

H.E Zeid bin Ra'ad Al Hussein

United Nations High Commissioner for Human Rights
Office of the High Commissioner for Human Rights

Dear Excellency,

The period of political reformation in Indonesia, known as *Reformasi* began after the resignation of former President Suharto in 1998 with dramatic achievements that gave rise to hopes for an end to the long-standing impunity for mass human rights violations. For example, the National Human Rights Commission (*Komnas HAM*) completed nine inquiries to prosecute several senior members of the security forces. Indonesian civil society and survivors of past and current human rights violations have also tried to utilize human rights laws and institutions to challenge impunity, as seen in initiatives such as the Aceh Truth and Reconciliation Commission, the “stolen children” program to reunite those taken from Timor-Leste during the Indonesian occupation with their families of origin, and truth-seeking efforts related to massacres during anti-Communist purges that began in 1965. In accordance with the transitional justice framework advocated by Indonesian civil society, before the Third Cycle of the Universal Periodic Review began, a press release from the Ministry of Foreign Affairs stated, in reference to accountability for past human rights violations: “At least we keep the issue alive”, emphasizing that all legal and political mechanisms were already in place to respond to cases of past human rights violations. In fact, the current political situation sees a return of perpetrators to power that makes it more difficult to take them to court.

After almost 20 years of *Reformasi*, political impunity continues under President Joko Widodo’s administration and aggravates the situation of human rights. Last year (2017), instead of commanding the Attorney General to start the inquiry into cases that have been submitted by the National Commission on Human Rights (*Komnas HAM*), this administration has campaigned for the settlement of gross past human rights violations through reconciliation and plans to establish the National Harmony Council that is predicted to camouflage the crimes of the perpetrators. The government’s decision to place the settlement of past human rights violations in Indonesia within a non-judicial process ignores the law and neglects the rights of victims.

Past human rights violations, that the government is unwilling to settle in accordance with the law and the *Reformasi* mandate, have become a specter of human rights violations today. A government trend that shirks from fulfillment of all aspects of human rights, and has minimal accountability affects several policies such as the implementation of capital punishment. The expansion of business and foreign investment sectors has a negative impact on communities and civil liberties. The excessive use of force by the state security apparatus threatens civil liberties for some economic benefits in the name of development in Indonesia. This begs a question: “Is Indonesia really willing to enhance and improve the human rights situation as a state commitment or only as an action to benefit its diplomatic image?”

In light of this situation, we ask the UN High Commissioner for Human Rights to join us in urging the Government of Indonesia to support several recommendations, inter alia, to:

- establish a Presidential committee to ensure the settlement of past gross human rights abuses as stated in both the *Nawa Cita* state policy and Indonesia's Mid-Term Development Plan (RJPMN) of 2015-2019;
- revise the current human rights action plan to include redress for victims of serious crimes that ensure their rights to truth, justice and reparations, as well as measures to strengthen the independence and professionalism of the judiciary;
- accede to the Rome Statute of the International Criminal Court, in accordance with the commitment made in the National Human Rights Action Plan of 2011-2014;
- immediately ratify the Convention for the Protection of All Persons from Enforced Disappearances that was accepted in the Third Cycle of the Universal Periodic Review;
- invite the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-Recurrence to Indonesia to give a sturdy recommendation on transitional justice issues to the Government of Indonesia;
- provide victims with comprehensive reparations that complement justice mechanisms, restore victims' trust, and provide social and economic programs, prioritizing rehabilitation for women, the elderly, children, and those living in geographically isolated locations; and
- ensure that any non-judicial mechanism to address past human rights violations not be used as a substitute for the responsibility of the criminal justice system to investigate and prosecute those responsible for grave human rights violations and crimes under international law.

The global trend of populism and the setback of democratization has already disrupted many countries, with a huge impact on the shrinking of civilian spaces across the world, including in Indonesia. As one of the most prestigious developing countries and a leader of democracy in Southeast Asia, Indonesia must demonstrate a full commitment to the enhancement and mainstreaming of human rights protection and promotion, not only for a positive diplomatic image, but also for the sake of people, particularly victims of human rights violations.

Thank you for this opportunity. Hopefully we can stand together for justice and mainstreaming human rights in Indonesia on behalf of the peace and reconciliation process.

Jakarta, 5 February 2018

Sincerely,

Yati Andriyani
Coordinator of KontraS

Galuh Wandita
Director of AJAR