

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Indonesia: Aceh parliament must not deny victims their rights**

The Aceh provincial parliament's decision to further delay the setting up of an Aceh truth and reconciliation commission is a major setback to end impunity in Aceh. Amnesty International urges the Aceh parliament and central government to deliver on the promises made in 2005, and commit to ensuring truth, justice and full reparation for victims of the conflict and their families.

There has been little progress in ensuring accountability for crimes committed during the armed conflict in Aceh, including unlawful killings, rape and other crimes of sexual violence, enforced disappearances, and torture and other ill-treatment. The 2005 Helsinki Peace Agreement and 2006 Law on Governing Aceh (No. 11/2006) contained provisions for the establishment of a Human Rights Court and an Acehese branch of the Truth and Reconciliation Commission. However both have yet to be established.

On 11 September a member of Commission A of the Aceh provincial parliament, Abdullah Saleh, stated that the parliament would have to wait for the passing of the national truth and reconciliation commission law before setting up a commission for Aceh.

The establishment of truth commissions, which does not relieve states of their obligation to bring those suspected of criminal responsibility for crimes under international law to trial, are an important step towards understanding the circumstances that led to past violations, learning from the past to ensure that such crimes will not be committed again, and ensuring that shared experiences are acknowledged and preserved. All victims of gross human rights violations, crimes against humanity and other crimes under international law have a right to know the truth.

In May 2012, Amnesty International met victims groups from many districts in Aceh who told the organization they continue to demand to know the truth about the violations they suffered and the causes, facts and circumstances in which such violations took place. Amnesty International also met family members, particularly of those who were killed or disappeared, who wanted to establish the fate and whereabouts of their loved ones. Despite meetings with the provincial parliament they expressed disappointment that their demands continue to be ignored by the authorities.

Amnesty International also urges the Indonesian authorities to prioritize the establishment of a national truth commission which functions according to international law and standards.

Attempts to pass a new law and enact a national truth commission have stalled, almost six years after the Constitutional Court struck down the law, after it ruled that an article which provided reparation for victims only after they agreed to an amnesty for the perpetrator was unconstitutional. Although a new law has been drafted and is scheduled for discussion in Parliament in 2011-2014; to date there has been no progress, with parliament failing to prioritize debate of the draft in the 2012 legislative programme.

Efforts to deliver truth for victims and their families must form part of a wider framework of accountability for past crimes. They should not substitute the responsibility of the criminal justice system in the country to investigate and – if sufficient admissible evidence exists – prosecute those responsible for grave human rights violations and crimes under international law. All victims and their families must be provided with full and effective reparation under international law including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.