

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Indonesia: Effective mechanisms critical for justice, truth and reparation for women survivors of gross human rights violations**

As the world marks the International Day for the Elimination of Violence against Women, in Indonesia, many women survivors of crimes under international law and gross human rights violations continue to be denied their rights to justice, truth and reparation.

Amnesty International urges the Presidential Advisory Council, which is understood to be developing a plan to deal with past gross human rights violations, to ensure that the plan contains timetabled steps to adequately address the situation of women survivors of conflict.

Women and girls suffered gross human rights violations, including unlawful killings, rape and other crimes of sexual violence and torture and other ill-treatment committed by Indonesian security forces during conflicts in various regions including Aceh and during the occupation of Timor-Leste (1975-1999).

Many have had no access to adequate medical, psychological, sexual and reproductive or mental health services or treatment for harm caused by these violations. And for those women and girls who were victims of sexual and gender-based violence, the stigma associated with these crimes has created a culture of silence in which many fear to report their case, and which prevents them from accessing justice, truth and reparation.

Women and girls not only suffer as direct victims of human rights violations, but also indirectly as family members of those who were killed or subjected to enforced disappearance.

Under international law the Indonesian government has an obligation to provide full and effective reparation to victims of human rights violations. A national reparation programme should be established to provide measures of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Amnesty International calls on the authorities to devise such a programme in consultation with victims, paying particular attention to consulting women, and to take into account the different experiences of women and men, as well as children, in its design and implementation.

Amnesty International welcomes the announcement by the government during the UN Human Rights Council session in September that it was working to finalize a bill establishing a truth and reconciliation commission. The failure of the authorities to date to establish a national truth commission has left many victims, including women and girls, without an effective mechanism for truth and full and effective reparation.

However, a truth commission must not be used as a substitute for a proper criminal justice process. Where a truth commission gathers information indicating individual criminal responsibility, it should forward such information, to the relevant prosecution authorities for further investigation, in order that, where sufficient admissible evidence exists, those responsible for crimes under international law are brought to justice in fair proceedings without recourse to the death penalty.

A truth commission should not have power to recommend amnesties or similar measures of impunity with respect to crimes under international law. In 2006, the Indonesian Constitutional Court struck down the Law on a Truth and Reconciliation Commission (No. 27/2004) ruling that an article in it which provided reparation for victims only after they agreed to an amnesty for the perpetrator, was unconstitutional.

Amnesty International calls on Parliament to immediately debate, enact and implement a new law establishing a truth commission that is in line with international law and standards to ensure that crimes under international law can be addressed effectively.

Similar concerns and recommendations have also been raised by the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee). In its Concluding Observations, published on 27 July 2012, the CEDAW Committee urged Indonesia to promptly investigate, prosecute and punish all acts of violence against women, including acts of sexual violence, perpetrated by private actors and by the security forces and to take comprehensive measures to provide medical and psychological support to women victims of violence, including sexual violence, committed during the conflicts, and to establish counselling centres for women. Amnesty International urges the Indonesian government to implement these recommendations without delay.