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Indonesia: *Simpang KKA* victims still waiting for truth, justice and reparation in Aceh

On the 14th anniversary of one of the most notorious attacks by Indonesian forces against civilians in Aceh – *Simpang KKA* – Amnesty International joins victims and their families in calling again on the Indonesian government to fulfil its obligations to ensure truth, justice and full reparation, including by establishing a truth commission in Aceh at the earliest opportunity.

On 3 May 1999, dozens were killed when military personnel opened fire at a crossroads near the Kertas Kraft Aceh (KKA) pulp and paper mill, known widely as *Simpang KKA*, at Cot Morong village in Dewantara sub-district in North Aceh. The incident was one of the worst killings to take place during the brutal and decades-long Aceh conflict between the Indonesian government and the armed pro-independence movement, the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM). According to the North Aceh Human Rights Victims Community (K2HAU), 21 people were killed while 156 people were injured during the attack. Although the incident was recommended for prosecution by the 1999 Independent Commission for the Investigation on Violence in Aceh set up by former President Habibie, no one has been charged in relation to the crimes.

Amnesty International calls for an independent and impartial investigation into the *Simpang KKA* incident and, where there is sufficient evidence, for those suspected of the crimes to be prosecuted before civilian courts. Full reparation must be provided to the family of those killed and those who were wounded and the truth must be established about what happened.

In particular, the government must deliver on its promise to establish a truth commission in Aceh as part of the 2005 peace agreement which ended the 29 year conflict. Such a commission would be an important step towards establishing the truth about abuses committed during the conflict in Aceh – including those that occurred at *Simpang KKA* – to ensure that there is truth and justice, and so that lessons are learned from the past so that such crimes will not be committed again.

Amnesty International welcomes the recent decision by the Aceh House of People's Representatives (DPRA) to accelerate the debate and passage of a draft bylaw (*qanun*) on the Aceh Truth and Reconciliation Commission. Amnesty International further welcomes public commitments by the Aceh Governor to ensure the establishment of the Aceh truth commission before the next Presidential elections in 2014. However, the organization is concerned that a lack of political will at the central government level may pose a barrier to the establishment of a truth commission in Aceh, prolonging the suffering of victims and their families and denying them their right to truth.

Amnesty International calls on the Aceh Parliament to continue its efforts to establish a truth commission for Aceh, and to debate, enact and implement a *qanun* establishing a truth commission at the earliest opportunity. The Commission should function in accordance with international law and standards.

Amnesty International also calls on the central government to extend full support for the establishment of a truth commission in Aceh, and further, to pass a new national truth and reconciliation law, in line with international standards, so that victims of other past human rights violations such as during the events of 1965-66, the 1998 May riots, and the conflicts in Papua and Timor-Leste (formerly East Timor) can also seek truth, justice and reparation.

On 17 April 2013, Commission A of the Aceh House of People's Representatives held a public hearing to receive input from various stakeholders, including victims, their representatives and civil society to establish a commission for Aceh. On the same day Commission A set up a working group which includes members of civil society to provide input on the draft *qanun*. In a recent meeting with members of Commission A, Amnesty International urged them to ensure that the truth commission functions according to international law and standards.

On 19 April 2013, Presidential spokesperson Julian Pasha was quoted by the media as saying that an Aceh truth and reconciliation commission established by the local government in Aceh would have no legal basis as the 2004 law on a National Truth and Reconciliation Commission had been struck down by the Constitutional Court. He added that an Aceh truth commission would open old wounds and would affect the peace.

Indonesia has an obligation under international law to provide truth, justice and reparation to victims and their families. Contrary to the government's assertion, addressing these past crimes would not only contribute to healing the open wounds of the civilian population, it would also help strengthen the rule of law in the country which can help secure the peace process in the long-term.

The establishment of a truth commission for Aceh was part of the 2005 peace agreement between the Indonesian government and the former Free Aceh Movement. The agreement, monitored by ASEAN and EU member states, also committed to establishing a human rights court for past abuses committed in Aceh. However, to date, the human rights court has not been established and hardly any of those responsible for serious human rights abuses have been brought to justice, while attempts to provide reparation to victims have been inadequate.

The Aceh conflict between the armed pro-independence movement, the Free Aceh Movement and the Indonesian government dated back to 1976, and peaked during military operations from 1989 until a peace deal was signed in 2005. It left between 10,000 and 30,000 people dead, many of them civilians. Earlier this month Amnesty International published a report, *Time to Face the Past: Justice for past abuses in Indonesia's Aceh province*, which highlights how – almost eight years after the end of the conflict – the authorities have failed to deliver truth, justice and full reparation to victims and their families.

Amnesty International and other human rights groups have documented a range of crimes committed by members of the security forces and their auxiliaries against the civilian population, including unlawful killings, enforced disappearances and torture. Human rights abuses by GAM included hostage taking and the targeted killings of those suspected of ties to the government. Many of these human rights abuses constitute crimes under international law, including possible crimes against humanity and war crimes.

Victims groups and civil society organizations in Aceh have long called for truth, justice and reparation for past abuses. The North Aceh Human Rights Victims Community (K2HAU) has campaigned for many years to demand a truth commission in Aceh to establish the facts about what happened, to bring those responsible to justice, and for full reparation for victims and their families. In 2011 the group erected a monument to commemorate people who were killed at *Simpang KKA*.