



PATHWAYS TO TRANSITIONAL JUSTICE IN INDONESIA: VICTIMS' AGENCY IN THE FACE OF IMPUNITY

AJAR, EL-ADPPER, FOPPERHAM, KONTRAS ACEH,
KONTRAS SULAWESI, AND SKP-HAM



Cover Photo

A woman survivor of the 1965-66 atrocities standing in front of the place where she was tortured. © AJAR/Anne- Cécile Esteve

Disclaimer

The content of this publication and any views expressed in it do not necessarily reflect the opinion of the Ministry of Foreign Affairs of the Netherlands which supports the project.

Layout and Design

Wezank

Researchers

Research contributors from Asia Justice and Rights (AJAR) are Mulki Makmun, Anindya Amanda, Dodi Yuniar, and Raisa Widiastari, edited by Galuh Wandita and Nick Dobrijevich. AJAR conducted this research with partners from across Indonesia: (i) Beatrix Gebze from EL-AdPPer; (ii) Mohammad Noor Romadlon, Astri Wulandari, and Muntiyanti from Fopperham; (iii) Hendra Saputra and Azharul Husna from KontraS Aceh; (iv) Asyari Mukrim and Agung Seldy Arimsyah from KontraS Sulawesi; (v) Nurlaela Lamasitudju, Tomzil Prafdal Lagole, and Vino Putra from SKP-HAM; and (vi) contributions from Daniel Randongkir on the victims in Papua.

About



Asia Justice and Rights

Asia Justice and Rights (AJAR) is a regional human rights organisation working to increase the capacity of local and national organisations in the fight against entrenched impunity. We 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. In Indonesia, we work with civil society groups and networks to address ongoing challenges faced by the country — our current programs include support for the Aceh Truth and Reconciliation Commission, advocacy and assistance to Timorese stolen children who were involuntarily brought to Indonesia during the occupation, and supporting current transitional justice efforts and community-based initiatives with survivors in Indonesia.

<https://asia-ajar.org/>
contact@asia-ajar.org



Impunity Watch

Impunity Watch (IW) is a non-profit human rights organisation dedicated to ending impunity for severe violations of human rights, especially in countries emerging from a violent past. We analyse, advocate, and partner to help local communities seek accountability for gross human rights abuses and for systemic injustice. In our work, we adopt a bottom-up, participatory, and context-sensitive approach, and support victims and survivors in exercising their rights. Our work is legal, social, and political. IW began its work in 2004 in response to calls from Guatemalan human rights groups for greater support in their struggle for redress after the internal armed conflict of 1960-1996. It was registered as an independent foundation in 2008 in the Netherlands. Today, IW works in a wide range of countries and has offices in Burundi, Guatemala, and The Netherlands.

www.impunitywatch.org
info@impunitywatch.org

Foreword

This country report is part of a broader multi-year comparative research project entitled: *Promoting Access to Justice through Victim Participation: Foregrounding Informal Processes*, implemented by Impunity Watch and in partnership with research teams from six countries: Indonesia, the Democratic Republic of Congo, Colombia, Guatemala, Syria, and Tunisia; and funded by the Ministry of Foreign Affairs of the Netherlands.

We interviewed or partnered with survivors and victims from these six countries, in line with a participatory and survivor-lead research model. We conducted qualitative research on the dynamics of survivor and victim participation in informal spaces before, during, and in the absence of transitional justice processes. While the research focuses on survivor and victim engagement after sustained political violence, it starts from the position that activism in the face of injustice happens along a spectrum, often beginning many years before violence ends, and the whole field of justice delivery has much to learn from survivor and victim engagement and activism. This learning, in turn, should inform justice initiatives that are more linked to meaningful change as envisioned by survivors and affected communities. The research collects, analyses, and interprets the views, expectations, experiences and motivations of survivor- and victim-activists, in order to strengthen their ability to seek justice and societal transformation.

The research findings and key recommendations will be used to guide policymakers and practitioners to better support the meaningful inclusion and leadership of survivors and victims in transitional justice processes, and to help think more broadly about the prevention of conflict.

Acknowledgments

This report is the product of the collaborative efforts of several individuals and organisations. AJAR and Impunity Watch are grateful for the valuable input provided by the victims who participated in the interviews, and would like to thank (i) Beatrix Gebze from El-AdPPER; (ii) Mohammad Noor Romadlon, Astri Wulandari, and Muntiyanti from Fopperham; (iii) Hendra Saputra and Azharul Husna from KontraS Aceh; (iv) Asyari Mukrim and Agung Seldy Arimsyah from KontraS Sulawesi; (v) Nurlaela Lamasitudju, Tomzil Prafdal Lagole, and Vino Putra from SKP-HAM; and (vi) Daniel Randongkir for conducting them.

Table of Contents

List of acronyms 7

Executive summary 8

1. Introduction13

2. Methodology16

3. Context18

4. History of transitional justice initiatives20

 First path to transitional justice: Death of ‘extraordinary’ measures 20

 Second path: Embedding transitional justice functions in the human rights mechanisms 21

 Third path: Victims forging their own way 23

 A culture of activism and civil society 23

 Survivor-led movements 24

5. Emerging trends33

 Advocating for transitional justice: a double-edged sword 33

 Despite persistent official denial, victims continue to struggle for recognition of the truth 34

 Justice remains out of grasp 35

 In a context of impunity, victims have accepted modest assistance as reparations and the promise of ‘never again’ 36

 Survivors struggling with bureaucratic barriers: Engagement and fatigue 37

 Meeting victims’ urgent needs must be part of acknowledgement and redress 39

 In the face of rising authoritarianism: Denial and risks 40

6. Participation as agency46

 Women survivors advocating for their rights 49

7. Conclusion and lessons learned52

 Institutional barriers to access, participation, and agency 52

 The value of the process 53

 Looking to the future: Sustainable victim participation. 53

8. Bibliography55

List of acronyms

AJAR	Asia Justice and Rights
CSOs	Civil Society Organisations
CTF	Indonesia-East Timor Commission of Truth and Friendship
DPRA	Dewan Perwakilan Rakyat Aceh (Aceh's People Representative Council)
GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
IKOHI	Indonesian Association of the Families of the Disappeared
KKPK	Coalition for Justice and Truth
KKR Aceh	Aceh Truth and Reconciliation Commission
Komnas HAM	National Commission on Human Rights
Komnas Perempuan	National Commission on Violence against Women
KPK	Corruption Eradication Commission
LPR-KROB	Institute for the Rehabilitation of Victims of the New Order
LPSK	Witness and Victim Protection Agency
MPR	People's Consultative Assembly
NGO	non-governmental organisation
PKI	Indonesian Communist Party
PWG	Papuan Women's Working Group
RPUK	Women's Volunteers for Humanity
TRC	Truth and Reconciliation Commission
YPKP 65	Indonesian Institute for the Study of 66/1965 Massacre

Executive summary

The purpose of this report is to capture how victims of gross injustices have created unofficial transitional justice processes in order to hold perpetrators accountable, as well as to lobby for recognition of these injustices and reparations for affected individuals and communities, when they have been failed by the state.

The report draws experiences and lessons from these various groups, both for the future, and to share with other victims across the region and globally. Together with Impunity Watch (IW), Asia Justice and Rights (AJAR) conducted a study to document the current challenges, with a focus on how victims created and contributed to these unofficial transitional processes.

Examining recent developments in five provinces – Papua, Aceh, Yogyakarta, and Central and South Sulawesi – AJAR and partners conducted interviews and collected information from victims representing a wide spectrum of victim groups:

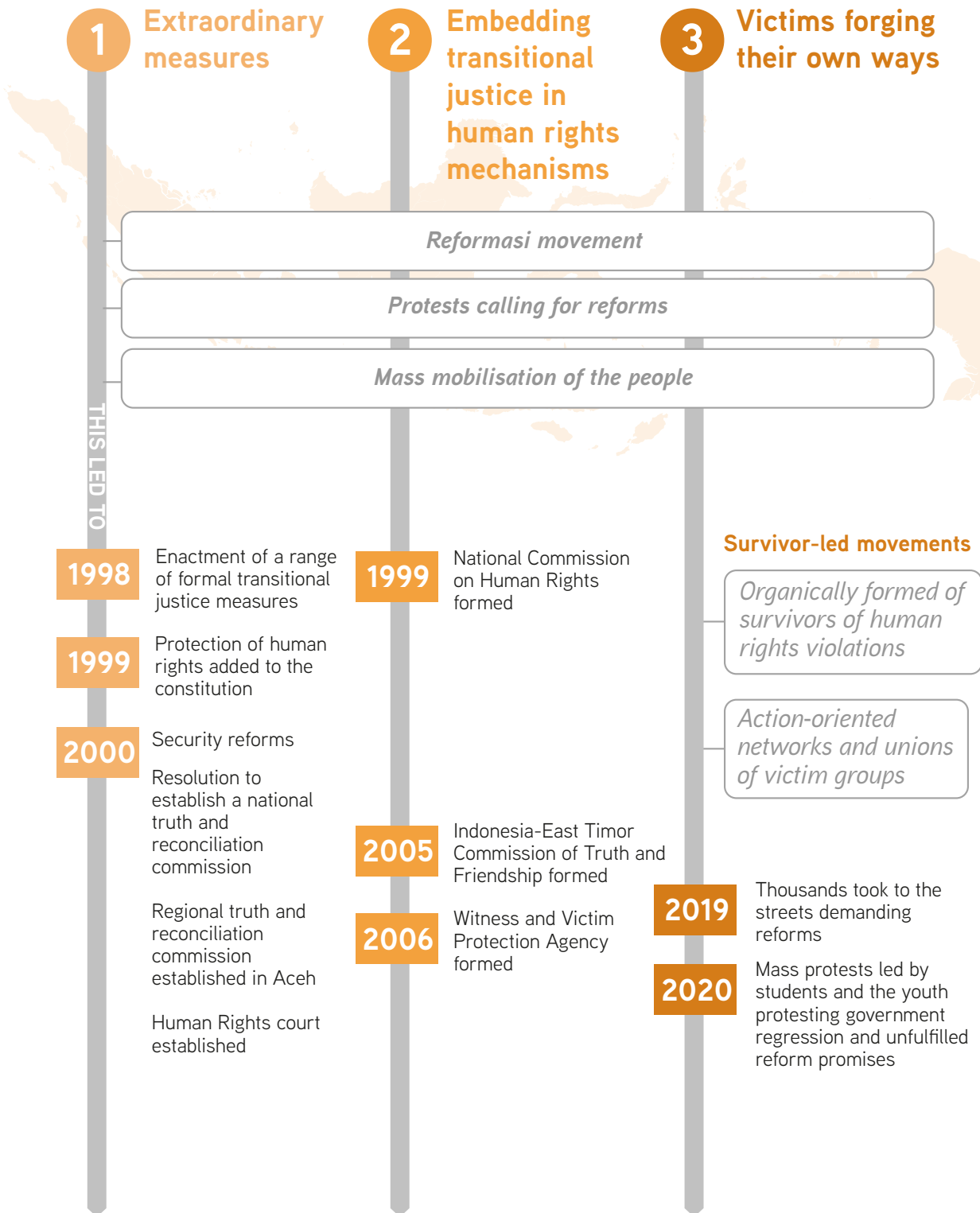
- In Central Sulawesi, a group of survivors of the 1965 atrocities documented close to 500 of their own stories and fought for recognition and acknowledgment of the violations they suffered. In 2012, they partially succeeded and received an official apology from the Mayor of Palu followed by housing and economic assistance to about 63 families.
- In South Sulawesi, ‘stolen children’ or survivors of the forced removal of children during the conflict in East Timor (1975-1999) have been involved in efforts to locate hundreds of survivors and reunite them with their families.
- In Yogyakarta, survivors of the 1965 atrocities have been active in theatre and music performances. They participated in research and advocacy activities and provided testimonies to the National Commission on Human Rights (Komnas HAM). As a result, about 100 survivors have managed to gain access to health and psycho-social assistance through a scheme provided by the Witness and Victim Protection Agency (LPSK).
- In Aceh, victim groups advocated for the establishment of a Truth and Reconciliation Commission in accordance with the Helsinki Peace Agreement. More than a decade later, about 5,000 victims submitted their testimonies to the Commission. Since then, 245 individuals have been identified by the Commission as candidates qualifying for urgent support from Aceh’s provincial government.

- In Papua, continuing violence and discrimination against indigenous Papuans remains rampant. A strong social movement demanding the end of racism, land grabbing, and deforestation, as well as a recognition of Papuans' right to self-rule continues to grow. However, to date, promises for the establishment of a truth commission, a human rights court, and self-governance under the Special Autonomy Law of 2001 remain unfulfilled.

Perhaps the most important lesson from this study is for civil society to champion victim-led processes and to push for participatory approaches in both formal and informal mechanisms, when victims are let down by state institutions.

History of transitional justice initiatives in Indonesia

3 PATHWAYS



Challenges facing transitional justice

with a focus on how victims created and contributed to unofficial transitional justice processes

Victim groups

- Advocated for the establishment of a Truth and Reconciliation Commission
- About **5,000 victims** provided testimonies to the Commission
- Commission identified **245 individuals** for urgent support from the Aceh government

● **ACEH**

Survivors of the 1965 violence

- Documented close to **500 stories**
- Advocated for the recognition of violations.
- In 2012, they received an **official apology** from the Mayor of Palu
- Housing and economic assistance to about **63 families**.

● **CENTRAL SULAWESI**

● **SOUTH SULAWESI**

● **PAPUA**

● **YOGYAKARTA**

Survivors of the 1965 violence

- Active in theatre and music performances.
- Participated in research and advocacy activities
- Provided statements to the National Commission on Human Rights
- As a result, about **100 survivors** accessed health and psycho-social assistance

Survivors who were abducted as children during the conflict in East Timor

Joined efforts to **locate hundreds of fellow survivors** and reunite them with their families.

A growing strong social movement

- Demanding the **end of racism, land grabbing, and deforestation**, as well as a recognition for self-rule.
- But, promises to establish a **truth commission, human rights court**, and self-rule remain unfulfilled.

A thick orange diagonal stripe runs from the top-left corner towards the bottom-left corner, separating the left side of the page from the right side.

1

INTRODUCTION

1. Introduction

“In truth, what we did was not only for victims, but also for the nation and to help the government. We wish to share what we felt and experienced with many people, so that our dark history is not experienced by the younger generations, and it can be a lesson for our future leaders.”

– A male victim, Aceh, November 2020.

Indonesia still struggles with a legacy of mass violations, 23 years after the fall of the ‘New Order’ (1967-1998). Promises made in the early months of ‘Reformasi’¹ to acknowledge crimes, expose abuses of power, investigate human rights violations, and undertake reconciliation² have largely remained unfulfilled. Despite all barriers, victim groups have forged new paths for transitional justice. Undeterred by the annulment of the Law on a Truth and Reconciliation Commission in 2004 and the now defunct serious crimes court which resulted in the acquittal of 100 per cent of all defendants, victim groups advocated for human rights mechanisms to fill the gap and have taken small steps to fulfil victims’ rights. More importantly, victim groups have forged their own path: a third pathway to reach their goals for transitional justice that is both steadfast and authentic.

Together with Impunity Watch, AJAR conducted a study to capture the current challenges facing transitional justice, with a focus on how victims created and contributed to unofficial transitional justice processes. Observing recent developments in five provinces – Papua, Aceh, Yogyakarta, Central and South Sulawesi – AJAR and partners interviewed and collected information from victims representing a wide-array of movements:

- In Central Sulawesi, a group of survivors of the 1965 violence³ documented close to 500 stories and advocated for the recognition of violations. In 2012, they received an official apology from the Mayor of Palu followed by housing and economic assistance to about 63 families.

1 The years after President Suharto’s fall are usually referred to by Indonesians as the ‘Era Reformasi’ (reform era).

2 Between 1998 and 2000, the People’s Consultative Assembly (MPR) and the upper house of the Indonesian Parliament issued resolutions that set the stage for reform. For more information see: ICTJ and KontraS, *Review of Derailed: Transitional Justice in Indonesia since the Fall of Soeharto*. (ICTJ and KontraS: 2011), <https://www.ictj.org/publication/derailed-transitional-justice-indonesia-fall-soeharto-report>. Also see: AJAR, *Indonesia: Handover of Truth and Reconciliation Commission Findings and Recommendations to Aceh Parliament: A Milestone for Truth and Justice in Indonesia*, (AJAR, 2021), <https://asia-ajar.org/2021/12/31/indonesia-handover-of-truth-and-reconciliation-commission-findings-and-recommendations-to-aceh-parliament>

3 The 1965 violence – referred to by many as the 1965 atrocities, 1965 crimes against humanity, or 1965 anti-communist violence – affected more than 500,000 people in Indonesia around 1965-1966. For information regarding numbers of mass killings reported in 1965-1966, see: Indonesia’s Coalition for Justice and Truth: Koalisi Untuk Keadilan dan Pengungkapan Kebenaran (KKPK), *Menemukan Kembali Indonesia: memahami empat puluh tahun kekerasan demi memutus rantai impunitas: laporan tahun kebenaran KPKK* (Jakarta: KPKK, 2014), 62. For other resources, see: Robert Cribb (ed.), *The Indonesian Killings 1965-66: Studies from Java and Bali* (Clayton: Monash University, 1990). Freek Colombijn and Thomas J. Lindblad (eds.), *Roots of Violence in Indonesia: Contemporary Violence in Historical Perspective* (Leiden: KITLV Press, 2002), 2-3.

- In South Sulawesi, 'stolen children' or survivors who were abducted as children during the conflict in East Timor (1975-1999) have been involved in efforts to locate hundreds of fellow survivors and reunite them with their families in the region.
- In Yogyakarta, survivors of the 1965 violence have been active in theatre and music performances. They participated in research and advocacy activities and provided statements to the National Commission on Human Rights (Komnas HAM). As a result, about 100 survivors have managed to access health and psycho-social assistance through a scheme provided by the Witness and Victim Protection Agency (LPSK).
- In Aceh, victim groups advocated for the establishment of a Truth and Reconciliation Commission in accordance with the Helsinki Peace Agreement. More than a decade later, about 5,000 victims have provided testimonies to the Commission which identified 245 individuals for urgent support from the Aceh government.
- In Papua, despite the rampant ongoing violence and discrimination against indigenous Papuans, there is a growing strong social movement demanding the end of racism, land grabbing, and deforestation, as well as a recognition for self-rule. However, promises to establish a truth commission, human rights court, and self-governance under a special autonomy law (2001) remain unfulfilled.

2

METHODOLOGY

2. Methodology

AJAR and five local partners conducted interviews with 50 survivors (32 men and 18 women) and convened two focus group discussions with officials and advocates in the Indonesian provinces of Aceh and Yogyakarta. The local partners included: (i) El-AdPPer, a women's organisation from Merauke in Papua involved in the documentation of human rights abuses; (ii) Fopperham, an organisation that assists survivors of the 1965 violence in Yogyakarta; (iii) KontraS Sulawesi, an organisation that helps with the search for and reunification of stolen children in South Sulawesi; (iv) KontraS Aceh, one of the lead organisations that works with survivors and lobbied for the establishment of the KKR Aceh; and (v) SKP-HAM, a local organisation that documented the stories of 500 survivors of the 1965 violence and advocated for official recognition in Central Sulawesi.

This research aimed to better understand how victims participated, created, and led social movements, despite the halt of Indonesia's formal transitional justice processes. Due to COVID-19 restrictions, interviews were conducted mostly by telephone. However, some face-to-face meetings were held with victims who had no access to phones, in compliance with pandemic protocols. Data collection took place from September to December 2020, and AJAR took the lead in setting up online agendas with the partners focusing on how to develop interviews including key questions and areas of focus. After data was collected from each area, two follow-up meetings were conducted with all partners. This was to verify the data, analyse initial key findings, and define the themes of the report.

The victims involved in this research have been assisted by AJAR and its partners for many years. Many of them have been involved in workshops and documentation processes using AJAR's participatory tools. For this project, AJAR and partners focused on gathering primary data on victim movements in five provinces, complemented by further desk research and follow-up interviews to elaborate further on certain themes that arose during the research process. With this said, the research is limited to information gathered in less than ideal conditions given the pandemic.

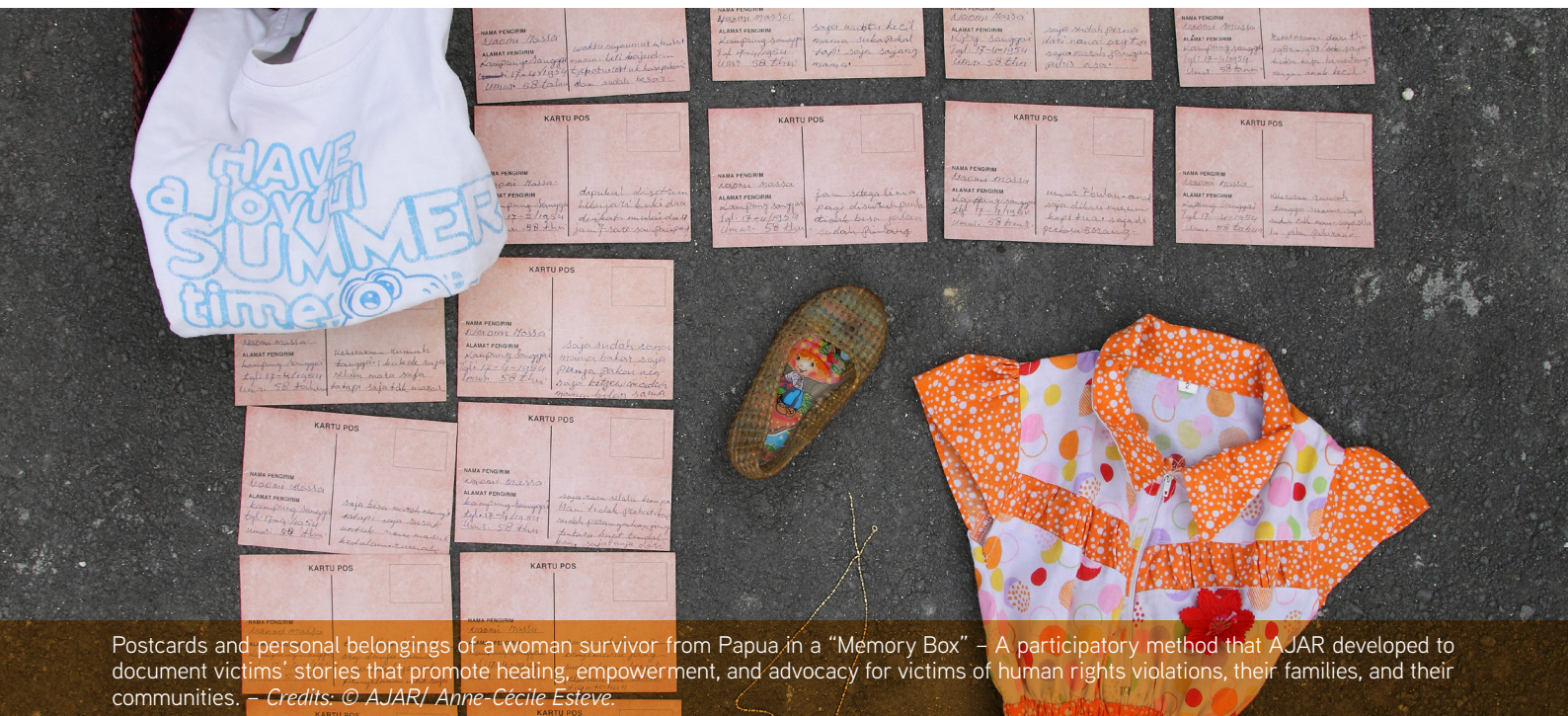
3

CONTEXT

3. Context

After nearly 350 years of colonial rule, Indonesia declared its independence in 1945. From that time until the mid-1960s, the country was led by President Sukarno. In 1965, a coup was orchestrated by sections of the Indonesian military led by Suharto, an army official and politician. During the military seizure and consolidation of power, between 500,000 and one million members or affiliates of left-wing organisations, especially the Indonesian Communist Party (PKI), were murdered. In addition, more than a million persons were arbitrarily arrested and held without trial throughout the country. This came to be known later as the 1965 violence, and it was the worst political violence since the country's 1945-1949 war of national liberation.

The New Order, as it came to be known, maintained power until 1998. During this period, all forms of political opposition were either banned or remained under strict control. Countless human rights violations were perpetrated, and crimes against humanity were committed in East Timor, Aceh, and Papua. These crimes included extra-judicial killings, torture, enforced disappearances, and rape. The exploitation of both urban and rural workers as well as natural resources, resulted in a small rich elite while much of the country sank into poverty. In the late 1990s, mass protests among different sections of the population coupled with the Asian Financial Crisis, put immense pressure on the regime. President Suharto was forced to resign in 1998, formally ending the New Order.



Postcards and personal belongings of a woman survivor from Papua in a "Memory Box" – A participatory method that AJAR developed to document victims' stories that promote healing, empowerment, and advocacy for victims of human rights violations, their families, and their communities. – Credits: © AJAR/ Anne-Cécile Esteve.

4

HISTORY OF TRANSITIONAL JUSTICE INITIATIVES

4. History of transitional justice initiatives

First path to transitional justice: Death of ‘extraordinary’ measures

The resignation of President Suharto in 1998 marked the beginning of the period known as Reformasi. It was characterised by the mass mobilisation of sections of the population, including students, farmers, workers, and other groups. While many protests and actions were localised and focused on specific issues or grievances, a range of national reforms such as political decentralisation, electoral reforms, and press freedoms were introduced. Amidst this environment, the path to transitional justice was initiated. This involved ‘extraordinary’ measures for accountability which eventually ran out of steam just like the Reformasi movement.

In the years after 1998, civil unrest continued as vast sections of the population demanded the complete reform of Indonesian politics and society. The result was the enactment of a range of formal transitional justice measures by state institutions, like Indonesia’s upper house of parliament and the People’s Consultative Assembly (MPR). For instance, the outgoing Parliament adopted in 1998 Resolution XVII which upheld human rights principles, while committing to the ratification of international human rights conventions and strengthening the mandate of the Komnas HAM.

In 1999, Resolution TAP MPR IV was adopted stipulating the state’s commitment to a “just solution” to the ongoing conflict in areas such as Aceh, Papua, and Maluku. The resolution stipulated that the state should commit to building “a legal system that guarantees the supremacy of the rule –of-law and human rights based on justice and truth.” Most significantly, the protection of human rights was added to the national constitution, international conventions were ratified, a constitutional court was established, and the security forces seats in the legislature were abolished. In the year 2000, security sector reforms were enacted in the form of two decrees issued by MPR. The decrees separated the police and military and stated the withdrawal of both entities from the political landscape and placing them under civilian control.

In 2000, MPR issued the Resolution on Strengthening National Unity and Integrity which committed to a far-reaching process of truth-seeking. The Resolution acknowledged past crimes and stated the establishment of a national Truth and Reconciliation Commission (TRC) with a broad truth-seeking mandate and reconciliation programme. However, the law to establish the Commission was not passed until 2004 and was then struck down by the Constitutional Court following a judicial challenge. KKR Aceh, which was established 13 years after the peace agreement was signed, faced many challenges in its initial implementation due to a lack of political support. Furthermore,

the promise to establish a Truth Commission to focus on human rights violations in Papua has yet to be honoured.

In 2000, a human rights court was established with jurisdiction over serious crimes (crimes against humanity and genocide) that were committed before 2000. To date, a total of three cases were brought to trial. Two ad hoc courts were established to try two cases: the violence around 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 (six for East Timor and 12 for Tanjung Priok), but they were later acquitted on appeal. Hence, the human rights court resulted in 100 per cent acquittals and is no longer functioning.

The historical significance of these early years of Reformasi cannot be underestimated. After more than 30 years of dictatorship, activists and ordinary Indonesians forced the government to commit to a range of democratic reforms and transitional justice measures. In 2001, Abdurrahman Wahid, Indonesia's first democratically elected president, was impeached and replaced by Megawati Sukarnoputri. By this time, much of the momentum from the late-1990s was waning, and the forces that had previously held economic and political power were beginning to reassert their control. The failure to establish a national TRC and to hold human rights violators accountable is emblematic of this state of affairs. The following section of the report explores how this situation made victims demand more tangible results more from the existing human rights mechanisms.

Second path: Embedding transitional justice functions in the human rights mechanisms

Since the transitional justice mechanisms promised by Reformasi were neither established nor delivered results that satisfied victims, the latter started demanding more from the existing human rights mechanisms. Victims basically called for the following:

- **Komnas HAM** was established during the New Order period in response to a massacre committed in 1992 in East Timor, which was at the time illegally occupied by Indonesia. In 1999, as part of Reformasi, Komnas HAM was given a stronger mandate which included conducting 'pro-justicia' (i.e., pre-prosecutorial) investigations into crimes against humanity and genocide cases to be referred to the Attorney General. Between 2008 and 2012, Komnas HAM investigated the 1965 violence and found that crimes against humanity had been committed, and subsequently referred the case to the Attorney General. Nevertheless, the case was never followed up on, and the parliament failed to establish a court to try the 1965 violence. Under pressure

from victim groups, Komnas HAM produced 5,000 “letters of certification” based on statements made by victims of the 1965 violence. More than 3,800 persons have been referred for psycho-social support provided by LPSK.

- Established in 2006, **LPSK** is mandated to provide witness protection in criminal cases including urgent psycho-social assistance to victims of human rights violations. Upon an amendment to the law and granting it more resources, LPSK began providing urgent assistance to victims who gave statements to the pro-justicia investigations by Komnas HAM. The assistance was limited to six months and included free medical care and other forms of psychosocial support.
- **The National Commission on Violence against Women (Komnas Perempuan)** was established in direct response to the violence that took place in May 1998, during the upheaval that led to the fall of Suharto. Since its establishment, Komnas Perempuan has carried out truth-seeking investigations on systematic rape and other gender-based violations. These include violations against women in 1965 as well as in the conflict areas of Papua, Maluku, Aceh, and during the May 1998 violence⁴. Komnas Perempuan has played a key role in creating a cultural movement to support victims of gender-based violations.



AJAR actively participated in a civil-society led truth-seeking initiative by the Coalition for Justice and Truth (KKPK) in 2012-2014. Consequently a report entitled 'Reclaiming Indonesia' was released covering 40 years of impunity in the country, the patterns of violence, and recommendations to break its cycle. – Credits: © AJAR/ Selviana Yolanda.

⁴ The 1998 violence refers to incidents of mass violence, demonstrations, and civil unrest that occurred in Indonesia, mainly in Medan, Jakarta, and Surakarta. The riots were triggered by corruption and economic problems including food shortage and mass unemployment.

- **The Indonesia-East Timor Commission of Truth and Friendship (CTF)** commenced its work in August 2005 and submitted its final report in March 2008.⁵ It is the only bilateral truth commission in the world and is sponsored and funded by both governments. Its mandate included: establishing the truth about the human rights violations perpetrated before and after the 30 August 1999 referendum in Timor-Leste, making recommendations to heal the wounds of the past, and strengthening the friendship between Indonesia and East Timor based on their shared history. CTF's report strengthened the findings of the TRC on serious human rights violations in the form of crimes against humanity with institutional responsibility. The CTF report also made recommendations, including on ensuring redress to victims. To this day, both countries have ignored calls for establishing a bilateral commission to investigate cases of forcibly disappeared persons as recommended by the CTF final report.⁶

Third path: Victims forging their own way

More than two decades since the resignation of President Suharto, the majority of transitional justice promises in Indonesia have not been honoured. In the years since Reformasi, the state has provided little support to truth-seeking processes, accountability for mass violations, or remedy for victims and their families.

While progress was earlier made toward reforming the security sector, internal police and military mechanisms for investigating violations remain weak, and military courts are still not subject to any external oversight. Simultaneously, the absence of any vetting policy means that military personnel linked to serious crimes continue to serve and attain high positions in the public service. In fact, numerous Suharto-era military leaders hold positions in the current government.

A culture of activism and civil society

Civil society groups and activist movements have blossomed in the post-Suharto period. In 2019, a set of bills were tabled by the Indonesian parliament which, among other things included plans to weaken the Corruption Eradication Commission (KPK) prevent the criticism of state officials, and criminalise personal affairs such as extramarital sex. In response, mass protests broke out in almost every province, spearheaded by students and young people.

5 Chega+10, "Review of Commission for Truth and Friendship Report," Chega+10 and AJAR, 2014, <http://www.chegareport.org/profil-of-ctf/>

6 The NGO coalition in Indonesia issued a joint press release on 15 July 2021 on the occasion of the 13th Commemoration of the Indonesia-East Timor Commission for Truth and Friendship: <https://kontras.org/2021/07/15/tiga-belas-tahun-pasca-rekomendasi-komisi-kebenaran-dan-persahabatan-kkp-bentuk-komisi-orang-hilang-dan-penuhi-hak-korban/>

In 2020, the government announced the Omnibus Law, which was perceived by many as a direct attack on labour rights and environmental protection. Similar to what happened in 2019, thousands of ordinary citizens took to the streets to protest the government's regressive policy. In terms of human rights activism and organising, there have been opportunities for the growth of organic movements and groups raising various issues. The diverse victim and human rights groups have been developing creative ways to defend their rights.

These examples demonstrate that civil society and activist movements are relatively strong in contemporary Indonesia. In many ways, it is these forces that are fighting for political reforms as well as for the social progress promised during Reformasi. Despite the fact that these movements are relatively stronger compared to other historical periods, there are still significant opportunities and challenges.

Indonesia is generally witnessing a shrinking space for democracy, with rising concerns over the limitations to freedom of speech and the increased criminalisation of dissent. Social media has also led to the sharpening of conflict between groups with differing views on religion and politics, while online technologies have been weaponised as tools to punish the criticism of the state, such as doxing the private information of the critics, and harassing the critics online. More importantly, the political system is composed of ruling coalitions without alternative political representation or genuine opposition forces.

Survivor-led movements

Victim groups and movements have been at the forefront of creating their own paths toward truth, justice, and redress. As will be explored in later sections of the report, this path includes an array of mechanisms and initiatives led by survivor groups, families of victims, and civil society organisations.

Survivor-led movements can be categorised into two main groups.

1. Organically formed self-help organisations, which were established by survivors of the same case of human rights violations. They often have similar stories, shared prison cells and were subject to the same discrimination.
2. Action-oriented networks or loosely established unions of various victims groups that merged their initiatives with those of civil society organisations.

Below are some examples of the various victim movements, reflecting the wide-spectrum of repression and violence that took place during the New Order (1967-1998):

Families of the disappeared advocating for justice:

In the months leading to the fall of the New Order (1967-1998), some pro-democracy activists were abducted. In 1998, the families of these victims formed a forum called the Indonesian Association of the Families of the Disappeared (IKOHI) in order to fight for truth and justice. After many years of relentless advocacy by the Association, Komnas HAM completed its investigation in 2006. It found that crimes against humanity were committed and referred the case to the Attorney General.⁷ However, there has been no follow-up on the case, in spite of a parliamentary decision to create an ad-hoc court. IKOHI is still advocating for the right to know the whereabouts of the disappeared, and is calling on the government to acknowledge the victims of enforced disappearance, address the cases of enforced disappearance, and ensure that these violations do not happen again. IKOHI's membership and networks include families of the forcibly disappeared in the provinces of North Sumatra and Papua.

Victim-led organisations work on documentation and the exhumation of mass graves:

With little support from law enforcement, including the Office of the Attorney General, members of the families of the forcibly disappeared conducted their own exhumations of mass graves. A survivor-led organisation, the Indonesian Institute for the Study of 1965-66 Massacre (YPKP 65), documented victim testimonies and identified locations of mass graves and former detention camps. In November 2000, YPKP 65, along with families of the victims, conducted an exhumation in a suspected site of mass graves in Wonosobo, Central Java. The exhumation process only had a written permission from the victims' families, a recommendation letter from Komnas HAM, and a verbal permission from several government agencies. The exhumation process did not formally involve the police, although they were present at the site in order to observe the process. The exhumation was conducted by a forensic team, in the presence of family members, lawyers, YPKP 65, and the local communities. They uncovered the remains of 24 people, several bullets, and personal belongings like a comb and a wedding ring. In 2019, YPKP 65 provided information to the Komnas HAM regarding more than 360 mass graves, and requested the Commission to conduct an investigation of these sites.⁸

Victims of 1965-66 demand rehabilitation:

The Institute for the Rehabilitation of Victims of the New Order (LPR-KROB) is an informal organisation established to accommodate the advocacy for rehabilitation of

7 For more information see: KontraS, *Progress Case Activists Kidnapping in 1998*, (Archived on March 4, 2016), <https://web.archive.org/web/20160304094638/https://www.kontras.org/penculikan/perkembangan%20kasus.pdf>

8 Ari Yurino et al., "Enforced Disappearances as a Legacy of Dictatorship or Occupation," in *We Need the Truth: Enforced Disappearances in Asia*, ed. Franc Kernjack (Guatemala: Equipo de Estudios Comunitarios y Accion Pscsocial (ECAP), 2009) 136-44, <http://www.simonrobbins.com/ECAP-We%20need%20the%20Truth-Asia%20disappearances.pdf>.

the victim communities that suffered from atrocities in 1965-66 to cope on their trauma and discriminations, also health deterioration due to past torture, grief from loss of loved ones in mass killings, and loss of properties. LPR-KROB was established to follow-up on the informal apology of the fourth President Abdurrahman Wahid. It used various platforms to demand the rehabilitation of the victim communities, including requesting the Supreme Court's legal opinion on the matter. However, there has not been any presidential policy that directly addresses the issue of rehabilitation. LPR-KROB therefore adopted various methods to push for this demand including opening communication channels with the relevant government agencies and presidential staff in charge of legal and human rights issues in order to convey the victims' input, demands and aspirations.

Self-help movements of 1965-66 victims in Yogyakarta implement memory projects:

In the early years of Reformasi, the victims of the 1965-66 atrocities organised and formed communities in several areas like Yogyakarta. They were supported by young progressive Islamic human rights defenders. Women victims formed their own organisation, Kiprah Perempuan. The latter created a forum for mutual support among victims, conducted documentation of the human rights violations, provided assistance, and lobbied with local governments. Given that many of its members were women artists, Kiprah Perempuan was involved in memory projects using theatre and music productions. Kiprah Perempuan worked with other victim organisations in Yogyakarta, like LPR-KROB and Pagar Rakyat. They played a pivotal role in providing statements to Komnas HAM, which in turn referred them to LPSK to receive psycho-social support and health assistance. Forum of Human Rights Education and Struggle (Fopperham) a university-based human rights forum, has been supporting these efforts since 2016.

Families of the disappeared push for the formation of a TRC in Aceh:

On 21 August 2008, around 150 families of victims came to the provincial office of Komnas HAM to officially submit documents related to the enforced disappearances in Aceh. After years of inaction, pressure from the victims and civil society pushed the Aceh People's Representative Council (DPRA) to form the KKR Aceh in 2013. The Commission is mandated to uncover the truth around the mass human rights violations, including the fate and whereabouts of those who were forcibly disappeared, and to properly bury those who died. In November 2019, KKR Aceh held a public hearing about the theme of enforced disappearances, bringing together 20 families of the disappeared. Based on various sources, including submissions from civil society, the KKR Aceh found that at least 1,935 people were forcibly disappeared between 1989 and 1998.

*Since 2013, **160 STOLEN CHILDREN** have been identified and documented; only **50%** participated in the reunification process.*

Women's organisations and victim groups take the lead in Aceh:

Women have historically played an important role in Aceh, notably during the Acehnese struggle against European imperialism, as well as in the aftermath of Indonesia's independence. The women's organisation 'Flower Aceh,' was established in 1989 and was dedicated to assisting women-survivors of violence perpetrated by The Free Aceh Movement (GAM) and the Indonesian military. Local non-governmental organisations (NGOs) were also established, including the Women's Development Organisation (Yayasan Pengembangan Wanita) in Takengon, Central Aceh, and PASKA, which worked with women who were impacted by the conflict in Pidie. After Reformasi, more women's NGOs were established such as the Women's Volunteers for Humanity (RPUK), Pulih Foundation (Yayasan Pulih), and the Legal Aid Foundation of the Indonesian Women's Association for Justice (LBH Apik). Despite their central role in Aceh, women's organisations were excluded from the 2005 peace negotiations.

Survivors join the efforts to search and document the stolen children of East Timor:

Civil society in Indonesia and East Timor has, since 2013, led the initiative to search for and document survivors who are abducted as children from East Timor in order to reunite them with their families. While the Indonesian Ministry of Foreign Affairs supported the reunion process, the government as a whole has refused to acknowledge them as stolen children. Only 80 out of the 160 stolen children who were identified and documented by the Working Group of Stolen Children, participated in the reunification process. Many survivors who participated in the process have played a crucial role in searching for other stolen children. In light of their involvement in the process, many survivors have found agency as human rights defenders. Survivors not only took part in formulating strategies and coordinating searching efforts in their respective areas, but they have also raised awareness on the issue, and fought for their and other survivors' rights.

Justice for Munir:

On 7 September, 2004, Munir Said Thalib, a prominent human rights activist, was poisoned on a flight to Amsterdam. His death sparked public demands for justice, including by many victims and their families whom he had defended. A fact-finding team was established and as a result of its efforts three flight officials were convicted for murder and sentenced to prison; despite the lack of cooperation from security institutions. Nevertheless, the court failed to prosecute senior intelligence officials who allegedly orchestrated the murder. In 2007, Munir's wife, Suciwati, filed a lawsuit against the national flight airline, Garuda, and managed to win US\$380,000 as compensation. The Hague in the Netherlands named a street after Munir in 2015 to honour him and support the call for justice. No further inquiry has been made to date. Suciwati believes that there is a state-sponsored conspiracy and has lost faith in official mechanisms to resolve the case of her husband. "The state is always looking for reasons to close this case."⁹ Munir remains an inspiration for human rights defenders, and his name is honoured in the first independent human rights museum in Indonesia.

Victims' Solidarity in Central Sulawesi pushes for regional policy to address their rights:

The group Solidarity for Victims of Human Rights Violations (SKP-HAM) has, to date, documented the narratives of more than 1,300 victims of the 1965-66 atrocities. In 2012, the Mayor of Palu responded to SKP-HAM's findings by delivering an official apology to the victims and their families. Following this apology, SKP-HAM worked with academics and database experts to verify victims' narratives and submit them to the Palu municipality, in order to develop a regional policy to address victims' rights. Between 2014 and 2015, SKP-HAM worked with transitional justice experts and international NGOs to ensure that the right to remedy would be achieved through the policy. Political changes in 2018, which included the appointment of a new city mayor, significantly compromised the policy. The service programme for victims was put on hold due to allegations of corruption by public officials authorised to administer the programme.

The Thursday Vigil in front of the Presidential Palace continues for years:

A silent protest in front of the Presidential Palace, also known as the 'Aksi Kamisan,' has been taking place every Thursday since 2007, and participants have no plans to stop until the government addresses their human rights concerns. Regular participants carry black umbrellas on which they have inscribed their demands like 'Stop impunity' and 'Solve cases of human rights violations.' The initiative was inspired by the 'Mothers of Plaza de Mayo' in Argentina and was started by families of young protesters who were shot dead in late 1998 at the Semanggi intersection, victims of the 1965-66 atrocities, victims of the May 1998 riots, as well as Munir Said Thalib's family.

⁹ More information on the Munir case: <https://www.amnesty.id/sixteen-years-on-how-many-more-years-before-munirs-killers-are-found/>



Postcards and personal belongings of a woman survivor from Papua in a "Memory Box" – A participatory method that AJAR developed to document victims' stories that promote healing, empowerment, and advocacy for victims of human rights violations, their families, and their communities. – Credits: © AJAR/ Anne-Cécile Esteve.

Papuan women take part in participatory documentation of human rights violations:

After decades of violence and discrimination against Papuan women the joint efforts of AJAR and five Papuan organisations led to the establishment of the Papuan Women's Working Group (PWG) in 2013. The latter focused its work on documentation and research in order to raise the voices of Papuan women in their fight for human rights. PWG has been playing a pivotal role in collaborating with formal mechanisms like Komnas Perempuan. Together, they launched several initiatives including publishing a narrative report and releasing a video, featuring the stories of 170 indigenous women, at the Papuan Governor's Office in July 2017. This collaboration between PWG and Komnas Perempuan paved the way for another round of action research that involved 100 participants. This action research resulted in a report that includes cumulative findings and key themes bringing the total number participants to 249.

‘The Year of Truth:’ The Coalition for Justice and Truth leads informal truth seeking initiatives:

In the absence of an official truth commission, the Coalition for Justice and Truth (KKPK), has worked, since 2008, on informal truth-seeking processes. The Coalition started by documenting cases of mass human rights violations under several categories including: violence against women, violence during military operations, extraction of natural resources, violence against human rights defenders, violence toward religious and ideological minority groups, and violence in the name of public order. The Coalition has documented 930 cases of violence from 3,396 victims across Indonesia. Following this process, informal public hearings were held in several cities including Jakarta, Solo, Palu, Kupang, and Aceh.

Human rights activism in Indonesia has persisted despite the government’s restrictions and pressure to halt the efforts of the survivor- and victim-led movements seeking truth, recognition, justice, and redress. These movements remain adamant to achieve justice and we have seen how they resorted to various official and non-official means to that end. After showcasing some of their work, we will shed light on the present challenges and future opportunities for justice and societal transformation.

Survivor-led movements face a challenging political reality

As long as the Indonesian government does not take any concrete steps to acknowledge the suffering of victims and ensure redress, the afore-mentioned survivor-led movements will continue to voice their demands. These movements are confronting a challenging reality whereby a large number of individuals who are accused of perpetrating serious human rights violations or who were leaders during the authoritarian New Order, are currently enjoying strong positions in Indonesia’s political economy. The fact that such individuals are elected as political leaders or are economically privileged, certainly has an impact on the future outlook of survivor-led movements.

The youth are a source of hope

The increasing number of young people dedicated for the struggle for victims’ rights presents a source of hope. For instance, this is evident in the Aksi Kamisan movement in Jakarta. Moreover, many students and young people who participated in the major 2019 protests called for the prosecution of the leaders accused of perpetrating human rights violations. One of the seven key demands raised by protesters was to “resolve human rights violations and put human rights violators on trial, including those at the highest levels of government; immediately restore rights of victims.”¹⁰

10 EngageMedia, “7 Desakan: The 7 Demands of Protesters in Indonesia,” EngageMedia. September 27, 2019, <https://engagemedia.org/2019/7-desakan-the-7-demands-of-protesters-in-indonesia/>

Re-energising drained civil society organisations and survivor-led movements

Despite the notable success of some initiatives led by civil society organisations (CSOs) compounded with some broader positive developments on their ways to memorialise, documenting their stories, and push for restoring their good names, many survivor-led movements are on the brink of exhaustion and burnout. Some methods that might re-energise their activism include: official recognition of the victims, programmes by local governments allowing victims to be heard, reform of existing human rights mechanisms to eliminate bureaucratic hurdles and develop a victim-centred approach, and, CSOs working with stakeholders like international actors and national governments to provide assistance to victims. Asked about the future, a female victim from Yogyakarta said: “Today I still have hope. I am waiting for the day when the government officially recognises victims, when victims are again treated with dignity as human beings.” One possible way to achieve this is to build local initiatives with the support of local governments. Given the resistance toward truth and recognition at a national level, local governments should be empowered to take action.

A thick orange diagonal stripe runs from the top-left corner towards the bottom-left corner, separating the page number from the title.

5

EMERGING TRENDS

5. Emerging trends

Advocating for transitional justice: a double-edged sword

When asked about their views on transitional justice initiatives, victims have a wide range of responses. Some of them often intertwined demands for justice, truth and reparation. This contradicts what they perceive as the government's 'cherry-picking,' policy which prevents certain aspects of transitional justice, such as acknowledgment of past injustices,—because it believes these could threaten the status quo or the nation's international reputation. It is therefore crucial to understand and acknowledge the often-diverse stance of victims. Giving space to this diversity and championing a victim-centred approach is key to ensure that the aspirations of victims are put front and centre.

Many of the elderly victims of the 1965 atrocities felt grateful for the investigations conducted by Komnas HAM, which subsequently enabled the provision of psycho-social assistance by LPSK:

I feel so moved. After so many years without anyone caring about us. My friends and I have been like trash in a garbage dump. Not like trash, but really [treated as trash]. Now there are those who care about us.

– A male survivor of the 1965 atrocities, Yogyakarta, December 2020.

But for some, it is too little too late:

Now when we tell our friends to report a disappeared family member, they say, 'What for? It is just too much work. We are old now.' Meanwhile, we've been searching, but cannot do much more. In terms of restoring our good name, we still hope that there will be some kind of historical clarification for university students. This would make us a bit happy. [But] my husband is still [forcibly] disappeared until today. I don't know where he is.

– A female survivor of the 1965 atrocities, Yogyakarta, December 2020.

Others believe that transparency around the process is key:

"For us to achieve justice, those involved must be honest about what they are doing. So that we and everyone can know that this is the truth."

– A male survivor of the 1965 atrocities, Central Sulawesi, November 2020.

For victims in Papua, where violence is ongoing, a lack of trust in the central government has led to disdain and antipathy toward any kind of new initiative:

"I don't really know what transitional justice means. Many policies of this government are not relevant to our people. It is a pack of lies."

– A female victim, Boven Digoel, Papua, February 2021.

Despite persistent official denial, victims continue to struggle for recognition of the truth

Given that official recognition remains elusive, many victims spoke about truth as an ongoing struggle. For victims of the 1965 atrocities in Central Sulawesi, their efforts to document their own stories have resulted in an apology from the mayor of Palu in 2012. However, there has been little progress since, and victims feel that the truth has slipped away from their grasp again:

Truth is a fact that cannot be denied or manipulated. It is an authentic truth which would arise from a court proceeding. Maybe we are fearful to speak out, but another victim can reveal it. [But] it is as if the truth is not being heard.

– A male survivor of the 1965 atrocities, Central Sulawesi, November 2020.

Recognition from the government should be in writing. If we speak about reconciliation without truth, I don't think that can happen. Reconciliation without truth is a wasted effort.

– A male survivor of the 1965 atrocities, Central Sulawesi, November 2020.

Truth remains a goal that must be strived for:

If we could meet with the ex-generals who were involved in the war, then we would meet with them to find out the truth.

– A male survivor of stolen children, South Sulawesi, November 2020.

Among survivors of childhood abductions by the Indonesian military from East Timor, some did not see themselves as victims but as mere 'collateral damage' due to the political conflict between Indonesia and East Timor:

Regarding the term: [We are] victims of political war. We didn't understand, we were kids. [We] definitely wanted [to come] but I don't think what we [the children] who were brought here were doing fine. Our family assumed that we were dead, dumped in the sea, or killed in the forest. But then [they] found out that we are still alive, Alhamdulillah still alive [...] I don't think we are [victims of] human rights [abuses].

– A male survivor of stolen children, South Sulawesi, November 2020.

When survivors of childhood abductions become more involved in searching for other survivors and accompanying others to family reunions in East Timor, they learn more about the findings of the Indonesia-East Timor Commission for Truth and Friendship regarding the forcible removal of children during the conflict. This helped some individuals learn more about their status as victims:

"I am a victim of war. At that time, we were children, we didn't know what was happening. We are victims. I just say that I am a victim of war."

– A male survivor of stolen children, South Sulawesi, November 2020.

For survivors in Papua, truth means that the state acknowledges the human rights violations that have occurred over many decades in Papua:

All of the victims' interviews must be followed up on and the truth must be revealed. There are mass human rights violations that took place. The perpetrators must be held accountable and, the state must recognise that there are mass human rights violation.

– A male victim, Papua, November 2020.

As many victims emphasised, the struggle for truth is not only a matter of fighting for victims' rights, but also to ensure that future generations do not face the same suffering. These victims often emphasise the need for a strong nation that is able to acknowledge the past, learn the lessons, and move toward building a better future. Most importantly, many victims who participated in this research pointed out that this struggle for justice requires an understanding and acceptance of the complete truth of what took place.

Justice remains out of grasp

Some survivors believed that justice will only be achieved when the perpetrators are held accountable. Thus, in Indonesia, many have lost hope:

How can we take our case to trial if the perpetrators died? We just need to accept our fate

– A male victim of the 1965 atrocities, Central Sulawesi, November 2020.

Victim groups in urban areas tended to define justice as bringing the perpetrators and those responsible for violations to court. Meanwhile, victim groups in rural areas have difficulties accessing basic rights, and therefore; they have other priorities and urgent needs. They saw justice as better access to healthcare or the right to live peacefully without stigma. For others, justice is interpreted more broadly; such as transparency of the process or freedom from continuing violence:

To seek justice, [it must include] the truth about what happened to someone. It is not permissible to take lives indiscriminately, whether they are GAM or not.

– A female victim, Aceh, November 2020.

For many victims and survivors in Papua, justice means freedom from oppression whereby the Papuan people can determine their own future and perpetrators are tried and held accountable:

“I hope we [...] have this land freed from [the oppression of] Indonesia. Don’t let us be enslaved until now. We don’t need to be colonised again. It’s been so many years, many of our fighters died. Our fatherland has been colonised. We must continue to [raise our voice] to the outside world so that we will be free.... We don’t want to be colonised.”

– A male victim, Papua, November 2020.

While most of the survivors of childhood abduction perceived justice as receiving assistance from the government, they did not mention anything about bringing their perpetrators to the court.

In a context of impunity, victims have accepted modest assistance as reparations and the promise of ‘never again’

Survivors who participated in this research, interpreted reparations differently. Prior to the peace agreement in Aceh, the local government had provided widows and family members with a small lump sum of money:

“The fulfilment of justice is not about the assistance that has been given to us. 10 million rupiah (equivalent to US\$1,000) or whatever, given to all victims by the government is not aid. The violations committed against victims are not the same. Some of them were detained for two months, others were women who raised children alone because their husband was forcibly disappeared. We don’t need assistance. But what we want to demand is justice. Dealing with [victims] A and B should not be the same.”

– A male victim, Aceh, November 2020.

For the stolen children, reuniting them with their families from whom they had been separated for decades is a key form of reparation. For them non-repetition of the violations is an integral aspect of reparations. These victims define a guarantee of non-repetition as the situation where there will be no conflict in the future, where they can live safely, and where there are no more abductions of children:

To have peace between countries and no more victims like us. Yes, no more. No one will become like us today [...] I want the government to prevent it from happening again.

– A male victim, South Sulawesi, November 2020.

When victims of 1965-66 atrocities were released from detention, many were given a national ID card marked with the code 'ET,' an abbreviation for ex-political prisoners. For some survivors of 1965 in Yogyakarta, reparations meant the right to live free of stigma and enjoy a better standard of living with access to basic rights. Similarly, victims of 1965 in Central Sulawesi saw reparations as the restoration of the rights that had been taken from them as well as the guarantee of non-repetition:

"I think [the truth] should be known to the public [...] the current generation or the next generation of the nation must know [our stories] so that in the future it doesn't happen again.

– A male victim, Central Sulawesi, September 2020.

Survivors struggling with bureaucratic barriers: Engagement and fatigue

Actually, I think if victims or organisations can consistently push for our rights, we can attain them. It is already included in the Komnas HAM report. It needs to be followed up on because it should not be ignored. If it's ignored then Komnas HAM has not worked at all. We need to pressure them. It is already obvious that Komnas HAM has issued a letter that states: we are the victims and not the perpetrator.

– A male victim, Central Sulawesi, September 2020.

Advocating for transitional justice goals through human rights mechanisms may result in many bureaucratic barriers for victims. In some cases, pushing against bureaucracy has strengthened agency among victims. They are able to see how to work within the system and to criticise the bureaucratic hurdles:

I say to my friends [who work with victims], the priority is first to pursue the Victim's Certificate from Komnas HAM. When there is already the letter from Komnas HAM, it can be easier. We can deal with getting treatment from LPSK later.

– A male Victim, Yogyakarta, December 2020.

There is a case of a victim's child. The child made a request [to LPSK] but it was not granted, even though his father was detained and [forcibly] disappeared. LPSK's number one priority is the victim, [but] it should also be the child. If the victim is dead, must the dead body be called first? This needs to be reviewed.

– A male victim, Yogyakarta, December 2020.

Before, Komnas HAM gave one letter for everyone, as a community: a group of victims from Yogyakarta. But now, they want to issue a letter for each individual, one decision. That's the problem. That's why when one of the commissioners of Komnas HAM arrived, I stated my complaint.

– A male victim, Yogyakarta, December 2020.

LPSK provides healthcare by paying medical bills for victims for a period of six months. In reality, however, a local NGO working with victims in Yogyakarta had to step in to make payments first and was then reimbursed:

We have to 'subsidise' the costs of the health services [...] cover the cost of treatment. For transport, we are the ones that pick them up, rent a car, or use online transportation. These expenses cost us a lot. Until now, it is up to 30 million rupiah (equivalent to US\$3,000). This is a burden for us as an institution, if we have to wait months for reimbursement.

– A CSO worker, Yogyakarta, December 2020.

Another victim of the 1965-66 atrocities in Palu expressed his disappointment with the formal transitional justice process conducted by Komnas HAM. He felt that the informal processes led by CSOs and victim communities created more opportunities and can be a driving force to urge the government to follow-up on formal processes, particularly in fulfilling victims' rights:

The experience was meaningless because there were zero results. If there is a follow-up action it would be better because of the presence of Komnas HAM. But what we have revealed has never been followed-up on, and we are also never involved. We are not perpetrators, we are victims. Why have the victims never been acknowledged or considered by the state? Even though this official institution came to interview us.

– A male victim, Central Sulawesi, October 2020.

The bureaucratic context for maintaining the security of victim data by Komnas HAM was conveyed in an interview with its staff member. There are government agencies or institutions that request data, but do not have a clear programme to fulfil the rights of victims:

The results of the Komnas HAM meetings are confidential... Komnas HAM doesn't give names to anyone, not even the local government. Because we met with the Central Java Provincial Government at that time, they asked for data on victims of gross human rights violations that had been verified by Komnas HAM. Sure, we told them, but what is the provincial government's programme? Until now, the provincial government has not given us the programme, so we are yet to provide the data.

– A staff member of Komnas HAM, Yogyakarta, December 2020.

In many cases, the lack of material progress has meant that victims are left frustrated with formal mechanisms. In addition to being a major factor of frustration, these bureaucratic impasses have even deterred some victims and their families from pursuing formal processes:

Data collection is difficult because the victims are elderly [...] I have received documentation from 10 victims in Pakelan, but the file was withdrawn again because their wives and families refused [to be documented].

– A male survivor of the 1965 atrocities, Yogyakarta, November 2020

There is no follow-up, we can't get any support because we only continue to be interviewed. The Komnas HAM certificate clearly states that we are innocent. That means we are not perpetrators, so why is this not followed-up on by the state? The person [who made us suffer in the past] is clearly guilty as a perpetrator of human rights violations.

– A female victim, Central Sulawesi, November 2020.

Every day we hold our pens to make notes as ordered by Komnas HAM or others. Just make sure that people are not labelling us as PKI, and tell them that we are not guilty so that we don't become victimised, because this is a human right. This is still not fair.

– A female victim, Central Sulawesi, November 2020.

Bureaucratic barriers mostly stem from the lack of public acknowledgment and official truth-telling about past violations. Amidst a fragile framework to support to human rights victims, they often end up receiving general assistance similar to what is provided to the elderly or unemployed people. As these aid schemes are not actually designed for victims, the experience is often disheartening and can even yield to negative results. Public acknowledgment and official truth-telling would thus serve two important purposes. First, it would eliminate bureaucratic barriers that prevent effective support to victims. Second, victims would not have to struggle so hard to have the government acknowledge them, a struggle which often leads to burnout and fatigue.

Meeting victims' urgent needs must be part of acknowledgement and redress

Several victims who participated in this research stated that they are in dire need of economic assistance. In some cases, the victims have lived in poverty as a result of the violence they suffered, particularly those who were unable to work due to physical injuries they sustained. Many survivors of childhood abduction were denied formal education and have only worked in the informal sector. Stigma has prevented victims of violence in

Aceh, Papua, and the 1965-66 atrocities from getting employed. Other survivors stated that they need assistance because they struggle to support their families:

My hope is that in the future [...] the world is good [and I] can give attention to our children. I am already 58 years old. I always say to my children, you can't just get drunk.

– A female victim, Papua, November 2020.

For survivors of child abductions, the majority do not have basic administrative documents like identification cards, birth certificates, or academic certificates. Without these documents, they are unable to access basic services like healthcare or to get legally married:

It's difficult for a female survivor to marry legally in court [...] difficult because she needs a [legal] guardian. I have [a document] with my father's signature [agreeing to the adoption] which was shown by my adoptive father. Unlike her [in reference to another victim], I was formally handed-over.

– A female victim, South Sulawesi, November 2020.

While some steps were taken through formal mechanisms, some victims stated that there were no follow-up processes following the documentation by Komnas HAM. Some victims stated that they have not received any assistance after being interviewed by the Commission:

Actually, it's just that there is no follow-up [...] we are only being interviewed and interviewed continuously.

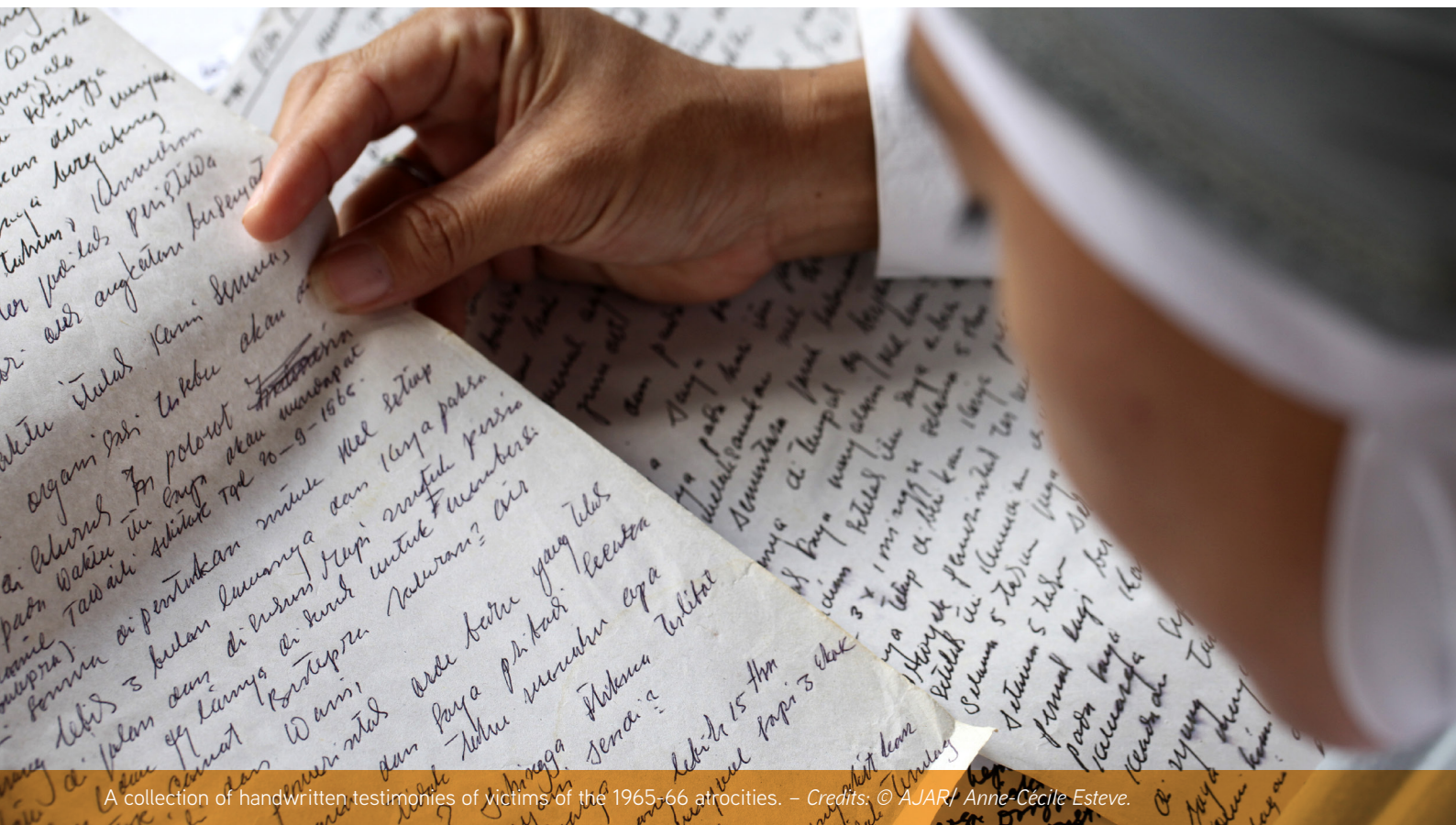
– A female victim of the 1965-66 atrocities, Central Sulawesi, November 2020.

In the face of rising authoritarianism: Denial and risks

In Aceh, victims played a prominent role in lobbying for the establishment of the KKR Aceh. However after its formation, many victims mentioned that they felt that their voices were not being heard. Some victims feel they have had little engagement in the creation of the Commission's processes. Others expressed their disappointment at what they perceive as the lack of sensitivity during statement-taking by the Commission's staff:

I am pessimistic about the government. We used to be passionate and hopeful that the KKR Aceh could solve our problems. At least treat the wounded hearts of victims. But as time goes by, I am pessimistic about the steps to fulfil the rights of victims.

– A female victim, Aceh, November 2020.



A collection of handwritten testimonies of victims of the 1965-66 atrocities. – Credits: © AJAR/ Anne-Cécile Esteve.

Some victims in Aceh have not felt the Commission's impact at all:

"We don't want the past to be forgotten, but it seems that it is being erased. Even the victims' children don't know that their parents were victims."

– A female victim, Aceh, November 2020.

Similar concerns were voiced by victims in Palu, whose lack of trust in formal mechanisms stems from their limited participation in the process. They are only involved in administrative matters and tend to express their disdain toward the staff who visit them when conducting the documentation:

Why have victims not been cared for by the state, even though this institution has officially come to interview us?

– A male victim of the 1965-66 atrocities, Central Sulawesi, November 2020.

If this is not resolved and continues to be ignored by the state institutions, it is better to dissolve the [National] Commission on Human Rights because it is useless. We are hurt too.

– A male victim of the 1965-66 atrocities, Central Sulawesi, November 2020.



In Yogyakarta, elderly victims have played an active role in collecting testimonies from their peers and sending it to Komnas HAM. The Commission eventually produces a certificate allowing access to health services in nearby hospitals. Nevertheless, it has been quite difficult for victims to access this minimal form of redress because they were stigmatised as 'communists' in addition to the prolonged time factor.

The other survivors whom I have been visiting all this time are now pessimistic. [They were] scared at first. Afraid of being kidnapped again.

– A female survivor of the 1965-66 atrocities, Yogyakarta, November 2020.

Yes, what is clear is that in this city, there is still discrimination. For example, we cannot run for local [neighbourhood-level] office. We cannot be elected.

– A female survivor of the 1965-66 atrocities, Yogyakarta, November 2020.

Data collection is difficult because most victims are very old. They] don't yet understand these things. [They're] afraid to gather.

– A male survivor of the 1965-66 atrocities, Yogyakarta, November 2020.

In South Sulawesi, survivors of child abductions have been involved in searching for other former stolen children. These survivors are a primary source of information and are gatekeepers, given their familiarity with the issues and conditions of other victims. Initial information is followed-up on by CSOs to ensure that enough information is documented before it is sent to East Timor to search for their family members. This was encouraged by one survivor of child abduction who is now involved in the search for other stolen children:

"The struggle [of civil society] was difficult at first. It was difficult to find what they were looking for. With their hard work and patient struggle they finally found some of the Timorese children they were looking for [...] to make the effort easier, my friends have been involved. Some of the children who were found work together."

– A male victim of stolen children, South Sulawesi, November 2020.

As the victims' involvement increases, the risks increase. Research shows victims are at the risk of intimidation due to their exposure to the media. Some experienced a raid during a public event about the 1965-66 atrocities:

We face risks. For example, when an event was held in Bantul, there was a raid.

– A male survivor of 1965-66 atrocities, Yogyakarta, November 2020.

Four victims in Aceh mentioned the risk they had to take when agreeing to speak during public hearings held by KKR Aceh. Survivors mentioned how they experienced intimidation by the military when speaking publicly about their experiences during the conflict:

The military is still monitoring the surrounding village whenever we want to organise a commemoration event for the Rumoh Geudong tragedy.¹¹

– A male victim, Aceh, December 2020.

We are pressured by the military, especially those who are involved in events commemorating the tragedy at Simpang KKA.¹²

– A male victim, Aceh, December 2020.

Amidst the prevailing state of denial and risks, some victims are retreating from the struggle for their fundamental rights. On top of the exhaustion and fear that come from government denial and threats to victims and human rights defenders, many

11 Serious human rights abuses have been documented at the Bille Aron military post known as Rumoh Geudong (a large house in Glumpang Tiga, Pidie District), operated by the Military Special Forces Command (Kopassus) since April 1990. Apparently in the period 1997-1998, the military arbitrarily arrested or kidnapped dozens – possibly hundreds – of people and their family members, accused of being members of GAM, to interrogate them. The house was burned down by an angry mob in August 1998. See more at: <https://www.amnesty.org/en/wp-content/uploads/2021/06/asa210192013en.pdf>.

12 On 3 May 1999, dozens of people were killed when military personnel opened fire at a crossroad near the Kertas Kraft Aceh (KKA) pulp and paper mill, known as Simpang KKA, at Cot Morong village in Dewantara sub-district, North Aceh. See more at: <https://www.amnesty.org/en/wp-content/uploads/2021/06/asa210192013en.pdf>.

are weighed down by their domestic responsibilities and the realities of economic survival. Those who have access to better support systems through civil society are often able to continue voicing their demands. This support takes different forms including having someone accompany the victims throughout the difficult and confusing processes; together with civil society acting as a resource person for events such as commemorations; or attending intergenerational dialogue through activities arranged by civil society organisation and dialogue like on-campus events.

6

PARTICIPATION AS AGENCY

6. Participation as agency

Survivors who took part in this study were asked to assess their level of participation in formal and informal transitional justice processes. Interestingly, most of them felt that their largest involvement was in civil society-led initiatives. However, as illustrated in the table below, only 14 victims saw themselves as key actors, coordinators, members, or organisers within these initiatives. In comparison, 42 victims saw themselves as playing a less active role either as participants or beneficiaries.

Level of participation	Number of victims
Initiator/key actor that pushed the formal mechanism	5
Head or coordinator of CSOs /victim organisations	4
Member of CSOs/victim organisations	3
Involved as organiser in civil society initiatives	2
Participant in civil society initiatives	34
Beneficiary of the official government mechanism LPSK	8

Interestingly, the qualitative data clearly demonstrated that many victims who are more active or have more significant roles tended to be vocal about the shortcomings of formal transitional justice mechanisms. It was clear that individuals who hold significant positions, or who are active participants in civil society initiatives, have been able to build connections with other victims who would have otherwise been outside the reach of many human rights movements and organisations.

In Aceh, a female survivor explained that she has been involved in the truth-seeking process due to her drive to ensure that violations are not repeated:

The motivation to participate in advocacy to establish this truth-seeking process was [knowing] that the conflict that we experienced can happen again. This is prevention. Don't let anyone take other people's life because every human's life is valuable.

– A female survivor, Aceh, November 2020.

A survivor of the 1965-66 atrocities in Palu, who participated in a public hearing conducted by CSOs and a closed session with an official from Komnas HAM, explained that the experience with each entity was very different:

With the Komnas HAM [process], our testimony is only heard by the interviewer. But in the KKP [Coalition for Justice and Truth] public hearing, many people heard us speaking about our story. I felt relieved because I could relay my experience to others, and there was a response. This struggle means a lot to me. I felt relieved being able to speak, and to be heard, even though there has been no follow-up.

– A female survivor of the 1965-66 atrocities, Central Sulawesi, November 2020.

The fact that efforts in Palu resulted in an apology from the local mayor, who then put in place a policy to assist victims, increased the survivors' sense of satisfaction. They mentioned that they felt satisfied with the increasing discourse on the 1965-66 atrocities, despite the limited results from the mechanism itself:

[I'm] Satisfied. I am grateful that the city of Palu is considered successful in acknowledging the 1965 case... Even though there are no results, it has made many people aware of this case.

– A male victim, Central Sulawesi, October 2020.

For our case in Palu, I think we left a legacy. The legacy is in the form of a policy that whoever the next government is, they are obliged to ensure that [the policy is implemented and] the values are upheld. We know that the local governments run on a limited time [but] there are regulations that ensure the city's commitment to human rights.

– A male victim, Central Sulawesi, October 2020.

While following the process or mechanism created by Komnas HAM, I feel it's all very useful. Although there have been no results, it has opened people's eyes. Its implementation has made many people pay attention to this case and there is pressure for the government to immediately resolve this case.

– A male survivor of the 1965-66 atrocities, Central Sulawesi, December 2020.

A similar sentiment is echoed by a survivor of child abduction who has been involved in the struggle to find other stolen children:

If I could make the struggle easier... [I would] involve some of the stolen children who were found and have them work together.

– A male victim, South Sulawesi, November 2020.

There has been a lack of skills in conducting administrative tasks and bureaucratic hurdles, which prevented victims from actively participating in formal transitional

justice mechanisms. As a result, their ability to participate can be enhanced by forming alliances with NGOs and academics.

“Up till now, the government has not been able to recognise this truth. The facts and evidence are the result of the hard work of our friends and civil society. Here is the evidence: we are still alive. We have documentation [about our case]. This case cannot be hidden [...] wherever the court and judge are, I want to participate. This is a truth that we want to disclose. It is not a fairy-tale. We have evidence. This is a fact.”

– A male survivor of stolen children, South Sulawesi, November 2020

Nevertheless, advocating for and supporting other survivors does not guarantee better access to government services. This was the case for a victim in Yogyakarta who was actively involved in assisting, documenting, and collecting data on victims to allow them to access LPSK services. One elderly survivor’s deteriorating health situation did not make him a priority for LPSK services, despite his prominent involvement in advocating for the issue.



A collection of photos of victims of human rights violations in Aceh (Simpang KKA Aceh). – Credits: © AJAR/ Anne-Cécile Esteve.

One survivor was actively engaged with LPSK... Although he was an elderly, he still rode a motorbike accompanied the victims [using his motorbike]. How sad, he used to fight for his friends. But how come when he is sick, he gets no support?

– CSO worker, Yogyakarta, December 2020.

Women survivors advocating for their rights

Women survivors must overcome cultural barriers not only to participate in advocacy, but also to be heard within their victim organisations. Establishing a women's survivor organisation is one way to ensure that their experiences and needs are not neglected.

Even though women and men work together as part of the struggle, there are differences. For example, women whose husbands died and remarry usually have problems getting a permission [from their families] to participate in activities.

– A male survivor, Aceh, November 2020.

The challenge is that although we share the men's goals, sometimes our aspirations [as women] are not heeded, including [the special needs that result from] our responsibility as women to take care of our children and families. Our family members are also concerned and afraid that we will be considered rebels.

– A female survivor, Aceh, November 2020.

Women survivors of the 1965 atrocities in Yogyakarta formed an organisation in 2006 called Kiprah Perempuan. Kiprah Perempuan members have been holding regular meetings since the organisation was established. During these meetings they discuss various issues and carry out activities including: sharing news, seeking information about the condition of their friends who were also victims before, planning economic and development programmes for members, and conducting health checks. Most of the members of Kiprah Perempuan are were artists and considered dangerous by the authoritarian regime under Suharto. They have been working with young artists on theatre performances and have produced a number of songs and dances they had created while imprisoned. Although Kiprah Perempuan's approach which relies on community-based dialogue and arts has become a role model in unofficial truth-seeking and memorialisation processes, there are concerns about its members' health conditions because they are mostly elderly.

Kiprah Perempuan, together with activists, documented the health conditions of its members and submitted requests for health and psycho-social services to the local government and LPSK. However, the local government cannot provide special

services and can only provide health assistance services which are intended for all elderly citizens. At the same time, LPSK has the authority to provide reparations only if there is a court decision. The Indonesian government has never held a trial for the 1965-66 atrocities; thus, there has never been a ruling on reparations for victims. Instead, victims had to wait for a breakthrough by LPSK which allows the provision of medical support and psycho-social services, but only for six months.

Kiprah Perempuan has also been actively conducting community-based dialogue and reconciliation. This programme has involved religious leaders, CSOs and various stakeholders who work closely on advocacy for human rights. These activities have also helped academics in their research on reconciliation.

7

CONCLUSION AND LESSONS LEARNED

7. Conclusion and lessons learned

Indonesia's political transition created an uneven landscape for change. Although there were major reforms in elections, governance, decentralisation, and civic freedoms; there has been little vetting or accountability in the security sector. Attempts to establish official transitional justice mechanisms at the start of Reformasi quickly ran out of steam. Nonetheless, a relentless victim movement resulted in two important new pathways: bringing forward "ordinary" human rights mechanisms to fill the void and realise some accountability tasks; and invigorating civil society and victim-led processes that allowed the creation of social movements with a sustained and independent voice.

These processes take time but have led to some interesting innovations related to meeting victims' urgent needs by interacting with and demanding results from the regular human rights mechanisms. This 'third pathway' provides an opportunity to nurture a seminal slow-cooked and locally-driven process, but it is often overlooked and unseen by national and international actors. Social movements operate with little external funding, except if supported by civil society organisations that can connect them to human rights funds.

Institutional barriers to access, participation, and agency

The bureaucratic culture of state institutions creates many barriers to victims' access and participation. Civil society has a key role to play in bridging this process but must be careful not to merely act as an extension of state bureaucracy. Through the interview conducted as part of this research, much was learned about how some victims direct their frustration and anger toward civil society initiatives that act as intermediaries between victims and the state. **We want to amplify their message that it is important for civil society to champion victim-led processes and to push for participatory approaches in both formal and informal mechanisms.**

When impunity is protracted and civic space diminishes, survivors face renewed threats and burnout. Survivors who find a way to meet their basic needs, care for their well-being in the relentless struggle for truth and justice, and develop long-term alliances with civil society groups become capable of engaging in a sustained long-term struggle. In a context of entrenched impunity at the national level, it is important to look for potential space at the local level. In other words, it is important to find ways where local governments can be empowered to engage with victims.

For survivors of the 1965-66 atrocities, old age and poor health constitute a barrier. For survivors in Aceh, although the truth commission held public hearings, actors from the security sector show little remorse for the past violations.

A key finding of this research is that victimhood and empowerment should be viewed from a gender lens. Women face specific types of violations and must overcome many barriers in order to participate and access formal and informal transitional justice mechanisms. Any victim-centred approach must take these barriers into consideration and take any possible steps to overcome them.

The value of the process

Participation, engagement and leadership by survivors can enable an approach that is “siding with survivors.” In other words, an approach that prioritises the needs of survivors, facilitates their agency, and does not burden them any further. Participatory processes, including self-care, documentation, research, and advocacy, can strengthen the voices of victims and their capacity. When victims are involved in the collection and analysis of information, they can acquire more realistic expectations of transitional justice processes and can be strengthened by the mutual support, solidarity and healing with their peers, civil society actors, and the younger generation.

Looking to the future: Sustainable victim participation

For victim participation to be sustainable it needs to be supported by some form of acknowledgment and materialistic support. As stigma, trauma, fear, and insecurity persist, victims must overcome aging, health problems, and the fear of retribution. The absence of justice prolongs victims’ resentment and their mistrust in the state. Thus, when civil society bridges this gap between victims and transitional justice mechanisms, it can play a role in building this trust. It is important to consider special programmes that strengthen victim-led organisations.

8

BIBLIOGRAPHY

8. Bibliography

- AJAR. *Indonesia: Handover of Truth and Reconciliation Commission Findings and Recommendations to Aceh Parliament: A Milestone for Truth and Justice in Indonesia*. AJAR, 2021. <https://asia-ajar.org/2021/12/31/indonesia-handover-of-truth-and-reconciliation-commission-findings-and-recommendations-to-aceh-parliament>
- Chega+10. "Review of Commission for Truth and Friendship Report." Chega+10 and AJAR. 2014. <http://www.chegareport.org/profil-of-ctf/>
- Colombijn, Freek and Thomas J. Lindblad (eds.). *Roots of Violence in Indonesia: Contemporary Violence in Historical Perspective*. Leiden: KITLV Press, 2002.
- Cribb, Robert (editor). *The Indonesian Killings 1965-66: Studies from Java and Bali*. Clayton: Monash University, 1990.
- EngageMedia. "7 Desakan: The 7 Demands of Protesters in Indonesia." EngageMedia. September 27, 2019.
- ICTJ and KontraS. *Review of Derailed: Transitional Justice in Indonesia since the Fall of Soeharto*. ICTJ and KontraS, 2011. <https://www.ictj.org/publication/derailed-transitional-justice-indonesia-fall-soeharto-report>
- Koalisi Untuk Keadilan dan Pengungkapan Kebenaran (KKPK). *Menemukan Kembali Indonesia: Memahami Empat Puluh Tahun Kekerasan demi Memutus Rantai Impunitas: Laporan Tahun Kebenaran KPKK*. Jakarta: KPKK, 2014.
- KontraS. *Progress Case Activists Kidnapping in 1998*. (Archived on March 4, 2016). <https://web.archive.org/web/20160304094638/https://www.kontras.org/penculikan/perkembangan%20kasus.pdf>
- Yurino, Ari, Bedjo Untung, Putri Kanesia, and Rini Kusnadi. "Enforced Disappearances as a Legacy of Dictatorship or Occupation." *In We Need the Truth: Enforced Disappearances in Asia*, edited by Franc Kernjack, 136–44. Guatemala: Equipo de Estudios Comunitarios y Accion Pscsocial (ECAP), 2009. <http://www.simonrobinson.com/ECAP-We%20need%20the%20Truth-Asia%20disappearances.pdf>

More information on the Munir case: <https://www.amnesty.id/sixteen-years-on-how-many-more-years-before-munirs-killers-are-found/>

The NGO coalition in Indonesia issued a joint press release on 15 July 2021 on the occasion of the 13th Commemoration of the Indonesia-East Timor Commission for Truth and Friendship: <https://kontras.org/2021/07/15/tiga-belas-tahun-pasca-rekomendasi-komisi-kebenaran-dan-persahabatan-kkp-bentuk-komisi-orang-hilang-dan-penuhi-hak-korban/>



This publication has been made possible thanks to the support of the
Ministry of Foreign Affairs of the Netherlands