



“We Will Never Stop Demanding Justice”
Indonesian Victims’ Congress
17-20 March 2009

ICTJ Indonesia

It’s as if Soeharto is still in power. Not one person has admitted a mistake.
Survivor of 1965 atrocities

A coalition of civil society groups in Indonesia, including Kontras, ICTJ and others, held a four-day victims’ congress in Jakarta last week.¹ One hundred victims of human rights violations from 24 provinces, calling themselves human rights defenders, met to discuss their experiences, continuing impunity, and issues around impending national elections that include candidates with poor human rights records.

The congress activities ranged from indoor discussions and ceremonies, to outdoor artistic performances and victims’ testimonies. A guided tour of human rights ‘remembrance’ on the night prior to the opening of the congress provided a reflective tone for the week. A winding walkway gave graphic testimony to a history of human rights abuse in Indonesia and Timor-Leste. Assembled on brick walls and suspended from the ceiling were photographs depicting violations (e.g., evidence of attacks by state agents, open pit mining sites); clothing and pencil sketches of disappeared individuals; bullets and a pistol from an attack on fisherfolk. Participants moved from one display to the next as individual survivors were invited to step forward to speak about their experiences of the Tanjung Priok massacre (1984), to speak about their children who disappeared during attacks on student demonstrators in the Semanggi and Trisakti events (1998), and to describe the intimidation and forced displacement suffered by Ahmadiyah Muslims (2005). From the outset it was clear this congress also offered a “transitional justice space” where victims could speak the truth about past and new violations, and talk about their needs for justice, recognition, and reparations.

The congress opened with high energy, complete with music and dance performances, video clips on past abuses, and, for several minutes, the sound of clacking bamboo that filled the convention hall as participants celebrated the opportunity to come together. In his keynote address, Asmara Nababan, former member of the National Commission for Human Rights, listed a number of human rights achievements that Indonesia has reached in recent years: two national commissions, a human rights ministry, and a special court for serious crimes. The government has also ratified human rights covenants. Yet, daily reports of torture and inhumane treatment by state agents continue, and the human rights court and Supreme Court

¹ Members of this coalition include Kontras, ICTJ, IKOHI (Association of Families of the Disappeared), LBH and PBHI (legal aid organisations), as well as Walhi (an environmental group).

have been ineffectual in addressing cases of past abuses. In order to revitalize the reform process now dominated by the Suharto-regime elite, participants were encouraged to exercise their right to vote informed by a human rights perspective. Another speaker, Dr. Azyumardi Azra of the National Islam University, identified gaps between normative religious teachings about peace and the healing of victims, and the daily practices of religious leaders themselves. He spoke about the need to embrace religion comprehensively rather than carry out violence in the name of one small piece of religious doctrine, while reaching out to close the gap between human rights groups and religious-based civil society.

The first session of the congress focused on the Indonesian context in the run-up to elections, with a number of presentations from resource persons. One speaker talked about the link between conflict and the appropriation of land and natural resources, pointing to high potential for future outbreaks of violence in Central Maluku, South Sulawesi, and North Sumatera. Another speaker talked about how Indonesia has yet to institutionalize a national security regime that limits the authority of the military, police and intelligence agencies. Another speaker identified some key challenges among pro-democracy groups: fragmented and focused on their own issues, lacking a sound base, and failing to articulate a joint political platform. In the meantime, human rights workers are entering electoral politics in growing numbers, but often without first developing the organizational and broad-based grassroots support they need in order to have significant political bargaining power. In the upcoming elections there are 12,000 legislative candidates running for 500 legislative seats, unfortunately political parties have yet to prioritise human rights in their political platforms.

Galuh Wandita, ICTJ's Senior Associate, spoke about victims' rights and the challenges in transitional justice in Indonesia. She re-affirmed the importance of victims' voices in the pursuit of accountability and nation-building:

A former political prisoner showed us where he was held in the isolation cells, half-naked for six months. Then he showed me where he had written the word "hope" on the wall. . . Victims' voices are central in the long-term quest for accountability, because victims give witness to what can happen when power is unchecked, violence not punished, and greed unrestrained. Your voice is the moral demand to recover our own humanity. In the darkness, victims don't surrender, but light a candle of hope. This is the light that we ourselves need to find when we have lost our way as a nation.

Transitional justice mechanisms—trials, truth-seeking, reparation programs, and institutional reforms—are means to reach accountability and prevent the recurrence of violations. Decades of repression and abuse usually mean that no one tool is enough to unravel the impact. In Indonesia, various official inquiries on crimes of the past have revealed little bits of truth, but trials in the domestic human rights court have acquitted all defendants. In the area of reform, we have made important structural changes and developed a number of human rights mechanisms, but the implementation of these changes remain weak. In fact, there seems to be a reversal towards practices of the former repressive regime. In this context, victims in Indonesia have begun to realize that strength comes from unity. They no longer speak only about their own cases, but about other social problems as well. In this process they become human rights defenders.

Upcoming legislative and presidential elections were the focus of much discussion, but lack of consensus about them contributed to an ambivalent ethos at the congress. On one hand, the imminence of the elections, in which two former Indonesian army commanders with track

records of human rights violations are running for President, infused a sense of urgency in calls to consolidate. On the other hand, the cynicism many participants expressed about the elections carried an implicit question about the value of pursuing political space. Some participants spoke about their frustration with the candidates running for election.

A marked shift in congress dynamics occurred after the first day as participants broke into groups, first to discuss a range of issues (land conflict and labor issues, women in the human rights movement, access to public services, and remedies for past human rights violations), and then to discuss political positions and strategies. Participants shared their experiences, reflecting the voices of men and women of different faiths, ages, and ethnic groups from across Indonesia.

There is no doubt that victims hunger to give their testimonies. Time and again, even as facilitators sought to direct discussion towards deeper political analysis and strategizing, participants continued to tell their stories, many of which concluded with a dead end after efforts were made to seek state accountability or support.

My father disappeared in 2004 and has been gone until now. Why did he disappear? Where is he now? When will there be a definitive answer to my questions?

Woman from Aceh

My younger brother was the only boy in the family. Each time a piece of evidence is presented [re. his death], it is never taken to the next level with the excuse that the evidence isn't strong. In fact, autopsy results for each Semanggi victim have been submitted. Evidence of gross human rights violations needs to go to the national level.
Sister of a victim of the killings in Semanggi in 1998

The copra plantation, which is owned by a member of parliament, covers three villages and affects about 1000 people. The impact includes inadequate farmland, no more rice fields . . . people's gardens are flattened so that they must become plantation workers, flash floods, and fish that have been poisoned by waste.

Man from Central Kalimantan

However, the congress comprised not only tales of woe, but also of inspiration: of factory workers who protested a pattern of short-term contract labor, held a factory sit-in, and began to produce goods on their own; of a 400,000-strong farmers' union in West Java that has managed to engage in political bargaining with legislative candidates; of women villagers in West Timor who have held the front line in protests that eventually ousted a marble mining company from communal land; of nearly 1000 fisherfolk who, unable to fish due to waste from a state cement company, formed a blockade with their boats until they won compensation and the cement company cleaned the beach so they were able to resume fishing. Laws and policies that prohibit the advancement of human rights were also identified: there are no local policies to protect women, and an increasing number of them discriminate against women; there are no laws to establish minimum public service standards, and regional autonomy laws, rather than democratizing centralized power often merely result in a dispersion of that power, creating numerous little kings at the district level throughout the country whose abuses are difficult to control. The agrarian and labor policy group was more specific, identifying how specific agrarian and labor laws, both past and since Indonesia's "reform", exacerbate the problems of particular cases.

From analysis of the problems, participants were invited to “think more strategically”. What will support positive change after the elections? What will further this movement? Suggestions for consolidation that emerged from the other two discussion groups—strategy related internally to the pro-democracy human rights movement and strategy related to factors external to this movement—tended to be general, but nevertheless reflected participants’ stubborn hopes. Strategies for internal consolidation include the need for a shared vision; learning about each others’ struggles by bringing together human rights activists, faith-based communities, and members of farmer and labor unions; participation in joint actions and involving the media; intense development and promotion of political and human rights education within the movement as well as with the public; and prepare victims to run as candidates in future elections, even work towards a human rights political party. External strategies include engagement in judicial and legislative reviews to remove laws and policies that oppose the constitution and human rights; the use of international and national human rights instruments and laws; development of a bilateral strategy for Indonesia and Timor-Leste to share the truth about the past with the younger generation; and strengthen international advocacy networks.

Towards the end of the congress, participants participated in a silent vigil in front of the Presidential Palace in central Jakarta. This silent vigil, dubbed ‘Thursdays’ (in Indonesian, *Kamis*) for the day of the week on which it has been held for the last two years. Sumarsih, one of the initiators of this weekly event, explained:

Kamisan is an action of the Solidarity Network of Victims’ Families. Inspiration for this began when my son, Wawan, became a victim of the [shooting of students in] Semanggi [in 1998]. We had the idea to do this [weekly] action by wearing black to symbolize the fortitude rather than the grief of the families of victims, and by carrying black umbrellas that have the meaning of protection. We send a letter of our demands to the President. The action is on Thursday afternoons when people are going home from their offices . . . We hope this is a kind of political education for people. We have held this weekly action for almost two years now, 103 times. We aren’t tired or bored because we do this action out of love for our brothers, sisters, and children. As long as there is support from people who care, whether they are old or young, I am convinced this action will be continued by the young people until laws to address cases of human rights abuse have been enforced.

The congress concluded with a pledge that included a commitment not to vote for candidates who are perpetrators of human rights violations and those who perpetuate impunity. Participants also pledged to work towards the consolidation of victims’ voices and concerns, and ensuring that the state will fulfill its obligations to provide remedies for gross human rights violations.

In one group discussion, a participant, reflecting the political sophistication of an older generation of victims, warned about the dangers of shallow political hopes and maneuvers. His message of cautious hope seems an appropriate closing for this congress where the one constant refrain of consensus was, “we will never stop” demanding, demonstrating, seeking justice, seeking the truth:

How do we come together to be healed? I am already old. But maybe tomorrow or the next day, before taking a step, I ask for introspection. If we want to win, we must be strong, we must be together. Now we want to ask: How are we going to struggle

for all these different cases, one by one? What about sexual abuse and we who were victimized systematically [in the 1960s]? Our homework is that we must think about the sadness each of us feels. That is a prerequisite for coming to a shared perception . . . How do we take one step at a time? I hope my white hair hasn 't been in vain. Hopefully our friends will also pray. I put my faith in the young to continue this.
Former political prisoner detained on Buru Island in the 1970s