



AJAR Report on Regional Workshop

Community-Based Rehabilitation Strategies for Victims of Torture

Jakarta, Indonesia 1-4 April 2014

Cover photo: Anne-Cecile Esteve

A Balide prison cell (Comarca) then rehabilitated into CAVR headquarters and a heritage site.

Community-Based Rehabilitation Strategies for Victims of Torture

AJAR Report on Regional Workshop

Jakarta, Indonesia

1-4 April 2014

Community-Based Rehabilitation Strategies for Victims of Torture

AJAR Report on Regional Workshop

Jakarta, Indonesia

1-4 April 2014



Table of Contents

<i>Introduction</i>	8
<i>Key Discussion Points</i>	11
<i>1. Framing Transitional Justice and Torture and Ill-Treatment in Asia</i>	12
<i>2. Understanding the Asian Context: Country Case Studies on Accountability for Torture</i>	17
<i>3. Framing Transitional Justice and Torture and Ill-treatment: Lessons from South Africa</i>	18
<i>4. The Right to Rehabilitation and Community-Based Approaches</i>	23
<i>5. Experiential Learning: A Sampling of Healing Methods (AJAR)</i>	26
<i>6. Designing A Plan for Community-Based Approaches: Connecting Accountability and Prevention</i>	27

Introduction

Asia Justice and Rights (AJAR) in partnership with KontraS (Indonesia) and the National Peace Council (Sri Lanka) hosted a four-day regional workshop entitled, “Community-Based Strategies for Strengthening Survivors of Torture and other forms of Ill-Treatment in Pursuit of Accountability and Prevention”.

Thirty practitioners including representatives of civil society groups and torture survivors, gathered together from Indonesia, Timor-Leste, Sri Lanka, and Myanmar/Burma to share their experiences and achievements in working directly with torture victims to fulfil their rights. Guest speakers from South Africa provided participants with parallel contexts by sharing episodes of torture in the past and present, assessing the effectiveness mechanisms used for redress, and comparing survivor-centered approaches.

Transitional justice processes accompany political change towards democratisation to assess and redress the legacy of mass human rights violations in a given country. Many countries in Asia have yet to fully address their legacy of mass violations, where incidences of torture have prevailed. This is because countries in transition typically continue to operate in the shadow of impunity, where links between the past and the present are often weak and therefore remain ‘overlooked’. In countries where recommendations from truth commissions exist, for example, these often remain largely unimplemented.

Advocates of transitional justice emphasize the centrality of the victims themselves in the design and implementation of transitional justice processes and mechanisms to point towards accountability for ill-treatment and to help to put an end to torture. The workshop was built around this concept, aiming to define community-based strategies that can strengthen survivors of torture through the sharing regional and international contexts and experiences, and by applying lessons learnt at the grass-roots level.

The workshop is part of an ongoing two-year regional project to empower torture survivors supported by the European Union. The first part of this report provides an overview of the key points of the workshop discussion. The final section details the outcomes and conclusions of the workshop.



Key Discussion Points

1

Framing Transitional Justice and Torture and Ill-Treatment in Asia

Introduction to the Principles of Transitional Justice

This session introduced participants to the key concepts of transitional justice. Keywords were highlighted for definition and discussion, and then applied to conduct country assessments and regional comparisons. The group considered transitional justice as a lens that countries can use to focus in on and analyse the way in which past atrocities have occurred and the way in which that can be addressed. In this way, transitional justice mechanisms must be tailored to each country and its differing circumstances in order to be successful.

Participants examined the four pillars of transitional justice:

- a) Truth seeking
- b) Prosecution
- c) Reparations
- d) Institutional reform

Crucial questions were considered in this regard. How do we deal with mass human rights violations that were committed? How do we “find” and document the truth, both “officially” and “unofficially”? How can we achieve justice for the victims of torture and ill-treatment? Can a person’s life be “repaired”? How can we reform the institutions that were responsible for the violations?

- a) **Truth seeking mechanisms** are essential for the documentation of human rights abuses, to increase public awareness, investigate patterns of abuse, and to prescribe vital recommendations regarding reparations and assurance for victims, their families and society as a whole. Truth seeking mechanisms can be official and non-official.

Official mechanisms that were highlighted by the group include:

- Fact-finding missions (national and international)
- Truth and reconciliation commissions (eg. Indonesia Truth and Reconciliation Commission 2004, Timor-Leste Commission for Reception, Truth and Reconciliation 2002)
- Commissions of inquiry (eg. Indonesian President Habibie’s Commission to investigate human rights violations in Aceh 1999; Presidential Commission of Inquiry into Involuntary Removal and Disappearances of Persons in the Northern & Eastern Provinces of Sri Lanka (1990 - 2009); United Nations Independent Special Commission of Inquiry for Timor-Leste 2006).
- National human rights commissions

Non-official mechanisms of truth seeking may also be established. These work outside national and international structures and can include the following:

- People or citizens tribunals eg. Tokyo International Women’s Tribunal
- Documentation and research
- Investigative journalism

The group considered how each truth seeking option (both official and non-official) might be applied to their own countries. The establishment of truth and reconciliation commissions (TRC) was recognised as being particularly complex, since the selection panel must be composed of non-biased individuals, and the methodology must be well thought-out so as to ensure a streamlined and practical method of evidence gathering and recording. The actual impact and intent of a TRC must also be considered. In some cases, the impact may seem weak and may be disappointing for the victims (e.g. final recommendations may not be implemented, impunity may be made official by offering amnesty for the perpetrators, etc.)

b) Prosecution:

Methods of prosecuting torture as a key component of transitional justice processes were examined by the group. International crimes - acts of genocide, crimes against humanity, war crimes and crimes of aggression - can be prosecuted using international assistance and expertise. Tribunals can either be set up on domestic territory (e.g. the East Timor Tribunal which tried perpetrators of crimes against humanity in 1999, including for torture), or through international courts. International Criminal Tribunals were set up for the former Yugoslavia (the ICTY) and for Rwanda (the ICTR). In July 2002, the Rome Statute established the permanent International Criminal Court (ICC) for the prosecution of international crimes committed thereafter.

The group noted the particularities of the court's jurisdiction in this case. The ICC has jurisdiction over crimes committed in the territory of a state party, or if they are committed by a national of a state party. Timor-Leste is a state party to the Rome Statute. Sri Lanka, Myanmar and Indonesia are not state parties.

c) Reparations

Reparations are designated measures of compensation or gestures by the state for the benefit of the victims of state-sanctioned human rights abuses. The group considered what exactly victims might want in the cases of their own country's past in order to acknowledge and appease suffering. Suggestions included justice, compensation (free medical services, pension schemes, educational grant and scholarships), recognition of the truth, victim counselling and rehabilitation programmes. Reparations can be therefore be both material (e.g. financial compensation) symbolic (e.g. public apology, building of national monuments and memorials) as measures of recognition.

Many of those present highlighted the fact that reparations remain non-existent in their own countries, since they are still pending the state's official acknowledgement of the human rights abuses as a key first step (although in 2004, Sri Lankan President Chandrika Kumaratunga apologised to the country's Tamil minority for the 1983 communal pogrom). Indonesia and East Timor have not yet implemented recommendations for reparations prescribed by the respective TRCs. It was noted that measures of reparation often pose practical challenges to the state, not only because it is difficult to put a price and time frame on suffering and compensatory measures, but also because it is impossible to replace what has been lost by the victim, both physically and psychologically. Reparations are deemed to be more effective when offered alongside other dimensions of transitional justice that reinforce such measures.

d) Institutional Reform:

Participants noted the importance of this element of transitional justice for its direct implications for accountability and the non-repetition of human rights abuses, and as a vital step for the establishment of trust between state and citizens. The culture of key national security and justice structures (such as the military, police, etc), under which atrocities were “allowed” to take place, must therefore be reworked. Training and cultural education programmes are necessary, for example to inform the relevant bodies of international rules (eg. soldiers can kill each other in times of war, but rape or torture are not permitted).

Successful examples of methods of institutional reform that were cited at the workshop included education and cultural reform that target communities, schools, and the media as key message carriers and bearers of the truth. These measures underlined the importance of being innovative and creative in the methodology.

The **contextual agenda of transitional justice** was considered in terms of the **sequence** of each process, which is different for each country. Each participant gave their personal experience with regard to their country, and these are outlined in more detail in the section below.

The participants agreed that countries in transition present a heightened opportunity for positive change with regard to the application of transitional justice, but the prevailing readiness to allow practices of the past to remain institutionalized during and after a political transition hinders this process. Although truth-seeking mechanisms have been explored in some countries in Asia (eg. Timor-Leste, Indonesia), in no case was prosecution on the agenda. Where it may not be considered “appropriate” in the current climate, prosecution may be undertaken years later, as was the case in several Latin American countries (eg. Peru’s 2009 prosecution of former President Alberto Fujimori; Uruguay’s 2010 prosecution of former president Juan Maria Bordaberry, etc).



Patrick Burgess delivered his presentation on transitional justice and current development

Participants worked in groups to provide a definition of torture, giving examples of the actions involved, and citing the relevant legal instruments that prohibit torture under national and international law.

The table below summarises these definitions:

Definition of Torture	<p>The central definition is: pain, purpose, State.</p> <p>Torture was described as inflicting severe pain on others for the specific purpose of extracting information or getting that person to do or say something against their will. Torture often involves an “official capacity” of the perpetrator to act, whereby the perpetrator belongs to a State structure or institution and is acting under the orders and protection of this “powerful” body.</p>
Actions	<p>Electrocution, rape, beatings, bounding and gagging, water boarding, finger nail extraction, bagging the body, burning (cigarette burns), stripping, forced labour, forced marriage, compulsory reporting to military, self-inflicted harm, forced cruel actions (eg. crawling on mung bean seeds, put into a pool of leeches)</p>
Relevant Legal Instruments	<p>International laws:</p> <ul style="list-style-type: none"> - 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT): <i>Article 1: “The term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind...”</i> - 1948 United Nations Universal Declaration of Human Rights (UDHR) - 1949 Geneva Conventions - 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) - 1966 International Covenant on Civil and Political Rights (ICCPR) - 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) - 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) - 1998 Rome Statute of the International Criminal Court (ICC) - 2012 ASEAN Human Rights Declaration (Article 14) <p>National laws:</p> <ul style="list-style-type: none"> • Indonesia: 1945 Constitution (Article 28 G para. 2) 1999 Indonesian Law on Human Rights (Law no. 39) 2006 Witness and Victim Protection Act (Law no.13) • Myanmar/ Burma: 1957 Burmese Penal Code (Articles 330, 331) • Sri Lanka: 1978 Constitution (articles 11,12) 1994 Convention Against Torture Act (no. 22) • Timor-Leste: 2002 Constitution (Part II) 2009 Penal Code (Article 167)



Participants from Burma, Sri Lanka, Indonesia (Aceh) and Timor-Leste in a discussion



Mapping the torture, situation and victims

2 Understanding the Asian Context: Country Case Studies on Accountability for Torture

This section evaluates the discussion on the accountability of torture cases in the Indonesia, Sri Lanka, Timor-Leste and Burma/ Myanmar. The following questions were considered by the participants: Has torture and ill-treatment taken place in the past? Is it still taking place at present? What is the rhetoric and practice of security forces on torture? What is the situation of the victims of ill-treatment? Are the victim/ survivors' movements strong? What are the specific issues for women victims of torture?

Indonesia: Reformation in *Indonesia* has entered its 15th year. However, despite constitutional protections against torture, civil society continues to report incidents of torture. In conflict areas, military personnel committed torture as a strategy to suppress dissent. In other parts of the country, torture is still regularly used to force confessions from detainees being investigated for ordinary crimes. Impunity and denial for massive crimes that took place in the past is the foundation for on-going impunity for acts of torture.

Myanmar/ Burma: The discussion on Myanmar highlighted the reigning climate of inaction in terms of addressing both past and current human rights abuses, particularly with regard to ethnic and religious minorities. Myanmar has yet to sign or ratify the UN Convention against Torture (UN CAT) and the International Covenant on Civil and Political Rights (ICCPR). Under its domestic jurisdiction, although torture is not specifically recognized as a crime, acts that might be considered as torture are penalized. No special protections are provided for victims of abuse by the police. Further, the lack of independence in the judiciary sustains impunity for security personnel who commit torture. There was general agreement that the current climate of reform in Myanmar presents heightened opportunity for change. Moreover, there is strong international will to guide Myanmar towards peace and democratic reform.

The militarized end to the conflict in *Sri Lanka* has created a situation of transition towards more centralised rule, where torture remains endemic despite constitutional protection against torture and adoption of the Convention against Torture. However, the relative independence of the judiciary has resulted in positive rulings to grant compensation to victims of torture. Still, in most instances, the amounts granted are often inadequate. Recently, the official "Lessons Learned and Reconciliation Commission" produced its findings and recommendations, with key provisions related to combatting impunity against torture.

In 1975 *Timor-Leste* experienced a brief and bloody civil war, followed by 24 years of Indonesian military occupation. The occupation was characterized by gross human rights violations and war crimes, including mass torture. Since the end of the Indonesian military occupation in 1999, Timor-Leste has struggled with the legacy of past human rights violations. Various transitional justice mechanisms have been established: a hybrid court for serious crimes, a truth and reconciliation commission (CAVR), and a bilateral commission for truth and friendship with Indonesia (CTF). However, there has been little progress in implementing their key recommendations on accountability, reparations, reconciliation, and other measures.

3 Framing Transitional Justice and Torture and Ill-treatment: Lessons from South Africa

This session provided lesson learned from two civil society organizations in South Africa, Trauma Centre and Khulumani. Both are the two important organizations that share similar concern towards survivors’ empowerment with a different approach. Their experience and expertise gave participants insights about the steps and the way to deal with challenges to transitional justice and addressing torture. This does not mean emphasizing merely on the trauma of the past, but also to create a better future through community development. One of the ways is collective and community based trauma healing that enables a bold social movement to grow along.

Trauma Centre

Trauma Centre is a non-governmental organization established nearly twenty years ago. It provides psychosocial services for survivors of violence and institutional support for frontline workers who are exposed to trauma. Trauma Centre began to have conversation about transition to democracy in South Africa and what that could mean for political detainees, activists, and wounded healers, who are now working towards a new country. Through out Trauma Centre’s history, torture survivors have also been the staff members. They adopt the survivor-centered approach on their needs and how they understand transitional justice. Their activities are focused on violence prevention, advocacy, workshops, seminars, conferences, material development, developing books that can be used the community and documenting tortures. They look at how to end impunity at the extent of the survivors.

Despite their widespread activities, their main service is counseling. They provide psychosocial services by professionals and by the communities through trauma support officers. The small staff is supported by volunteers and trauma support officers, where last year 2013 they have worked with more than 5,000 clients.

From Trauma Centre’s perspective, the participants gained the example that torture doesn’t only affect individuals but the families and communities. High levels of anger and mistrust are symptoms of trauma within the groups who had been tortured. Torture resulted in inter-generational trauma.

Transitional Justice	Survivors perspective
Truth recovery	TJ practitioners, who are shaped by with legal understanding, focus on historical documents. But to survivors, truth recovery is crucial to the rehabilitation.
Accountability	Accountability is not taken lightly by the survivors. Non-repetition becomes an extremely important concern of the survivors, thus it is not merely about law, but is also a healing process to address the post-traumatic stress they experienced.
Institutional reform	Institutional reform is crucial for survivors because they don’t want similar atrocities to reoccur. They are prepared to make the sacrifice of retelling their stories to prevent this reoccurrence.
Reparation	Torture survivors are hoping for support such as access to medical and mental health services, education, social relief, and memorialization.

Challenges after TRC

Participants learned from South Africa that TRC is not a guarantee that torture would stop. Even after major legislative changes to the legal framework, impunity continues. Valdi Van Reenen-Le Roux, the Director of Trauma Centre, confronted the forum with criticism, “We brought in domestic violence where police do not want to handle. We compromised, persuaded, for truth, but in return we trade off with amnesty?”

Valdi Van Reenen-Le Roux highlighted the fact that the apartheid and military regime still have the access to economy and weapons while Trauma Centre have nothing to really negotiate with. In 1998 South Africa ratified CAT and took them many years that only in 2013 they criminalized torture. However, crimes of torture that happened before 2013 will not be prosecuted since the Act doesn't incorporate Article 14 of UNCAT. There are independent inquiries commissions, but not all of those recommendations implemented. Judiciary process is not enough. The recommendation suggested more than 200 perpetrators shall be prosecuted, but judicial institution takes a long time to pass the policy, implementing recommendation, policy and regulation – the system drags forever.

Forgiveness is not equal to reconciliation

Valdi Van Reenen-Le Roux explains that Archbishop Tutu emphasizes forgiveness, but she views reconciliation differently. While forgiveness is the big issue of debate in their country, they need to ensure that the components of transitional justice are followed through. This implies that forgiveness does not mean to forget and allow impunity to take a new form in a transitional government, but to create various strategies to combat impunity concomitant with the effort to heal the survivors. Civil society plays an important role in supporting survivors and connecting them and their concerns with policy-makers.



Valdi Van Reenan-Le Roux from Trauma Centre, South Africa, explained a different way of perceiving reconciliation that includes combating impunity

Civil Society Strategies

- Partners with the government to allow torture survivors to tackle impunity
- Develops and uses the mechanisms that are available, and partners with other organisations
- Ensures accountability and rule of law through regional mechanism and coalition
- Emphasizes solidarity. The more divided civil society, the more the government gets away with impunity.

Khulumani

Khulumani is a grass-root organization of survivors of Apartheid-related gross human rights violations in South Africa. After supporting the survivors' testimony at the Truth and Reconciliation Commission (TRC), they focus their work on dealing with truth, memory, and healing. Khulumani in Zulu word means 'speak up'. Khulumani was formed almost 20 years ago because victims were yet to receive their rights. It struggles to secure the TRC recommendations.

According to Marjorie Jobson, the director of Khulumani, South African government really proud of talking about the power of dialogue, but they lost the capacity to dialogue with ordinary citizens. They were founded in response to the political elites that chose leaders without consulting with survivors. Now Khulumani is found in every province, district, and province.

The purpose of their work is to resist the continuing denial in South Africa. They believe justice is the more powerful healing agent. They don't want to transform trauma to new generation, they want to hear our hearts and start a new life. Khulumani has clarity to envision a simple yet substantial goal: restoring people's live and the transformation, to enable the survivors become functional and able to start small business or work. The core mission is to change the way politics work and its patriarchal culture. To them, dignity is about dialogue and action.

Deal with Victims

Khulumani's mission is to work with indigenous people who were repressed to facilitate healing. They deal with the impact of the trauma through the use of art process and advocacy support. For them, it is crucial for the survivors and community to speak up about the past, expose the truth, support victims to become active citizens, and healing trauma as 'wiping the tears of the past'. This means dealing with TRC unfinished business.

What makes Khulumani a strong social movement at the grassroots level is also their ability to grow trust, which was developed in various ways, including maintaining and sustaining peoples' involvement in their work. This is an important lesson about the power of social investment in the collective values of commitment to non-violence, understanding emotional intelligence, social learning, open and democratic communication, social responsibility, and a commitment to growing and changing.

Achievement: Rethinking Commemoration

Khulumani provides an example of how to deal with the issue of commemoration at the grassroots level, while at the same time dialoguing with the government. Their strategy of focusing on the rights of victims to justice in various ways, and incorporating these with each other through soft communication rather than argument, includes rethinking commemoration.

Khulumani tries to organize alternative commemoration, because the state has made it political and now have different meanings. For example, President Mbeki decided to make the biggest legacy project, Freedom Park, to celebrate every past violent history of liberation struggles. Khulumani tried engaging in the Freedom Park by getting the names of those who were killed, including their biographies, because they were represented by their families who know them. Khulumani Center has a massive archive of 85 thousands stories, so they have done living memory, a digital memorial for the world to access.



Marjorie Jobson from the Khulumani victims organisation in South Africa, emphasized its non-violent approach as a social investment to transform society.

TRAUMA CENTER



- > WITHOUT DEALING w/ TRAUMA
 - LEARNING NOT TAKE PLACE
 - NATION-BUILDING WILL STEP-BACK

- > CARRYING OUR PAIN & OTHERS
- > RECOGNIZING THE GIFT OF OURSELVES
- > GROUND STRATEGIES } how to deal with the hurt home-grown "WOUNDED HEALERS"
- > SURVIVOR-CENTRED ^{new} approach to TJ
- > VIOLENCE PREVENTION & TRAUMA SUPPORT

TRAUMA:
 ↑ Young people
 - VIOLENCE
 - SOCIAL/ECONOMIC IMPACT

THERE WILL BE STUMBLING BLOCKS!

TORTURE SURVIVOR

- ACCOUNTABILITY → JUSTICE, ENDING IMPUNITY NEVER AGAIN
- TRUTH-RECOVERY → ACKNOWLEDGEMENT of TORTURE KNOWING TRUTH not only historical documents
- RECONCILIATION → requires ACCOUNTABILITY TRUTH & REPAIR
- INSTITUTIONAL REFORM → prepared to retaliate > CHANGE
- REPARATION → MEDICAL, MENTAL, SOCIAL SERVICES education MEMORIALISATION w/out RE-TRAUMA

Impunity for torture is continuing
 ↓ legal framework but difficult to implement

changed uniform but same actions

SURVIVOR MOVEMENTS:

- S. African No Torture Consortium
- C-based Rehabilitation network
- Coalition TJ
- "unfinished business"

KHULUMANI

"SPEAK OUT"

TRUE WORDS

- Training for Transformation Freire
 - DIALOGUE → ACTION & REFLECTION, CREATORS of HISTORY
- VOICE ↔ VISIBILITY

URBAN ~ RURAL DIVIDE

→ APPROPRIATE TECHNOLOGY & ECONOMIC ACTIVITIES

SEED: w/ TRC

- self-funded activities
- ACTIVE CITIZENS → election monitors

TRANSFORMATIVE MOMENT

[TRUTH alone NOT ENOUGH] → need JUSTICE to HEAL

TRC TRANSFORMATIVE MOMENT

duped & dumped

"♥ heal our hearts & start a new life"

JUST & INCLUSIVE SOCIETY

> water for dignity
 > accessing services

[VICTIM'S RECLAIMING THEIR ROLE IN COMMUNITY]

85000 MEMBERS
 59% members torture survivors

TRAUMA → acting out working through

THERAPEUTIC COMMUNITIES

> database 6500 cases (2 page form)

> exhumation

"uniform"

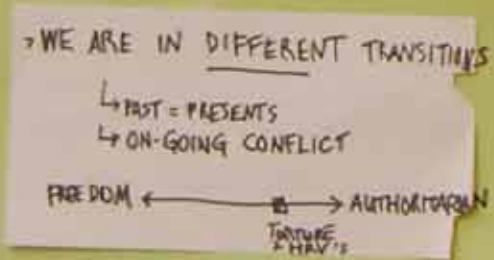
> facilitating healing

- ↳ psychosocial support
- ↳ advocacy
- skills - lobbying
- how to deal
- victim's right to justice
- capacity building
- practical support

WENT TO COURT against COMPANIES "OUR LAW SUIT"

AGENCY of VICTIMS

THEATER → WE ARE NOT HERE BUT SOCIAL HERE



ORGANIZATION RECOGNITION RESTORATION TRANSFORMATION

- > HISTORICAL & COLONIAL ROOTS PRACTICE OF TORTURE
- > COLD WAR - IDEOLOGY WAR
- > TERRORISM → new PRETEXT for TORTURE

4 The Right to Rehabilitation and Community-Based Approaches

In this session, Valdi Van Reenen-Le Roux from Trauma Centre and Marjorie Jobson from Khulumani highlighted the crucial skills and careful manner necessary in community-based approaches. They opened the discussion by asking participants about the skills they need to work with the torture survivors. The participants suggested:

- Know the language, local context and what victims' and their families need
- Focus on listening capacity
- Know how to be their friend/focus on the skill of befriending
- Know that victims are more comfortable talking to victims than the workers
- Remember that communication is more than a chat, and requires a sense of appropriateness
- Give the victims your full presence, and forget your personal status and position (i.e. as an activist)
- Do not treat victims' problems as theirs alone, but ours together
- Promote self-confidence by shedding a light on the person
- Remember cultural understanding and sensitivity
- Show sympathy, and empathize

Taking those suggestions as a point of departure, rehabilitation cannot rely only on state mechanisms. In situations where impunity is entrenched, building a community-based approach means also helping the victims to heal and receive the support they deserve under their right to rehabilitation. Khulumani offers the term 'authentic community' for the results of this transformative change.

Participants learned from Khulumani on the need to construct a bridge from a past of deep divisions to a future based on human rights, peaceful coexistence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex. To speak out about the past so that violations do not happen again, to expose the truth about disappearances, torture, killings, and other human rights abuses, to facilitate healing through dealing with trauma and loss, and to work towards fulfilling the promises made to people (in South Africa, the TRC recommendation for example). The purpose is to transform victims into active citizens.

Authentic Community requires a community to work as a group and create a space for others to emerge within the community. This means providing victims the opportunity to narrate their stories without stigma, not only to build a support system to heal trauma, but also to empower them economically. To become 'therapeutic communities' based on respect and dignity, communities should practice supporting autonomy, focusing on recovery and understanding the impact of trauma and the necessary involvement of family and community, and working with the people, rather than for them.

Based on the understanding of trauma and the role of community, participants worked in country-based groups to analyze civil society strategies in the struggle for victims' rights. They discussed plans, impact and barriers, and mechanisms to address. These are the summaries.

MYANMAR/BURMA

Mechanism:

Burma has jurisdictions:

- Civilian court
- Military court
- Constitutional Court

Myanmar Human Rights Commission (MNHRC).

Investigation committees possible in lower house. Example of joint human rights commission in Chin State between armed group and government. Example of investigation commissions for Rohingyas.

Barriers:

Government is reluctant to ratify international covenants and treaties.

Whenever there is a crime committed by the military, the survivors have no access to the military court and it is extremely difficult to bring the cases before a civilian court. Survivors have no capacity to sue them. The martial courts (military) are not placed under any civilian control.

Lack of independence of MNHRC.

Civil society strategies

Go public:

Public awareness raising, campaigning, promoting of "breaking the silence". Advocacy.

Training:

Legal training and training for the survivors' movement, through establishing a survivors movement, medical training, increase network, etc.

SRI LANKA

Mechanism to address

Going viral:

More than 200 testimonies of torture survivors have been documented and uploaded onto YouTube.

Legal system:

Survivors with the help of organizations and civil societies have made maximum use of the prevailing law and the legal system.

International support:

Civil society had obtained the support of international human rights based organizations such as AHRC, HRW, AI, Dignity International and ICG to produce comprehensive report.

Impact and barriers

Greater awareness:

- (1) Victims brave their way to report their cases to the human rights organizations
- (2) Mounting complaints have resulted in greater sense of awareness

Barriers:

- (1) Lack of involvement of the state and political will
- (2) Prevailing impunity of perpetrators
- (3) Collapse of the rule of law, threat of independence judiciary, political interference at the HRC
- (4) Reduce funding for victims organization
- (5) Lack of coordination among civil society actors: lack of trust, competing for donor

Civil society strategies

Generate awareness:

- (1) Awareness raising activities with local communities
- (2) Publishing book with victim testimonies and reading out excerpts during launching ceremony.

Survivors support:

- (1) Exposure of survivors to individual therapy sessions to reduce mental trauma
- (2) Receive at least an amount of compensation
- (3) Free medical assistance and counseling services
- (4) Some of the organizations provide livelihood support
- (5) Provision of legal aid

INDONESIA

Mechanism to address

Court:

HR court (Tanjung Priok, Timor Timur, Abepura), military court (forced disappearance, rape in Aceh), Mixed court/*koneksitas* (27 Juli, Tengku Bantaqiyah massacre), criminal court (Yusli case, rape in Aceh by Sharia Police, etc)

Truth seeking efforts:

Fact-finding teams/TPF (TGPF May 98, fact finding independent team for Aceh, etc)

Institutional reform:

Separation of military and police, human rights trainings for police, supervise the police, national police commission, ombudsman for public services, witness and victims protection institution, child protection commission, ministry of human rights, etc

Impact and barriers

Achievements:

State's recognition on the human rights abuses, publication materials to encourage the process of HR cases, etc

Barriers:

HR courts only a diplomatic image, military court is only serve as an impunity, police, justice and prosecutors do not have the understanding of HR, HRC only go as far as recommendation and politicized, perpetrators return to politics as presidential candidates, owns a political party

Truth seeking aspect:

Documentation and archiving data is very weak in the National Human Rights Commission, national law on TRC Aceh – bylaw, has not yet fulfilled the expectations

Civil society strategies

Campaign and effort:

Provide legal assistance (litigation and non-litigation), encouraging institutional reform, campaign and memorialization, rehabilitation together with the victims

Success outcomes:

Synergy on working with others, initiatives of awareness, public support, persistence of survivors

Weaknesses:

Lack of documenting capacity, focused inward on organization, trapped in internal activities, not fully empowering victims, not yet to build HR awareness on different sectors, geographic challenge, massive cases of HR abuses

TIMOR-LESTE

Mechanism to address

'Rehab' for perpetrators:

Propose mechanism of "perpetrators' behavior rehabilitation".

Justice has yet to be served:

In TL, UN established hybrid court in 2001. In 2005 the court has trialed 5 cases. The victims have yet to feel justice.

Impact and barriers

Barriers:

- (1) No serious commitment to implement TRC recommendations. Reparation program has failed since 2012.
- (2) Inconsistent policy, no implementing regulation.
- (3) No political will to follow up the recommendations of TRC.

Civil society strategies

Gender project:

Gender justice project where women gather and share to heal each other

Approach marginalized victims:

Ex-combatants were considered victims. Now the perpetrators receive pensions but the victims and the families are still struggling

5 Experiential Learning: A Sampling of Healing Methods (AJAR)

This session tries to introduce several healing methods done by AJAR that already started with Indonesia and Timor-Leste. The methods are flower and stone, timeline, source of livelihood, and memory box.

a. Flower and stone

On flower and stone method, the survivors were asked to choose either stone or flower to represent their feelings about elements of transitional justice such as justice, truth, reparation and a life free of violence. These simple symbols are a way to collect information about how they experience and deal with impunity themselves, in their families and their community.

b. Timeline

The time line method helps survivors to heal by retelling the memorable times and periods in their life. It helps to mapping events and victims' experience over a certain period. This process can create a collective historical narrative with a wider perspective than a mere individual story.

c. Source of livelihood

The source of livelihood encourages survivors to think and design better economic livelihood strategies for them, both individually and as a group. The participants shared their source of livelihood prior and after conflict to deepen our understanding about the poverty cycle they experience in a post-conflict situation.

d. Memory box

Memory box is a way to collect things that have memories of the past for survivors in a box. Survivors put their belongings or things that they consider important and significant to represent their past, particularly related to violent experience. To simplify the long period, the idea to solve it was to create a post card in every 10 years of their lives. Each 10 years for 1 post card and they can write any particular events happened in that period.

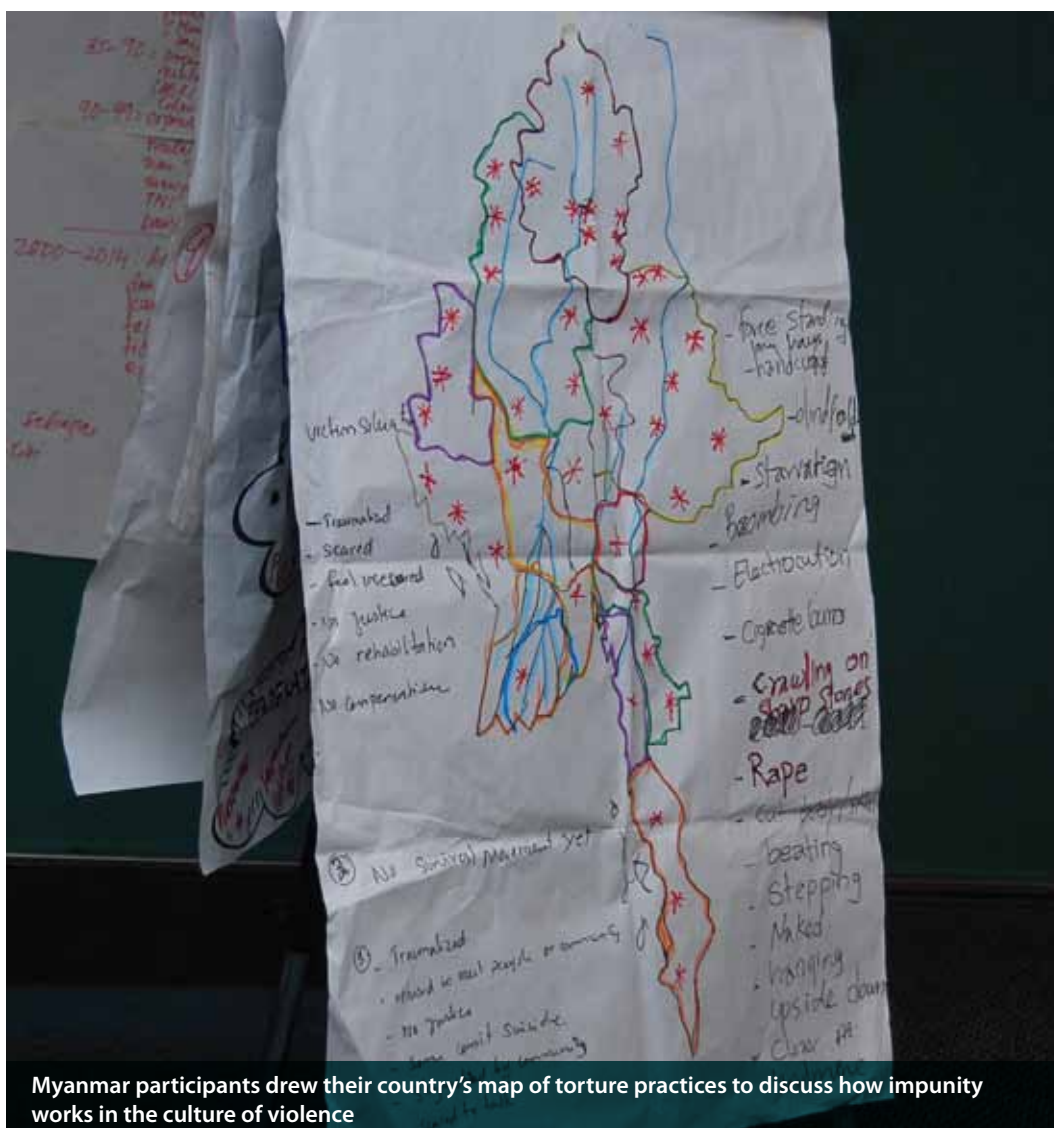
The idea of these various methods is to help the survivors tell their stories in a way that is not overwhelming. In documentations, the process can take a long time. While survivors' narrative was important way of healing, it is important to make it manageable.

From the new methodologies, participants also gained various ways to sustain their work on participatory action research. This means that the after the workshop all participants are encouraged to produce something and something that motivate them to document the lives of survivors in more systematic ways.

6 Designing A Plan for Community-Based Approaches: Connecting Accountability and Prevention

The effort to accountability would not be adequate without preventing the recurrence. When stigma and negligence are constructed against the victims, the culture of violence and silence has made trauma healing and truth seeking even harder to bear. Through the understanding of transitional justice, the lesson learned of community based approach from Trauma Centre and Khulumani, and the experience they share together from different context, participants can relate their experience in the field on creating practical ways of community based healing for torture victims of past atrocities.

In this session participants created their own follow up plans in the respective community to develop the implementations. Each country based group designed the activities in three scopes: survivors, frontline workers, and organization for community based healing.



Myanmar participants drew their country's map of torture practices to discuss how impunity works in the culture of violence



Timor-Leste team plans to improve home visit to survivors, community regular meetings, and government advocacy on social services

Timor-Leste:

Participants from Timor Leste will continue and intensify their practices to-date. These include identifying friends in some regions and approaching them through home visits to build and strengthen ties of friendship. From this point, they hope to be able to gain information, open a discussion, and assisting the survivors.

To maintain and care for frontline workers, they plan to conduct a workshop and regular meetings 3 times a month. In addition, they will maintain the effort to reach external elements, through activities such as monitoring law enforcement mechanisms and providing human rights and civic education for the public and law enforcement officers, political lobbying, such as lobbying on the draft the Law on Reparation, and approaching political and legislative parties. They will also partner with organizations working on community-based healing.

In the relation with organizations for community-based healing, participants from Timor-Leste will ask assistance from Department of Social Solidarity to connect them with the existing services. To enhance the organizations' capacity, they will provide civic education and anti-torture materials according to the respective field of work and partner with other organizations in AJAR's network to help survivors.



Indonesia team agrees to bridge the gap between victims and community through advocacy campaign in the villages and organizational strengthening

Indonesia:

Because participants came from different parts of Indonesia and have their own context and particularities, each may need to take a different approach. However, regarding a community-based approach for past human rights violations, participants agreed to activate village discussions through advocacy campaigns for victims' rights and survivor meetings in each village/base.

Frontline workers plan to increase their capacity in analyzing problems, strengthening their organization and survivors, identifying support systems (social support, human resources, etc.) and cross-region capacity building. Regarding care management, they will practice ways for the workers to heal, and the development of community-based mechanisms for healing. Because the participants are frontline workers, they will also continue their agenda on policy advocacy and action research.

The bond between survivors and communities will be maintained through discussions about truth, in order to bridge the gap between victims and the community. This includes raising communities' awareness on the issues of past human rights violations and the need to heal for a better future together. To bring the survivors into the mainstream, participants will ask survivors to become speakers at the university, as well as developing methods of memorialization at the local level.



Myanmar/Burma team shares different plans in their respective organization, ranging from one stop trauma healing center, legal trainings, to experience-exchange among survivors.

Myanmar/Burma:

Myanmar is a country still struggling to speak out about human rights violations occur in the region. the participants plan to use a subtle, yet strong, message. In healing the survivors, they plan to establish a one-stop trauma healing center and, if possible, relations between government and non-government agencies. To strengthen these strategies, they will generate awareness of transitional justice while carrying out experience-exchanges among survivors, as well as health education and vocational training. Prosecution, an important part of accountability, will also be on their agenda. Frontline workers will conduct trainings on capacity-building training and legal awareness, increase safety, engage in cross-visits to increase exposure, and engage in advocacy.

Participants from Myanmar represent several organizations, and each has their own agenda for community based healing. These are their plans:

- Youth Legal Clinic: legal and justice based organization
- Wimutti Volunteer Group: capacity building program, community consultation, publication
- Palaung Women Organization: documentation in the survivors house
- Kachin Women's Association-Thailand: data collecting, safe house for victims
- Women League of Burma: advocacy international and national, community discussion and legal workshop to field workers



Sri Lanka team plans to practice healing and art therapy for survivors, organizing solidarity group, and social, medical, as well as livelihood support for survivors.

Sri Lanka:

Quite similarly to Myanmar, Sri Lanka continues to struggle with ongoing human rights violations. Some of the participants are already experienced and have been exposed to documenting stories of survivors. Thus, they plan to maintain their agenda and practice healing for survivors, including organizing solidarity groups, engaging with communities at the village level more effectively, re-telling victim stories in a threefold process, which includes getting the stories from the victims, preparing a book with photographs, and reading the book aloud to the people during its launching) and extend assistance to those who have had no support. In addition to psychosocial healing, they plan to provide livelihood supports for survivors. There will be assessments prior to giving livelihood grants to victims, with continuous follow up on progress by motivators or village officers. The other way is to provide training on entrepreneurship and provide legal aid.

For frontline workers, some agendas are: enhancing capacity to work with victims of torture, including providing social support, art therapy, and access to medical support. Occupational therapy and recreational activities are also important for frontline workers' self-care, as is access to justice and health. For victims' solidarity, they will establish a group with family members, hold monthly meetings and distribute relevant publications etc.

Wrap-up and Evaluation

Participants shared their contexts, comparing the incidences of torture in the past and present, assessing the effectiveness mechanisms used for redress, and sharing survivor-centred approaches.

The link between vulnerability and torture was discussed, pointing towards the fact that the most vulnerable sector of society - the poor, lower caste, marginalised and the demonised - are those who are the most susceptible to torture and ill-treatment. This vulnerability also becomes a barrier in accessing justice and other forms of redress, silencing the victims and thus creating a “perfect circle of impunity.”

Another important finding was how impunity for mass torture in the past can reproduce an acceptance of torture in how we deal with ordinary crimes. When the state mechanism seems to take another years to come in combating impunity, a community based approach through various methods plays the role not only to heal survivors, but paving the path to strengthen people in pursuing the rights of past accountability and rights to redress, henceforth, molding the form of a better future without recurrence of past abuses. The survivors’ narratives are a part of the nation history that inevitably shapes how we deal with our own humanity.

SURVIVORS

FRONTLINE WORKERS

TIMOR-LESTE

TL = "follow survivors"
 > IDENTIFYING TORTURE SURVIVORS & SUPPORT
 > CONTACT
 > SOLIDARITY BUILDING
 PAST & NEW VICTIMS

CIVIC EDUCATION & TORTURE
 ACCESS TO SOCIAL SERVICES
 TORTURE & PREVENTION @ SCHOOL CHILDREN

SRI-LANKA

PSYCHO SOCIAL SUPPORT
 LEGAL AID
 MEDICAL ASSISTANCE
 OCCUPATIONAL THERAPY
 AWARENESS
 REFERRAL NETWORK

MEDIA CAMPAIGN & AWARENESS
 Self-help group VICTIM'S STRENGTHENING & ADVOCACY
 COMMUNITARIAN POLICES

> WORKSHOP
 > REGULAR MEETINGS

MONITORING POLICE TORTURE COURT PRISON TIME
 TRG in LAW
 DRAFT LAW ON RETALIATION

ADVANCED TRG ON STRESS MGT
 * SUPPORT & SYSTEMS

INDONESIA

PAJU: REGULAR MEETINGS, EX. UVEZIMOR ADVOCACY

NATL: SURVIVORS MEETING
 TRAUMA CENTER & SUPPORT GROUP
 REGION TRUTH INDIVIDUAL COUNSELING

LOCAL TRUTH PROCESS

EACH REGION
 SURVIVORS → TEACHERS
 MEMORIALIZATION

WORK w/ LOCAL GOVT for REHABILITATION
 ↑ ANALYTICAL SKILLS & CAPACITY
 SUPPORT SYSTEM HEALING FOR WORKERS

PAJU: RESEARCH DATABASE PROGRAM PLANNING
 C-BASED MGMT - HR POLIC - COUNSELING - MONITORING SERVICES

TOOLS: ↑ VOLUNTEERS ACCESS TO SERVICES ORGANIZING ACTION RESEARCH

* LEARN C-BASED METHODS for REHABILITATION

BURMA

SAFE HOUSE / TRAUMA CTR
 EXCHANGES
 PROSECUTION
 MEMORIAL AWARENESS

WOMEN CHARACTERISTICS VIOLENCE TRAUMA HEALING ADVOCACY

CAPACITY-BUILDING
 SAFE PLACE security
 SKILLS - documenting & fact-finding
 ADVOCACY - MEMORIAL

EXPOSURE VISITS
 VIC: Legal Trg, Legal Aid, Social & Support, Advocacy
 KWAT: documentation, in TRG, SAFE HOUSE, ADVOCACY
 PAU: Capacity Bld, Truth, Home visits
 WLD: Accessing Data, Safe house, Legal Working

* SURVIVORS NOT

> LEGAL KNOWLEDGE / LEGAL AID
 > DOCUMENTING
 > REFERRAL NETWORK

COMMUNITY CONSULTATION
 HEALING CTR

NGO participant list:

Indonesia

- Asia Justice and Rights (AJAR)
- Lembaga Pemberdayaan Perempuan dan Anak (LAPPAN), Ambon/Institute for Women and Children Empowerment, Ambon
- Solidaritas Korban Pelanggaran HAM (SKP HAM) Palu/Solidarity for Victims of Human Rights Abuses, Palu
- Badan Perencanaan Pembangunan Daerah (Bappeda) Palu/Regional Development Planning Board, Palu
- Relawan Perempuan untuk Kemanusiaan (RPuK) Aceh/Women Volunteers for Humanity, Aceh
- Lembaga Bantuan Hukum (LBH) Apik, Aceh/Legal Aid, Aceh
- Kiprah Perempuan (KIPER) Yogyakarta
- Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (KontraS)/The Commission for Disappeared and Victims of Violence

Timor-Leste

AJAR Timor-Leste

Myanmar/Burma

- AJAR Myanmar
- Youth Legal Clinic
- Wimutti Volunteer Group (WVG)
- Kachin Women's Association Thailand (KWAT)
- Women's League of Burma (WLB)
- Palaung Women's Organisation (PWO)

Sri Lanka

- National Peace Council of Sri Lanka (NPC)
- Home for Human Rights (HHR)
- Janasansadaya (People's Forum)
- Legal Aid Commissions (Muttur Branch)



Supported By :

