpetrators has contributed to the current pattern where "torture has become embedded in the functions and culture of the state security apparatus even after the transition to democracy".<sup>10</sup>

After almost 20 years of *reformasi*, the framework of transitional justice has not yet been able to function properly as an integral approach in settling past human rights abuses. Therefore, truth, justice, reparations and the guarantee of non-recurrence for past abuses—as a comprehensive framework of transitional justice—are still very difficult goals to achieve. The struggle of the Indonesian civil society to combat impunity demonstrates that the integrated transitional justice approach takes a long time and requires a gradual process.

10 AJAR and KontraS, "Briefing Paper: The Legacy of Torture and Challenge of Reform in Indonesia," 2016, at <http://www.asia-ajar.org/files/Indonesia%20Briefing%20Paper%20-%20English.pdf>

## Transitional Justice in Aceh

### *Socio-historical context*

Aceh, located on the most western tip of Indonesia, has faced waves of violence over the years. There was a struggle against colonial Dutch rule, a conflict between the aristocracy and the Islamic religious leaders at the dawn of Indonesia's independence (1945-1946), and a rebellion for an Islamic state (1953-1959) that led to a peace agreement and Jakarta's recognition of Aceh's first special status. In 1976, the Free Aceh Movement (GAM, *Gerakan Aceh Merdeka*) declared independence in response to growing repression under Soeharto's military regime and natural resource exploitation, including Exxon Mobil's largest natural gas facilities in North Aceh, founded in 1971, that provided little benefit to the local population.

In 1989, the Indonesian military declared Aceh a military operation zone (DOM, *daerah operasi militer*), unleashing a violent campaign to quell the rebellion. Thousands of cases of detention, torture and extrajudicial killings were reported during this period of conflict. Human rights groups estimate that at least 10,000–30,000 people, mostly civilians, were killed.<sup>11</sup> GAM also committed violations against informers and transmigrants from outside Aceh during this time.<sup>12</sup>

Twelve years since the government of Indonesia and GAM signed the Helsinki MoU in 2005, progress has been very slow for realizing the accord's key provisions relating to justice and accountability. After a long delay, the Acehese parliament passed a local law (*qanun*) to establish a Truth and Reconciliation Commission in 2013. The Governor of Aceh appointed seven commissioners in October 2016, after a selection process led by the Aceh parliament. This Commission, whose

establishment was promised in the peace agreement, can play a crucial role in strengthening peace both in Aceh and, at a national level, in Indonesia.

Reformation in Indonesia, with the fall of Soeharto in 1998, brought about significant change, hope for a negotiated settlement, and new military operations. The newly-appointed President Habibie established a commission of inquiry into human rights violations in Aceh, along with other official initiatives, to bring key grievances to national attention. Peace talks, with international mediation, took place in 2000 and 2002, but soon broke down, replaced by a new military campaign under martial law declared by President Megawati in 2003.

On 26 December 2004 a *tsunami* hit the coastal areas of Aceh killing up to 200,000 people and causing massive destruction in its wake. This natural disaster, and the following international response, pushed both parties to the conflict into renewed peace talks. A peace agreement was signed on 15 August 2005 in Helsinki.

### *Transitional Justice Initiatives*

The 2005 Helsinki MoU set out in general terms the future governance of Aceh and attempted to address the key social, political, and economic causes of the conflict to provide a sustainable peace, and thus contained various elements relevant to transitional justice, including:

- amnesties for those imprisoned for their participation in GAM activities, with a reaffirmation of the government's obligations to adhere to international human rights instruments;
- specified benchmarks and timetables for the demobilization, disarmament, and decommissioning of GAM and Indonesian security forces in Aceh. It also established a reintegration program for former combatants, political prisoners, and "civilians who suffered a demonstrable loss";
- provisions for the establishment of a Human Rights Court and a Truth and Reconciliation Commission (TRC) for Aceh; and

11 Amnesty International, *Time to Face the Past: Justice for Past Abuse in Indonesia's Aceh Province* (2013).

12 Human Rights Watch, *Indonesia: The War in Aceh* (August 2001), 8.

- specified institutional reforms to help strengthen the rule of law.

The Indonesian Parliament codified many of its MoU obligations in law by passing the LoGA (Law on Governing Aceh) in August 2006. However, the LoGA differed from the MoU in a few significant ways. While establishing the Human Rights Court and TRC for Aceh, the LoGA limited the Court's jurisdiction to future abuses and made the Aceh TRC an "inseparable part" of an anticipated, but not yet existing, national TRC.

**Truth:** When a Constitutional Court decision in 2006 annulled the national TRC, discussions on an Aceh TRC became deadlocked. Both national and Aceh governments claimed that without a national TRC, there could not be a local truth commission for Aceh, despite a growing legal opinion that the LoGA allowed for the establishment of a local TRC without waiting for a national mechanism. By 2009, civil society groups in Aceh prepared a draft qanun, based on an earlier concept paper, establishing a local truth commission for Aceh. This draft qanun was presented to the Aceh parliament, and formed the basis of the law establishing the Aceh TRC in 2013. Qanun No 17/2013 on Establishing the Aceh TRC includes the following features:

- a local truth-seeking process designed and implemented in Aceh, with the primary aim to listen to the experiences and hopes of victims;
- as a commission established by LoGA and operationalized through local ordinance passed by the Acehnese Parliament, it will not exercise its powers beyond Aceh and does not have subpoena powers;
- it has a mandate to examine human rights violations committed by all sides in the conflict, with adequate protections to ensure impartiality and independence;
- will implement the TRC's mandate at the grassroots level; and
- an accompanying community-based reconciliation process will provide mediation of conflicts related to past abuses at the local level.

**Justice:** The National Human Rights Commission (Komnas HAM) has recently completed ad hoc *pro justitia* inquiries into three cases of gross violations of human rights in Aceh: killings and acts of torture in Rumah Geudong, Pidie (1997-98, also sexual violence), Simpang KKA, North Aceh (1999), and Jamboe Keupok, South Aceh (2003).<sup>13</sup> The Commission has filed these cases with the Attorney General's Office, to join the previous referrals that have languished in his office. The promise of establishing a human rights court under the peace agreement has been abandoned because it is seen as too difficult, despite growing global recognition that the delivery of justice is related to preventing the rise of extremism.

**Reparations:** In 2002, the Governor of Aceh initiated a compensation scheme under Islamic tradition, known as *diyat*, for the families of those killed or disappeared. The program pledged to provide three million IDR (around 300 USD) for each of 20,000 widows in Aceh. However, problems with transparency and lack of acknowledgment of the violations for which compensation was given led to victims' dissatisfaction. Under a separate scheme administered by BRA, Aceh's Reintegration Agency, conflict-affected communities were prioritized for development assistance. However, without any special process to listen to victims living in these communities, this assistance had little reparative impact for victims.<sup>14</sup>

**Guarantees of Non-recurrence:** With support from the Aceh Monitoring Mission, an international coalition mandated to monitor the implementation of the peace agreement, Jakarta recalled 25,000 "non-organic" military and police,

13 The eight cases filed by Komnas HAM include shootings of students at Trisakti, and Semanggi I and II (1998-1999); Wasior (2001-2002) and Wamena (2003) cases in Papua; the May Riots (1998); activist disappearances (1997-1998); the Talangsari case (1989); summary killings (1982-1985); 1965-66 atrocities; and gross violations of human rights in Aceh, including Jamboe Keupok, Aceh (2003) and Simpang KKA (1999).

14 ICTJ, "Considering Victims: The Aceh Peace Process from a Transitional Justice Perspective" (2006).



released GAM prisoners by issuing an amnesty, and agreed to the establishment of local parties in Aceh. GAM disarmed and decommissioned its armed fighters, and re-organized itself as a political party, *Partai Aceh* (PA). Aceh's first direct election for governor was held in December 2006, and, in the 2009 election for the Aceh Parliament, PA won a plurality of the seats. As part of Aceh's special autonomy, Aceh is entitled to 70% of the revenue from its natural resources within 12 miles of an "exclusive economic zone". Under LoGA, Aceh also has a strong standing to co-manage any gas and oil contracts with Jakarta.

### *Situation of Victims*

In Aceh, human rights violations were especially widespread during military operations that targeted civilians accused of being members, supporters, and family members of GAM. Many survivors are single mothers whose husbands were killed or disappeared during the conflict, and who face ongoing trauma and stigmatization from members of their community. Only a small minority of survivors has been able to access government-funded medical support.

It is difficult for survivors of gender-based violence in Aceh to speak out about their experiences under syariah law. If a woman victim cannot prove that a sexual assault took place, then she risks being charged for adultery. There is also pressure from local leaders for women to remain silent about sexual violence as it brings shame to the community.

### *The Role of Civil Society*

Members of civil society have constantly pushed on state accountability for past abuses in Aceh. Since 2006 civil society in Aceh has been actively demanding a TRC in that province. Furthermore, after years of official indifference, Acehnese civil society and victims' organizations began documenting survivors' stories, and conducting public hearings and advocacy as alternative forms of truth seeking.

In 2010 victims and civil society organizations conducted an unofficial truth-seeking process to hear testimony

on the 1999 killings at Simpang KKA in North Aceh as part of a national movement called the Coalition of Revealing the Truth (*Koalisi Pengungkapan Kebenaran*, KPK). Civil society and victims' communities in Aceh have built monuments and created symbols in memory of those who suffered violence at Simpang KKA and in Jamboe Keupok, South Aceh, as well as organizing annual commemorations. Civil society also established a Human Rights and Peace Museum in Banda Aceh in 2011.

### *Lessons Learned*

The Aceh TRC is unique in at least three ways. 1) It was established as part of the peace process more than a decade ago. It was the tireless advocacy of civil society and victims' organizations that led to its establishment many years later, after much of the international support and engagement in the peace process had subsided. Thus, it is critical that it performs its mandate in accordance with best practice and international standards. 2) The Aceh TRC was established to become a permanent body. This is a departure from the norm, where commissions are usually established to operate for a particular time period. Nevertheless, the Commissioners will focus their efforts on truth seeking during their five-year mandate, producing a final report as other TRC's have done. The Aceh TRC may then transform into an institution to preserve the memory of human rights violations and to ensure the care of victims and survivors. The TRC also has a role to play in preventing the rise of extremism in Aceh by upholding victims' rights to truth and justice. 3) Lastly, during the TRC's 18-month inception phase it is crucial that civil society groups participate and support implementation of its mandate. The Aceh TRC has yet to receive full financial support from the Aceh government, as bureaucratic progress is typically very slow. In the meantime, the Commissioners are in place and ready to move forward. This provides an opportunity to create a local TRC with optimal participation of civil society and victims' groups.

Other key lessons that can be shared from Aceh include:

- Civil society and international actors have a responsibility to push for accountability measures during the early phase of the peace process. In Aceh, we see that accountability was sidelined as just another point in the political negotiations between local and national actors. International actors were reluctant to push the issue for fear of upsetting Jakarta. There is a risk that this is again repeated in the lack of support for the Aceh TRC that is in its inception phase.
- Peace agreements often focus on former combatants, but remain silent on victims. Victims' groups should be strengthened and prepared to engage local and national government officials in a struggle for truth and justice that can take decades. In Aceh, victims' groups are now exhausted and disorganized. Many of their civil society counterparts have entered local politics, leaving a vacuum. There needs to be a long-term strategy on how to increase the capacity of local victims' groups to deal with trauma, document and share their experiences, and strengthen their social economic base. Women victims need safe spaces to speak about their experiences. There is an opportunity to address these issues with the Aceh TRC.
- Victims need both acknowledgment and social economic support. It is crucial that civil society and government actors work together to achieve this balance as well as develop creative and contextual ways to strengthen the debate for accountability. There needs to be a dedicated strategy to ensure and plan for the long-term participation of victims from all sides of the conflict. Resources should be allocated for this purpose.
- Programs that strengthen human rights and the rule of law, as well as address violence against women, should integrate acknowledgment and accountability for past crimes in the process of dealing with new issues. Justice and accountability measures are part of rebuilding trust in the institutions of governance and rule of law. Allowing perpetrators to roam free, without social, administrative, or judicial sanctions, shakes the foundation of trust in the peace-building process.

## Transitional Justice Timeline in Indonesia

DATE	EVENT
1965-66	During General Soeharto's rise to power in 1965, an estimated 500,000 to over one million civilians suspected of communists or leftist ties are killed or disappeared; hundreds of thousands are incarcerated without trial for more than a decade.
1969	About 10,000 political prisoners relocate to Buru Island, Maluku. Later on, their wives and children are transported by navy ships to the island.
1979	Political prisoners from 1965 are gradually released starting in the late 1970s.
1991	A massacre at the Santa Cruz cemetery in Dili, East Timor leads to the establishment of a national investigation commission ( <i>Komisi Penyidik Nasional</i> ). This lays the foundation for the formation of Indonesia's National Human Rights Commission, established by Presidential Decree in 1993.
1997-98	The Asian financial crisis leads to widespread civil unrest in Indonesia. Thousands of homes and shops are burned in Solo, Medan, and other major cities.
March 1998	The People's Consultative Assembly, or MPR, reappoints Soeharto as president for the fifth time, sparking student demonstrations.

<b>12 May 1998</b>	The Indonesian military shoots and kills four Trisakti University students at an anti-government demonstration.
<b>13-15 May 1998</b>	Following the killing of the Trisakti students, there is widespread rioting in Jakarta. Hundreds of shops and public facilities are burned. More than 1,000 people die in the violence and many ethnic Chinese women are raped.
<b>21 May 1998</b>	After 32 years of rule, Soeharto resigns and hands over the presidency to Vice-President Habibie, marking the fall of the New Order regime and the commencement of political transition.
<b>July 1998</b>	A Joint Fact-Finding Team formed by the President conducts fact-finding in Aceh, gathering around 1,700 reports of human rights violations, including 426 forced disappearances and 320 extrajudicial killings. The same month a Komnas HAM investigation on the human rights violence in Aceh finds 781 killings, 163 disappearances, 368 torture victims, and 102 rape victims.
<b>July 1998</b>	The Joint Fact-Finding Team for the events of May 1998 is created with a mandate to investigate and uncover the facts, perpetrators, and background of the May riots.
<b>16 August 1998</b>	President Habibie, speaking before parliament, officially apologises to the people of Aceh for violence perpetrated by the military, promising to hold investigations and to gradually withdraw 4,000 soldiers from Aceh.
<b>October 1998</b>	The Fact-Finding Team for May 1998 reports that the riots were related to political power struggles in the final days before Soeharto's resignation.
<b>15 October 1998</b>	In response to women activists' demands that the government acknowledge and apologise for the rapes that took place during the May riots, the president agrees to establish an independent National Commission on Violence Against Women ( <i>Komnas Perempuan</i> ).
<b>November 1998</b>	At a special session of the MPR to decide whether to hold elections to replace Habibie, students demonstrate against his administration. The demonstrations devolve into clashes with the military, that uses live ammunition. The first spate of violence occurs from 11-13 November, killing 17 and injuring 456. The second round of killings occurs on 24 November, resulting in one death and 217 injuries. These events become known as the Semanggi I Incident due to its proximity to the Semanggi flyover in Jakarta.
<b>13 November 1998</b>	Under siege by pro-democracy student demonstrations, the MPR adopts Resolution XVII of 1998 on Human Rights. This resolution upholds basic human rights principles, makes a commitment to ratify human rights conventions, and strengthens the National Human Rights Commission.
<b>27 January 1999</b>	President Habibie proposes two options for East Timor, special autonomy or independence, to be determined through a universal ballot in that territory.
<b>April 1999</b>	Eleven <i>Kopassus</i> (Special Forces) members go before a military court in Jakarta for the 1997-98 abductions of pro-democracy activists. All are convicted and given sentences from one to three years imprisonment, and some are dismissed from the military. However, the military appellate court overturns seven of the dismissals. In East Timor, attacks on civilians increase in the run-up to the ballot, including serious incidents in Dili and Liquisa.
<b>3 May 1999</b>	The collapse of the New Order regime brings change in Aceh, as civil society groups demand a halt to military operations and justice for victims of conflict in Aceh as part of <i>reformasi</i> . However, the province remains under military rule and soldiers opened fire on protestors at Simpang KKA, North Aceh, killing 46 and injuring 156.
<b>23 July 1999</b>	Security forces attack an Islamic religious school, killing its leader, Teungku Bantaqiah, and 56 followers. Eyewitnesses say soldiers shot the victims at close range and then forced other villagers to bury them.

<b>30 July 1999</b>	Presidential Decree No. 88 of 1999 creates an Independent Commission tasked to investigate human rights cases in Aceh during 1988-1999. The commission documents around 5000 cases, recommending that the Attorney General bring five cases to a human rights court.
<b>30 August 1999</b>	The referendum in East Timor results in a vote for independence. The Indonesian military and their militia proxies kill more than 1,300 people, and hundreds of thousands are displaced during the violence around the ballot results.
<b>September 1999</b>	Parliament passes Law 39 of 1999 on Human Rights, encouraging respect for human rights based on international principles and strengthening the mandate of the National Human Rights Commission.
<b>22 September 1999</b>	The Human Rights Commission establishes a special committee (KPP-HAM) to investigate human rights violations committed in East Timor in 1999.
<b>24 September 1999</b>	Security forces open fire on students and civilians demonstrating in Jakarta against plans to declare a state of emergency, killing 11 and injuring 217. This incident becomes known as Semanggi II.
<b>19 October 1999</b>	The MPR passes Resolution V of 1999 regarding the referendum in East Timor, allowing it to become a separate nation.
<b>31 January 2000</b>	KPP-HAM completes its inquiry on East Timor and presents its report to the Indonesian attorney general that includes recommendations for the investigation and prosecution of senior officials.
<b>April-May 2000</b>	Twenty-four soldiers and one civilian are tried in a joint military-civilian court (known as <i>koneksitas</i> ) for the murder of Acehnesse religious leader, Teuku Bantaqiah, and 56 others. The highest-ranking officer on trial is a captain. The trials comprise 12 sessions with at least 1,000 military personnel providing security. Victims do not participate and, as a result, defendants are the main witnesses at their own trials.
<b>12 May 2000</b>	The government and the Free Aceh Movement ( <i>Gerakan Aceh Merdeka</i> , GAM) reach their first peace agreement in Switzerland, the Joint Understanding on a Humanitarian Pause for Aceh. Facilitated by the Henri Dunant Center (HDC), the parties agree to a three-month ceasefire to allow for the distribution of humanitarian assistance, forming teams for a security modality and for humanitarian support.
<b>7 July 2000</b>	The Human Rights Commission completes its investigations on the killing of Muslim protestors at Tanjung Priok in 1984. It finds that crimes against humanity occurred. The Attorney General, following this finding, establishes an investigation team and brings the case to an ad hoc human rights court.
<b>August 2000</b>	The MPR issues Resolution V of 2000 on Strengthening National Unity and Integrity, further recognising the existence of past violations and calling for the establishment of a national truth and reconciliation commission.
<b>5 August 2000</b>	Human rights defender, Jafar Siddiq Hamzah is reported missing in Medan, North Sumatra. The founder of the International Forum for Aceh is found dead the next month with barbed wire wrapped around his body.
<b>23 November 2000</b>	Parliament passes Law 26 of 2000 on Human Rights Courts that allows for the creation of ad hoc human rights courts for past crimes. Under this law, the National Human Rights Commission is given the mandate to conduct investigations into crimes against humanity and genocide.
<b>April 2001</b>	President Wahid signs a decree establishing two ad hoc human rights courts for crimes committed in 1999 in East Timor and in 1984 during the Tanjung Priok massacre in North Jakarta.
<b>May 2001</b>	The Human Rights Commission completes its investigation into the 2000 case of Abepura, in the far western region of Papua in 2000, finding crimes against humanity were committed.

<b>June 2001</b>	President Megawati signs a decree to limit the jurisdiction of the two ad hoc human rights courts.
<b>July 2001</b>	A special parliamentary panel passes a resolution stating that gross human rights violations did not take place during the Trisakti, Semanggi I, and Semanggi II events. Parliament adopts the resolution.
<b>21 November 2001</b>	The House of Representatives (DPR) passes Law 21 of 2001 on Special Autonomy for Papua.
<b>February 2002</b>	President Megawati issues a presidential decree establishing a national investigation commission to probe the murder of Papuan leader, Theys Eluay.
<b>12 February 2002</b>	In response to sectarian violence in the Maluku Islands or the Moluccas (a chain of islands in eastern Indonesia), the government brokers the Malino peace agreement that provides for a national independent investigation team. Four months later, President Megawati officially establishes the team with a mandate to seek facts and analyse events and issues in Maluku.
<b>June 2002</b>	The Human Rights Commission completes its investigation into the Trisakti and Semanggi cases of 1998 and 1999. It concludes that crimes against humanity occurred in these incidents. However, the Attorney General refuses to investigate this case citing various reasons, including the fact that a military trial already took place.
<b>March 2002-03</b>	Eighteen military and civilian personnel are tried for the East Timor 1999 case. Six of them are convicted, but all are later acquitted on appeal.
<b>17 May 2003</b>	In Aceh, killings occur at Jambo Keupok in Bakongan Sub-district, South Aceh during military operations to search for members of GAM. Witnesses report that soldiers shot, tortured, and set on fire civilians, resulting in 16 men dead (including 12 burnt alive), and several women injured.
<b>September 2003- August 2004</b>	Fourteen active and retired military officials are tried for the Tanjung Priok case. Two are convicted, but later acquitted on appeal.
<b>19 September 2003</b>	The Human Rights Commission completes its investigations into the May Riots 1998. The Attorney General still does not initiate investigations or prosecutions.
<b>7 September 2004</b>	Human rights activist, Munir Said Thalib, is poisoned with arsenic while on a flight to Amsterdam. His murder threatens the sustainability of the struggle for human rights in Indonesia.
<b>September 2004</b>	The Human Rights Commission completes its investigation into the violence in Wasior and Wamena, Papua, finding crimes against humanity were committed. Once again, the Attorney General refuses to investigate, claiming that the Commission's documents were incomplete.
<b>6 October 2004</b>	The DPR passes Law 27 of 2004 on a Truth and Reconciliation Commission.
<b>14 December 2004</b>	Timorese and Indonesian leaders agree to establish the bilateral Commission for Truth and Friendship (CTF).
<b>2005</b>	The Jakarta Legal Aid Foundation initiates a class action lawsuit against five former presidents. The action primarily seeks compensation and rehabilitation for victims of mass violence in 1965. The court dismisses the suit.
<b>15 August 2005</b>	Eight months after a <i>tsunami</i> devastates Aceh, the Indonesian government and GAM sign the Helsinki Memorandum of Understanding, ending decades of conflict.
<b>25 October 2005</b>	The Minister of Home Affairs inaugurates members of the Papua People's Assembly that was created in Law 21 of 2001 on Special Autonomy for Papua.

<b>20 December 2005</b>	The Central Jakarta District Court convicts Garuda airlines co-pilot, Pollycarpus Budihari Priyanto, for Munir's murder and hands down a sentence of 14 years in prison. This decision is upheld on appeal by the Jakarta High Court, but overturned by the Supreme Court. In January 2008, on the basis of new evidence, the Supreme Court reverses the decision and increases the sentence to 20 years.
<b>April 2006</b>	Human rights NGOs and representatives of victims request a judicial review by the Constitutional Court on Law 27 of 2004 regarding a national truth and reconciliation commission (TRC), claiming that three provisions violate victims' constitutional right to remedy.
<b>1 August 2006</b>	Parliament passes Law 11 of 2006 on Governing Aceh as part of the Helsinki agreement. The law establishes a TRC and a human rights court for Aceh.
<b>7 December 2006</b>	The Constitutional Court finds that the TRC law's prerequisite of granting amnesties to perpetrators in order to provide reparations to victims' contradicts rights enshrined in the constitution. However, in a surprise move, instead of annulling just these provisions, the court annuls the entire TRC law, a major setback to transitional justice in Indonesia.
<b>17 January 2007</b>	Victims of human rights violations begin conducting a silent vigil in front of the Presidential Palace every Thursday. By 2017, after 10 years of this weekly action, there is still no substantial response from the government
<b>.November 2007</b>	The National Women's Commission Against Violence releases a report on gender-based crimes against humanity in 1965, using data collected by civil society groups. The commission considers testimonies from 122 women and finds that gender-based crimes against humanity occurred.
<b>November 2007</b>	The government begins to draft a new law on a national TRC and produces an academic paper to support the new law.
<b>2 March 2008</b>	The Human Rights Commission completes investigations into killings that took place in Talangsari, South Sumatra, in 1989, after starting the inquiry in 2002. The Attorney General has still not started the investigation and prosecutions.
<b>13 March 2008</b>	The Supreme Court acquits former East Timorese militia leader Eurico Guterres on appeal. Thus all 18 people tried in Indonesia's Ad Hoc Human Rights Court for East Timor are, in the end, acquitted.
<b>1 June 2008</b>	The Human Rights Commission establishes a team to investigate the 1965-66 atrocities.
<b>15 July 2008</b>	The bilateral CTF submits its report to the Timorese and Indonesian presidents. Despite low expectations for this official effort, the report makes strong findings regarding institutional responsibility of the Indonesian military and civilian government for crimes against humanity committed in East Timor in 1999.
<b>16 December 2008</b>	Civil society organisations in Aceh submit a draft law (known in Aceh as a <i>qanun</i> ) to the local government and parliament for establishment of an Aceh TRC.
<b>31 December 2008</b>	Retired Maj. Gen. Muchdi Purwopranjono is acquitted of charges that he masterminded Munir's murder.
<b>June 2009</b>	The Chief of National Police issues the Internal Regulation on the Implementation and Standard of Human Rights in their Performance ( <i>Perkap</i> No. 8 of 2009).
<b>September 2009</b>	Parliament passes a resolution on the 1997-98 disappearances case of student activists that calls for the establishment of an ad hoc human rights court to find out the fate of the disappeared, pay compensation to families, and ratify the UN Convention on Enforced Disappearances.

<b>November 2009</b>	The Women's Commission launches a report on 40 years of gender-based violence. President SBY attends the ceremony and makes a public commitment to attend to victims' needs.
<b>26 January 2010</b>	The Indonesian Human Rights Commission signs an MoU with the Provedor for Justice and Human Rights of Timor-Leste to monitor implementation of CTF recommendations, particularly those relating to missing persons.
<b>3 May 2010</b>	A victims' group in Lhokseumawe, Aceh holds a public hearing to commemorate a massacre known as Simpang KKA in which 49 people were killed and hundreds wounded.
<b>April 2010</b>	A new TRC Bill is included as part of the National Program of Legislation (Prolegnas) of 2010.
<b>March 2011</b>	Presidential Regulation No. 17 of 2011 on the National Police Commission mandates the body to monitor follow-up on suggestions and complaints by citizens. This commission is the oversight body for the performance of the Indonesian Police.
<b>April 2011</b>	The revision of Law No. 20 of 2000 on a Human Rights Court is included as part of the 2011 National Program of Legislation.
<b>6 October 2011</b>	The President issues Decree No. 72 of 2011, an action plan to implement recommendations of the CTF, and establishes a working group to monitor implementation of this action plan.
<b>August 2011</b>	Indonesian NGOs, KontraS (Commission for the Disappeared and Victims of Violence) and the Coalition of Truth and Justice (KKPK), submit recommendations on a Presidential Policy for Justice for Past Human Rights Abuse Victims, as requested by the President. As of 2017, there has been no follow-up on this proposal.
<b>April 2012</b>	KontraS and IKOHI (Association of Families of the Disappeared in Indonesia) submit a complaint to the Ombudsman of Indonesia on the failure of the government to follow-up the Parliament Resolution of 2009 on the 1997-98 activist disappearances. The Ombudsman declares that by failing to implement the recommendations, the executive branch commits maladministration. Nevertheless, the President refuses to issue a decree to establish an ad hoc human rights court in this case.
<b>July 2012</b>	The Human Rights Commission announces the result of its long investigations into the serious human rights violations of 1965-66 and the so-called "mysterious killings" of alleged criminals from 1982-85. Yet again, the Attorney General does not follow-up on findings that crimes against humanity took place.
<b>2013-2016</b>	AJAR, KontraS, IKOHI, and Hak Association (in Timor-Leste), in collaboration with the national human rights institutions of Indonesia and Timor-Leste, initiate searches to find people separated from their families in Timor-Leste when they were children from 1979 to 1994. As of 2017, the stories of 1000 stolen children have been documented and 42 people have participated in family reunion visits.
<b>23 March 2013</b>	Military officers carry out extrajudicial killings of four detainees in Cebongan Penitentiary. They are brought to military court, where twelve soldiers are punished by 6-11 years in prison.
<b>20 May 2013</b>	The Ministry of Law and Human Rights and the Mayor of Palu make a public apology for past violations in Palu and commit to the fulfillment of rights for the victims. This declaration is based on initiatives of the <i>Solidaritas Korban Pelanggaran Hak Asasi Manusia Palu</i> (Solidarity for Human Rights Violation Victims of Palu) to acknowledge the mass killings of 1965-66 in Central Sulawesi.

<b>November 2013</b>	Based on the persistent lack of government action, the Coalition of Truth and Justice (KKPK) conducts unofficial truth initiatives. To highlight “The Year of Truth: Speaking the Truth, Breaking the Circle of the Violence”, the alliance invites 30 victims from across the country to share their experiences. State representatives attend the hearings that are also live-streamed, with strong media engagement. KKPK’s report, <i>Reclaiming Indonesia</i> , includes recommendations to the government.
<b>31 December 2013</b>	Aceh’s Parliament passes Qanun No. 17 of 2013 on the establishment of the Aceh Truth and Reconciliation Commission.
<b>December 2013</b>	The National Commission of Human Rights establishes the Investigation Team on the Allegation of Gross Violations of Human Rights in Aceh Province. The team conducts a <i>pro justitia</i> investigation of five cases in Aceh: Jambo Keupok, South Aceh (2003); Simpang KKA, North Aceh (1999); Rumoh Geudong Pidie (1997-1998); Bumi Flora, East Aceh (1999); and Timang Gajah in Bener Meriah, Central Aceh.
<b>May 2014</b>	President-elect Widodo expresses a commitment to resolve past violations. This commitment is also reflected in the government’s Mid-Term Development Plan (RPJMN) of 2015-19. Also, the President elect’s political platform, <i>Nawacita</i> , promises to create a Presidential committee to ensure the settlement of past gross human rights abuses. Despite these commitments, the government promotes mechanisms that seek reconciliation without justice and truth-seeking.
<b>15 May 2015</b>	The Women’s Commission and Jakarta’s governor launch memorial sites for the May Riots of 1998 in the mass crematory at Pondok Rangon, East Jakarta.
<b>August 2015</b>	President Widodo announces in his Independence Day speech that he will establish a non-judicial mechanism to resolve all past human rights violations through a reconciliation committee, so that “future generations in Indonesia will not continue to bear the burden of history”. An inter-agency team is established to deal with major cases already filed with the Attorney General.
<b>November 2015</b>	An international people’s tribunal, organised by Indonesian civil society and held at The Hague, announces its judgment that the Indonesian state is guilty of crimes against humanity and possibly genocide in 1965-66. Although this initiative helps to quench victims’ thirst for truth, senior government officials make statements that refute the findings of the people’s tribunal.
<b>14 March 2016</b>	The Human Rights Commission submits its report on the investigation of the Jambo Keupok incident (2003) in Aceh to the Attorney General.
<b>April 2016</b>	The government conducts a national symposium on 1965 atrocities and other serious human rights violations to invite reflection on the impact of the violations and to recommend a comprehensive resolution to them that would include rehabilitation, compensation, and other remedies. However, the state continues to show its reluctance to apologise and fully acknowledge the violence of 1965. Furthermore, the event is followed by a “counter-symposium” conducted by retired army generals and their supporters, including members of radical religious organisations. They conclude that attempts at formal reconciliation and settlement for victims will only reopen old wounds. They urge the government to ban the Indonesian Communist Party and all its activities, and to uphold old anti-communist policies, including the 1966 law that bans the dissemination of “communism, Leninism and Marxism”. Recommendations of these two symposiums are sent to the government.
<b>17 June 2016</b>	The Human Rights Commission submits a report on the investigation of the Simpang KKA incident (1999) in Aceh to the Attorney General.
<b>24 October 2016</b>	Aceh Governor Dr. Zaini Abdullah inaugurates seven members of the Aceh Commission of Truth and Reconciliation for 2016-21.
<b>February 2017</b>	The Coordinating Minister of Politics, Legal and Security Affairs, (Retired General) Wiranto, initiates a new mechanism called “the Harmony Council” to deal with past human rights violations. The Council is focused on reconciliation and is criticised by civil society.



