



# ASIA JUSTICE AND RIGHTS

ANNUAL REPORT 2016



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*As 2016 closes one is tempted to assess whether the movement for rights and democracy in Asia is progressing, stagnating or sliding backward.*

At the end of 2016 the generals in Thailand are feeling more comfortable in their leadership armchairs and less likely to relinquish them. Afghanistan slides deeper into the quagmire of overlapping conflicts with intolerance, corruption and impunity the real foes. Entrenched marginalisation of minorities provides fuel for ongoing conflicts in Nepal, Myanmar, Southern Thailand, India and other contexts. The persecution of those voicing legitimate criticism of power continues in many countries of the region including Malaysia, Cambodia, China and Pakistan. The President of the Philippines has sanctioned thousands of executions without trial, seemingly ignorant of clear historical lessons that show that activating death squads is easy, but shutting them down may be impossible.

While 2016 has confronted us with many challenges, there are also reasons for cautious optimism. Fifty years of grand theft under successive military dictatorships in Myanmar have finally given way to relatively free and fair elections and a civilian dominated government. Forty five years of conflict in Mindanao has transitioned into what appears to be a lasting peace. The government of Sri Lanka has accepted an ambitious transitional justice agenda relating to mass human rights violations that

will be challenging to implement. The Indonesian Anti corruption commission and Court, responsible for the trial and imprisonment of over 400 senior government officials in recent years has amazingly survived its recent confrontation with the national police service.

Two positive developments to which AJAR has significantly contributed via intensive multi-year engagement are the establishment of two new official institutions focused on truth and victims rights: the Aceh Truth and Reconciliation Commission in Indonesia and the institution to implement the recommendations of the national truth commission, the Comissão de Acolhimento, Verdade e Reconciliação de Timor Leste (CAVR), in Timor-Leste.

AJAR became significantly stronger in 2016, our fifth operational year, and we expanded into several new contexts, including ethnic conflict areas in Myanmar, post conflict Philippines and Southern Thailand. We will continue to work in these new contexts through multi-year



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programmes.

Reviewing AJAR's substantial achievements this year, some important lessons emerge from our strategic approach. First, sustainable change in contexts of mass human rights violations requires a strong and well-supported social movement, consistently pushing back against impunity, and demanding truth, justice and accountability. Movements that affect change are not built by sporadic inputs of training and awareness-raising, or through occasional high level international events, even though these can be important contributors. Movements for change require sustained engagement, resisting manipulated information and lies, building awareness across a broad section of society as well as strengthening the capacity of the champions of change.

This year we saw clearly that even in the wealthiest nations democracies are fragile and subject to weakening under the pressures of discrimination, racial, ethnic and religious hostilities, and distortion of truth. Those who are disheartened by such developments should keep in mind that human rights advocates in developing robust democracies are engaged in 'David and Goliath' battles that endure for decades, constantly pushing against the tide.

Second, building the movement against impunity and for truth, accountability and justice requires developing and maintaining trust with national partners in multi-year partnerships. It involves broadening and deepening the popular knowledge base regarding violations and potential strategies for change, and strengthening those who will be the most effective agents of change in the medium and long term, as well as developing national, regional and international linkages that will nourish and sustain their work. AJAR is gradually growing its vital role as the hub of a regional wheel supporting and nurturing smaller networks. Our key partners include representatives of victim groups, civil society leaders and agents of change within governments, parliaments, courts and other state agencies.

The success of AJAR's work this year is due to the dedicated and selfless work of all of our staff and the support and friendship of our partners, particularly in the post conflict areas where we work. In 2016 AJAR completed over 140 activities with partners - almost three per week - involving over 3,000 participants. This year also, we developed a total of 56 products including films, television episodes, reports and submissions. We look forward to being even more productive in 2017.

***Patrick Burgess***





I don't want to be oppressed any longer,  
I don't want any more wars. It's already enough  
for us to suffer. The younger generation  
doesn't deserve life like ours.

ANTONIO GOMEZ, TIMOR-LESTE

*Asia Justice and Rights (AJAR)* is a non-profit human rights organisation based in Jakarta, Indonesia, established in 2009.

### **OUR VISION:**

Governments and civil society in Asia-Pacific are recognised internationally as leading the way in courageously and honestly confronting past violations and combating impunity, using this process to construct new societies based on universal principles of human rights.

### **OUR MISSION:**

To increase the capacity of local and national actors, including victims' organisations, in the fight against entrenched impunity, and to contribute to building cultures based on accountability, justice and a willingness to learn from the root causes of mass human rights violations in the Asia-Pacific region.

### **OUR GOALS:**

- Empower local actors to fight for the fulfillment and protection of their rights.
- Increase access to the truth about mass human rights violations, including their root causes, contributing factors and effects.
- Support the healing and empowerment of victims.
- Facilitate positive change through providing safe spaces where people can interact, learn and build bridges.

### **OUR Programmes ARE BASED ON THE FOLLOWING PRINCIPLES:**

- Increasing accountability is the single most important factor in promoting sustainable peace and a rights-based culture.
- Sustainable change can only be built from the bottom up.
- Investing in people who have a long-term commitment to the struggle for human rights is a key strategy.
- Organisations supporting the poor and marginalised often develop organically, but they need sustained support to be successful.
- In contexts where reading is limited, learning methodologies need to include person-to-person communications and the use of film, television, social media and other technologies.

### **WHERE WE WORK:**

AJAR's head office is in Jakarta, Indonesia, with field offices in Timor-Leste and Myanmar. Currently its focus countries include Indonesia, Myanmar, Timor-Leste and Sri Lanka, each of which is at a different stage of transition. AJAR also focuses on broader South-South learning opportunities, including regional trainings and learning exchanges.







# ***HIGHLIGHTS 2016***







## ***GENDER JUSTICE: MYANMAR, PAPUAN, AND TIMOR-LESTE***

A proven commitment to gender justice is one of AJAR's key strengths, and it was again evident during 2016. We engaged with survivors, civil society, and governments to develop programmes and policies with a specific focus on women survivors of violence. AJAR's participatory action research program uses in-depth methodologies, and integrates creative approaches to truth-telling with healing and advocacy, empowering women survivors to improve their lives and advocate for change.

In Myanmar, the new pro-democracy Parliament includes several AJAR partners. Our gender justice work with lawmakers was facilitated by parliamentarian Daw Ma Thandar, a torture survivor and leading justice advocate, who participated in AJAR's participatory action research with women survivors. Parliamentarian, Naw Susana Hla Hla Soe, a leader in the Myanmar women's movement, has played an instrumental role with AJAR in Myanmar. As Secretary of the Women and Child Rights Committee she is now responsible for progressing the long-awaited bill on violence against women. AJAR's participatory action research on gender justice in Myanmar has engaged women from various backgrounds, including former political prisoners and women from ethnic conflict areas. In 2016 AJAR and partner, Women's League of Burma, launched a joint briefing paper highlighting access to justice for women survivors of violence by state actors.

During 2016 AJAR completed participatory research with 85 indigenous women in five locations in Papua. Participants emphasised their political and economic marginalisation. They highlighted their inability to compete with migrant traders due to gender discrimination and high transport costs; lack of legal protec-













tion and support services for women victims of domestic and conflict-related violence; difficulty accessing basic and reproductive health care, including for HIV/AIDS; and lack of land rights under customary law. In partnership with five local women's organisations, AJAR will continue and expand its vital gender justice work in Papua.

Over the next four years AJAR and our partner Assosiasaun Chega Ba Ita (ACBIT) will be active in promoting Timor-Leste's National Action Plan (NAP) for UN Security Council Resolution 1325 on Women, Peace, and Security. As a member of the NAP steering committee ACBIT is developing strategies to strengthen victims' associations and establish an Institute of Memory to recognise women's experiences of the conflict period.

AJAR's work on gender justice uses women's own experiences of past violence as a building block to enhance their strength, resilience, and energy for change. Truth-telling ('in their own words') and acknowledgement are the foundations for trauma healing and the first steps towards genuine transition for women survivors.

*"Timorese women continue to struggle to achieve justice and equal rights today . . . [T]his NAP opens the way to realize the implementation of the recommendations of the CAVR [Truth Commission] report that gave evidence of the systematic abuses and violence committed by members of the Indonesian armed forces, including rape . . . sexual slavery and other forms of sexual violence . . ."*

*- NAP 1325 Executive Summary*



## **THE STOLEN CHILDREN: A SHARE LEGACY FOR TIMOR-LESTE AND INDONESIA**

During 2016 AJAR continued our work reuniting Timor-Leste's 'stolen children' with their families. Now adults, these are the survivors who, during the 1975-1999 Indonesian occupation, were taken to Indonesia by a public official or with the consent of a public official and without the genuine consent of their parents. Many of the estimated 4,000 children who were taken from Timor-Leste were eventually abandoned to fend for themselves in Indonesia and some suffered unspeakable abuse at the hands of their abductors.

Most have not seen their families since they were taken as children. Their plight is not well-known and further information about the 'stolen children of Timor-Leste' is only recently coming to light as AJAR and our partners work to uncover and document their stories.

Their abduction and separation represents a continuing human rights violation. Two separate truth and reconciliation commissions - CAVR (2005) and the bi-lateral Commission for Truth and Friendship (CTF, 2008) - have recommended that the governments of Indonesia and Timor-Leste take effective steps to find these survivors and facilitate family reunion.



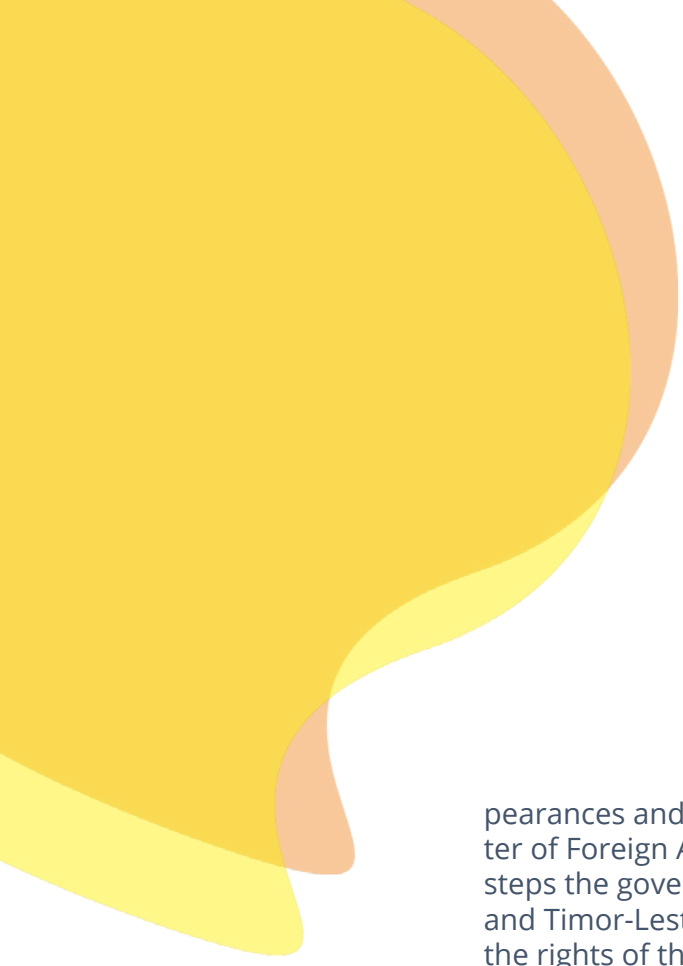


AJAR has been privileged to work closely with many of them, having helped a total of 100 survivors to reunite with their families in Timor-Leste, (including a further 26 during 2016). After locating them and arranging their travel 'home' to Timor-Leste, AJAR and partners facilitated pre-travel preparatory healing workshops and post-reunion debriefing discussions. While this is only a small proportion of the estimated several thousand 'stolen children', we believe it is an important start.

Most of the survivors AJAR has worked with face economic hardship, live in substandard housing, and are unable to get a well paid job due to their low education level. Many have faced addi-

tional hurdles due to their lifelong lack of proper identity documents and almost all continue to deal with unresolved trauma. In line with AJAR's commitment to empower survivors of human rights violations to be actively engaged in finding solutions to redress the past, we have been working closely with them in the search for, and support of, their peers throughout Indonesia. Their involvement has been enthusiastic and restorative. However, government support and policy change are also required.

In 2016 AJAR submitted a policy paper to the UNHR High Commissioner's Working Group on Enforced or Involuntary Disap-



pearances and to the Indonesian Minister of Foreign Affairs, detailing practical steps the governments of Indonesia and Timor-Leste should take to restore the rights of these survivors including (i) establishing a bilateral mechanism to facilitate voluntary family reunions, (ii) supporting and funding civil society organisations in the two countries to trace, document, and address the needs of the stolen children and their families, and (iii) providing assistance, trauma healing and protection to survivors, and acknowledging them as victims of gross human rights violations. AJAR continues to work to raise awareness and affect policy change on this important human rights issue.

## **AJAR COMBATS TORTURE**

AJAR is working to empower victims of torture and develop initiatives to prevent torture in four transitional contexts: Sri Lanka, Myanmar, Indonesia and Timor-Leste. We believe that strengthening accountability for mass torture is critical to building sustainable peace and to ensure non-recurrence. Using the findings from official and civil society-led truth mechanisms in the four countries AJAR and our partners are working to develop regional, national, and community-based strategies for accountability, prevention and rehabilitation. AJAR works with torture survivors and civil society at grassroots level. We also advocate and lobby both nationally and internationally with leading human rights NGOs and via international human rights mechanisms.

AJAR's work to combat torture in 2016 culminated in our co-hosting a regional conference to examine the question whether ensuring accountability for the widespread torture that has taken place in the past can contribute to the ongoing prevention of torture. Lessons from Indonesia, Timor-Leste, Myanmar and Sri Lanka were shared, with a focus on local and civil society-led initiatives as well as national policy changes designed to transform entrenched practices of torture. Over 70 participants, including survivors, policy makers and NGO representatives, exchanged experiences and lessons learned, explored the links between past practices of torture and present challenges, and identified common issues and innovations in their pursuit of accountability for torture and empowerment for survivors.

Patrick Burgess, AJAR President, noted a pattern of impunity and ongoing use of torture across the countries represented. He stressed the importance of reducing opportunities for torture, both during conflict and in criminal justice systems. He highlighted the need for civil society to work together with security sectors to improve accountability and professionalism. Participants agreed that as the era of dictator-





ships and authoritarianism comes to an end in Asia, now is the time to work together for greater accountability and openness, and for governments and civil society to set a course for transitional justice. AJAR Director, Galuh Wandita, noted three important lessons learned: (i) trauma healing and space to speak for torture survivors is critical; (ii) torture needs to be given priority on national agendas and not considered a peripheral issue; and (iii) impunity for past torture allows today's security institutions to adapt and continue the use of torture.

In line with AJAR's commitment to expand the knowledge base in the field of transitional justice we shared the findings of the conference in a report to the Indonesian commissioners of the ASEAN Intergovernmental Commission on Human Rights, the UN Special Rapporteur on Torture, and the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-recurrence. AJAR also submitted policy papers outlining the current situation of torture in Indonesia, Myanmar, Sri Lanka, and Timor-Leste to government agencies in these countries.

The conference was preceded by a two-day workshop, Empowering Torture Survivors: Building Participatory Tools to Address Urgent Needs, in which torture survivors from Myanmar, Indonesia and Timor-Leste took part in activities for joint reflection and analysis, including, for example, a mapping and prioritising of survivors' needs and vulnerabilities. A key activity of the workshop was the creation of mosaic art from fragments of tile, bright flower petals, and other objects—the opportunity to produce something beautiful through the creative combination of “broken pieces”. This activity and others are outlined in *Mosaic*, the second volume in AJAR's series of manuals for survivors of torture and other violence, *Un-learning Impunity*.

Torture survivors participate in a collective healing process by piecing together “bits of brokenness” to create beautiful mosaics.

In 2016 AJAR received funding from the UN Voluntary Fund for Victims of Torture to provide assistance and training to torture survivors in



***I am a survivor and an actor for change!  
- motto, Timor-Leste Survivors of Torture***

Myanmar, Timor-Leste, and Indonesia. AJAR's grassroots level anti-torture work focuses on both prevention of torture and on developing community-based healing methodologies for victims. Strategies implemented include intensive training for frontline workers on torture prevention and trauma support, national anti-torture campaigns, legal aid for survivors, documenting victims testimonies, advocacy with police and government officials, media campaigns and providing advice on legal redress to victims of torture in their local contexts.

To mark International Day in Support of Victims of Torture (26 June 2016) and express solidarity with victims of torture in Asia and worldwide, AJAR and its partners issued a press release to reaffirm the message that a lack of recognition and redress for victims of torture perpetuates impunity. In Myanmar, AJAR joined partners ND-Burma, Assistance Association for Political Prisoners, Wimutti Volunteer Group, and Ta'ang Women's Organisation to commemorate this day with a public event in which they urged the Myanmar government to acknowledge

victims of torture and establish a rehabilitation programmes for them. In Timor-Leste, AJAR and its partner, AC-BIT, commemorated the day with victims of torture and distributed a policy paper about torture in Timor-Leste.

Empowerment of survivors to advocate for change in their communities, together with legal and institutional reforms that prevent torture and provide proper redress for victims, reduces the culture of impunity so prevalent in the transitional contexts in which AJAR works. AJAR's anti-torture programmes and activities, implemented in cooperation with our many partners across the region, support the growing movement for the elimination of the scourge of torture in the Asia-Pacific and focus the attention of governments on the urgent need to improve accountability mechanisms.


## ***LEGAL AID: A VITAL WEAPON IN THE FIGHT AGAINST INJUSTICE AND IMPUNITY***

In many countries of the Asia-Pacific region the simple but shocking reality is that if you are arrested or detained and don't have a lawyer you will most likely be tortured without access to help. If you do have a lawyer, on the other hand, you are much more likely to be released or receive a fair trial. Torture, so often conducted in darkness, is made more difficult by legal aid lawyers who shed light on abuses of power. Their presence dramatically reduces the rate of torture. Poor farmers whose land is being appropriated by a corporation, or workers who are laboring in sub standard conditions occupy similarly vulnerable positions: for them the law is an enemy manipulated by the powerful, unless they can access a lawyer who understands how to turn that enemy into a friend. For the poor and marginalised who cannot afford a lawyer this means legal aid. While legal aid civil society organisations make invaluable contributions they can never hope to meet the scale of need in relatively poor settings. The only sustainable answer is to establish a competent, independent, government-funded legal aid system.

AJAR's legal aid work in 2016 included training and assistance to partners involved in our anti-torture program. AJAR has also played an important role in the founding and development of the South East Asia Legal Aid Network (SEALAW) and in 2016 was elected to SEALAW's board. AJAR's high-level technical assistance work was led by AJAR President, Patrick Burgess with the assistance of the AJAR regional team.

In 2016 Mr Burgess participated in legal aid workshops across the region. In Bangkok he provided several presentations on the comparative lessons learned from legal aid systems in Indonesia, the Philippines, Malaysia, Thailand and Vietnam. In Jakarta he provided presentations on strengthening legal aid systems at a regional workshop hosted by the Indonesian Government, Open Society Institute (OSI), ASE-





AN Intergovernmental Commission on Human Rights (AICHR) and The United Nations Development Programme (UNDP). In addition, he provided in depth technical assistance to the nascent legal aid systems of Vietnam and Myanmar.

In Vietnam, Mr Burgess' significant contributions to legal aid development include leadership at two training sessions for the Department of Justice and Vice Minister for Justice. He also prepared a total of five policy advice papers at the request of the Vietnam government. In October 2016 these were submitted to the national parliament, which is currently reviewing the national legal aid law.

Mr Burgess also drafted two comprehensive policy advice papers on the challenges of implementing the new 2016 national legal aid law of Myanmar. These were submitted to the Chief Justice of the Myanmar Supreme Court, which has responsibility for implementing the new law. The Chief Justice expressed his appreciation for the policy advice and analysis and has invited ongoing collaboration.

Legal aid is essential to guaranteeing equal access to justice for all. Indeed, for the poor and marginalised, legal aid is often the only means by which the law's protection can be accessed. AJAR is privileged to contribute to the fulfillment of this fundamental right in a range of transitional contexts across the Asia-Pacific region.



## ***SRI LANKA: A BOLD TRANSITIONAL JUSTICE AGENDA***

Sri Lanka's transition from conflict to sustainable peace will depend on how it deals with a decades-long history of mass human rights violations and in particular the intensive mass killings, rape, torture and disappearances that took place in the last three months of the war between government forces and The Liberation Tigers of Tamil Eelam (LTTE). A major challenge facing Sri Lanka is that there is little understanding of what transitional justice means and how it has been implemented in other contexts.

In April 2016 AJAR hosted a group of key Sri Lankan civil society actors working on transitional justice (TJ) issues on a study tour of Timor-Leste. The tour focused on the comprehensive TJ mechanisms that have been implemented in Timor-Leste. These include a UN Commission of Inquiry, a three-year truth and reconciliation commission (the

CAVR,) a hybrid court involving national and UN appointed judges (The Serious Crimes Panels,) the Community Reconciliation Procedures (CRPs) that dealt with 1,500 cases of politically motivated lesser crimes through community panels, the bi-national Truth and Friendship Commission, as well as a range of reparations programmes. The participants met with judges and prosecutors from the hybrid court, former-Commissioners and senior staff from the CAVR, victims who had participated in the judicial and truth-seeking processes, returnees and communities that had participated in the CRPs, and also visited the human rights museum established at the former torture centre and prison at Comarca.

Senior AJAR staff provided several presentations at the workshop on transitional justice in the Asia-Pacific





region hosted by the UN Special Rapporteur in Sri Lanka on 8-9 November 2016. These presentations included country studies of TJ in Indonesia, Timor-Leste and Bangladesh and an in-depth analysis of how a truth and reconciliation commission can be established and implemented.

In January and February 2016 in Sri Lanka, AJAR President Patrick Burgess delivered a series of TJ training sessions to a total of 300 participants including senior members of the army, air force, navy and police, parliament, government and civil society. This built on earlier training provided during the past three years. One of the most important conclusions from the trainings and consultations is that there is a broad gap between the TJ initiatives being promoted by the international community and at the government level, and the understanding of such

initiatives among the majority of the Sri Lankan population, who understand very little about what TJ is and how TJ mechanisms would work. Unless this gap is narrowed it is unlikely that the investment in TJ mechanisms in Sri Lanka will produce a positive result and may even deepen existing divisions. It is indeed a positive development that a process has begun to design a truth commission, court, disappearances mechanism, and reparations program. However these measures must be complemented by intensive, broad based TJ education programmes if the Sri Lankan people are to be included in the initiatives being promoted at senior levels. AJAR is committed to ongoing assistance for Sri Lanka as it learns from TJ processes in other contexts to address the past and move forward in the process of nation building.




## ***HUMAN RIGHTS EDUTAINMENT: A TV DRAMA WITH A DIFFERENCE IN MYANMAR***

Over the past four years AJAR has developed its capacity to create, write and produce high quality TV drama series that are based on the formula of 90% drama (love stories, football, music, family etc) and 10% human rights and democracy messages. At the end of 2016 the first eight-hour series of *The Sun, the Moon and the Truth* created and written by AJAR and broadcast in Myanmar had been viewed by over seven million people there, with the second series currently in production in Yangon.

On the basis of this success the European Union approached AJAR in early 2016 to request that we write and produce a similar TV drama for Timor-Leste. This resulted in our scripting a 20 episode series currently in production in Dili. The series will be launched in February 2017 with a movie length episode screened in the cinema.

The focus of AJAR's 'human rights edutainment' work is to insist on very high quality scripts that contain a depth of character and plot that will draw everyday viewers into the stories and lead them to discuss the themes at home, in tea shops, at bus stations and schools. In this way viewers engage with the characters and gain exposure and deeper understanding of human rights and democracy issues, discussing those issues with friends and family, leading to a participatory learning experience for a very broad range of the population.

Development of a rights-based culture cannot be achieved without increasing the knowledge base of the entire population. Delivering a whole range of rights messages and information to seven million people in a developing, post authoritarian context, as in Myanmar, provides strong evidence of the value of this kind



of programming. AJAR hopes to build on our hard work and experience with this media to extend the TV series concept to other contexts.

During 2016 AJAR also produced a range of other film and audio-visual products. The 25 minute film, *Nina and the Stolen Children*, documents the story of Nina, one of more than 4,000 East Timorese children taken from their families and transported to Indonesia by Indonesian soldiers during the military occupation. The movie was viewed by over 6,000 people on YouTube in the first six months after it was loaded, bringing to a broad audience this previously unknown context of mass violations and building a knowledge bridge to similar abuses globally and historically, including for example the 'stolen children' of Argentina, Sierra Leone, Canada and Australia.

During the past year AJAR has also produced a number of other film products including *In Defiance*, a series of testimonies from survivors of torture in Indonesia and a powerful, artistic black and white film documenting the experience of victims of torture in Sri Lanka, *The Wrong Rights*.





## ENGAGEMENT WITH THE UN AND OTHER INTERNATIONAL RIGHTS MECHANISMS

AJAR's multi-dimensional approach to building cultures of accountability encompasses a broad range of activities from support for survivors and their communities to engagement with regional and international human rights mechanisms. In 2016, AJAR submitted reports and provided policy advice to UN agencies, lobbied UN Special Rapporteurs on issues of torture, impunity and transitional justice, and, through our Timor-Leste partner, ACBIT, strengthened our commitment to gender justice by helping to develop Timor-Leste's National Action Plan for UN Security Council Resolution 1325 on Women, Peace and Security. AJAR also accessed the UN Voluntary Fund for Victims of Torture to provide support for torture survivors in Myanmar, Indonesia, and Timor-Leste.

AJAR's use of the transitional justice framework for analysis and advocacy has enhanced its work with survivors and their local communities, and is a focus of its work at national and international levels. In a joint submission for Indonesia's UPR (Universal Periodic Review), AJAR

and KontraS (the Commission for the Disappeared and Victims of Violence) reported on Indonesia's failure to ensure truth, justice, and reparations for victims of past human rights violations and their families. Recommendations include a call for a Presidential committee and for ad hoc human rights courts to settle past gross human rights violations. AJAR's engagement with the Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-recurrence (TJRG) this year included two submissions (on the situation of transitional justice in Timor-Leste and on torture and transitional justice in several Asian countries) as well as direct lobbying. Galuh Wandita, AJAR Director, and Patrick Burgess, AJAR President, made presentations at the Regional Consultations on Transitional Justice in Asia-Pacific in Sri Lanka in November 2016.



### **AJAR's Submissions to UN Agencies**

#### *UPR*

- Indonesia: a submission on impunity; and a submission on torture
- Timor-Leste: submission on a range of human rights issues

#### *UN Special Rapporteur on Torture*

- Indonesia: submission on 1965 torture
- Indonesia, Myanmar, Timor-Leste, Sri Lanka, and Asia: Legacy of Mass Torture and Challenge for Reform

#### *UN Committee against Torture*

- Sri Lanka: alternative the Committee Against Torture (CAT) report

#### *UN Special Rapporteur on TJRG*

- Indonesia: submission on 1965 torture
- Timor-Leste: submission on state of TJ 10 years after CAVR (the truth commission)
- Indonesia, Myanmar, Timor-Leste, Sri Lanka, and Asia: Legacy on Mass Torture and Challenge for Reform

#### *UN Special Rapporteur on HR in Myanmar*

- Myanmar: submission on torture and TJ

#### *UNHCHR Working Group on Enforced or Involuntary Disappearances*

- Timor-Leste/Indonesia: submission on stolen children

The Special Rapporteur on the Promotion of TJRG and officials from the Office of the High Commissioner for Human Rights participated in the meeting.

AJAR's advocacy this year has also focused on efforts to eliminate torture as reflected in its submissions to several UN Special Rapporteurs as well as to the ASEAN Intergovernmental Commission on Human Rights. AJAR also engaged in person with UN officials who attended the Asia Pro Bono Legal Conference in 2016.

AJAR strives to bridge the distance between 'local' and 'global' not only by strong engagement in both contexts, but by seeking to amplify local experiences for an international audience. AJAR sees engagement with UN mechanisms as a two-way exchange.

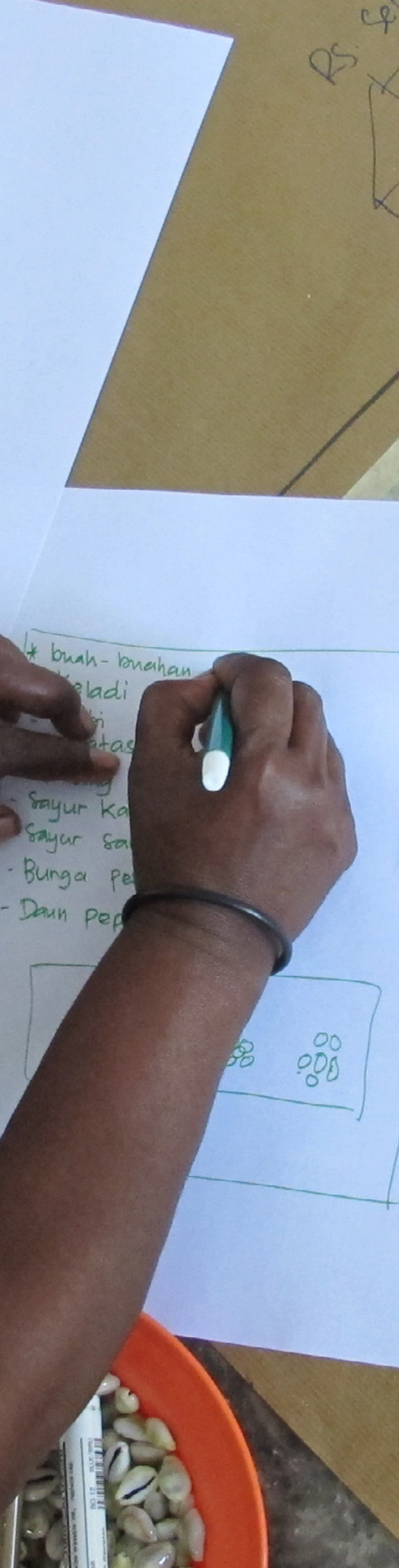
### **Workshop on mass human rights violations in the Asia-Pacific region**

In July 2016 AJAR hosted a one day workshop focused on mass human rights violations in the Asia-Pacific region in collaboration with the Office of the United Nations High Commissioner for Human Rights and Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEA-CLE). The 120 participants included human rights lawyers and activists from more than 20 countries of the region, with presenters including representatives of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) Committee, the United Nations Economic and Social Council (ECOSOC) and the UN Committees on Disappearances. The focus of the workshop included conflict-related violations against women and children, building cross-border linkages between those working on mass violations and opening up ongoing regional mechanisms for collaboration and sharing of lessons learned.









## COMMUNITY LEARNING CENTRES: "A TRUER HISTORY"

AJAR's network of community learning centers (CLCs) in Indonesia grew from three to eight this year and includes survivors of past violence such as the 1965 tragedy, armed conflict in Aceh and Papua, communal violence in Sulawesi, and a focus on those abductees who were brought to Indonesia from Timor-Leste as children. The CLC network, established in 2015, is focused on human rights education and capacity-building. It plants seeds of truth about past massive violence and nurtures hope for the future at the local level by supporting survivors and their communities in the face of persistent impunity. As participants and network partners learn from each other, they develop trust, solidarity, and mutual understanding that can strengthen a movement for accountability across different communities and histories of violence.

Agility and innovation are emerging hallmarks of the CLCs. Following incidents of intimidation and surveillance, some of the centers were prompted to change tack. To sustain local momentum without explicit mention of 1965, creative approaches to CLC activities such as a farming cooperative for production of organic fertilizers and a local seed bank, photography training for youth, and resurrecting a local traditional ritual for crop protection have been developed by survivors themselves. AJAR too learns from this process: community-level support for survivors and their communities to address their current needs for food and water, shelter, and health care is itself a form of reparations that helps to heal and restore rights to victims and their communities.



## Speaking Their Way out of Fear: A Women's Community Learning Centre in Papua

The learning center in Wamena, Papua is being built by 16 women, widowed as the result of violent conflict in the 1970s, and 12 of their children. Their history is one of fear and trauma. The women's participation in AJAR's learning center network has helped these previously silent women to speak, heal and make plans for their future. When Mama Eliana was invited to AJAR's learning center training workshop in January 2016 in Bali, she was anxious:

*Women were afraid to speak; we listened to the Word of God, but nothing else. [When I was invited to Bali] I just kept praying; I cried. Why did they invite me? I can understand Indonesian, but don't really speak it; I can't do math. I thought for a long time. . . . "Maybe God has opened a path for me." When I got [to Kampung Damai in Bali] I didn't eat; I just kept praying. Dodi started talking about victims and my heart was drawn to what he said because I am also a victim. [During that training] I just listened; I didn't talk like I am now.*

When Eliana returned home she shared with the widows about her experience in Bali. They cried as they shared their past painful experiences, but were also happy and hopeful about the idea of a learning center.

*They were afraid, they kept their mouths closed, but little by little they began to speak. They opened up about their deep feelings. We decided to have a program making traditional woven bags (noken). We've been building the learning house bit by bit since we don't have funds. The frame is up, but not yet the boards for siding. We are building it on land that my husband and I have because they don't have land. We plan to have a communal garden to plant traditional medicines. Maybe close to the road we can open a kiosk.*







*"This process has helped me a lot. I have learned a truer history compared to what I knew before . . . I hope the learning center can answer the hopes of the victims of conflict themselves. I also hope it can help to rectify our history [about past conflicts] so that not just me but others will also learn the truth."*

**- Hendrik, learning facilitator, Sulawesi**





*"The very essence of the Commission's work is to assist transformation. The fabric of our social relationships has been destroyed – our work is to transform our experience of the dark of yesterday into a positive tomorrow."*

*- Aniceto Guterres Lopes, CAVR Chair, 2003.*

## ***Centro CHEGA: PROGRESSING TIMOR-LESTE'S POST-CONFLICT TRANSFORMATION***

*Centro* = "the center"

*Chega!* = "no more, stop, enough!"

This was the name given to the final report of the CAVR (the Timor-Leste Commission for Reception, Truth and Reconciliation) and the sentiment is still very much evident in Timor-Leste today. The new center, *Centro Chega*, is a commitment to this - no more violence, and enough suffering for victims and their families.

Since the handover of the CAVR's final report, *Chega!*, to the Timor-Leste President and parliament in 2005, a post-secretariat has been responsible for interim tasks, until such time as a final decision could be made regarding establishment of a follow-up institution. After much delay, the current prime minister initiated a working group, which included AJAR Timor-Leste country director Ze Luis Oliviera, to take the lead in designing the policy and terms of reference for a follow-up institution to the CAVR. This process included an audit of the CAVR recommendations, drafting a decree law for the institution, arranging public consultations regarding its proposed functions and designing a vision for the new institution, *Centro Chega*.

A recent UN report, *Truth Commissions: Strengthening their Impact*, emphasised the long term nature of post-conflict processes and the need for sustained systematic follow-up measures. In Timor-Leste, where thousands remain left behind, unable to progress in their 'new nation' due to lack of resources, continued marginalisation, and/or chronic injuries and trauma, follow-up measures are much needed. *Centro Chega* is an institution dedicated to the victims of Timor-Leste. It aims to ensure that the nation's most vulnerable victims of past violence are recognised in the country's national narrative, while simultaneously contributing to the country's sustainable development goals, utilising lessons from the past in educational curricula, contributing to government programmes and other local institutions, and upholding key lessons of non-violence and respect for human rights for the younger generation.

AJAR Timor-Leste and other members of the Prime Minister's working group will be providing critical oversight during the establishment of the new institution and closing of the interim CAVR post-secretariat. AJAR will continue to play a key role with *Centro Chega* as it develops its key functions of memorialisation, education and training, external relations, and standing in solidarity with victims.





## **THE ACEH TRUTH AND RECONCILIATION COMMISSION: CONSIDERING VICTIMS**

In September 2016 AJAR provided technical assistance to the Aceh Truth and Reconciliation Commission (TRC) by facilitating a four-day workshop with its seven commissioners-elect. The workshop provided a forum for capacity building, expanding knowledge of transitional justice and international law, learning about co-operation with Indonesian national mechanisms, as well as direction-setting and open discussion. Indonesian and international experts involved participants in a range of learning activities including on approaches to truth-seeking, the transitional justice framework, investigations and linking to prosecutions, incorporating gender perspectives, principles and mechanisms of reparations and reconciliation programmes, outreach and the role of civil society, and lessons from previous truth commissions.

Indonesia's Aceh province was the site of a protracted armed insurgency that operated at varying levels of intensity from 1976. In 2005 a Memorandum of Understanding (MOU) known as the Helsinki Agreement was concluded aiming to end the conflict in Aceh. The Aceh TRC was mandated by this MOU and by the Law of Governance of Aceh No. 11/2006. Progress was slow, however. Over the next few years AJAR worked hard with the KKPK (National Coalition for Justice and Truth) to build support for the establishment of a truth commission among local civil society organisations, and also at the national level and internationally to push for justice in Aceh. In 2013 AJAR facilitated a workshop on transitional justice issues for the Aceh parliamentarians who were to draft a by-law to establish the TRC. Finally, in 2016, the Aceh TRC was formally established.

The Aceh TRC, which is expected to operate between 2016 and 2021, is an important vehicle for accountability, justice, truth, reparations for victims, and reconciliation. The TRC commissioners, in carrying out their mandate over the next five years, will play a key role in promoting accountability and combating impunity in Aceh and throughout Indonesia.

The successful implementation of the Aceh TRC is vital to better understand the circumstances that led to past human rights abuses in Aceh. Importantly also, the TRC can help to restore the dignity of victims and bring closure to the decades-long conflict that took more than 20,000 lives and traumatised tens of thousands of families.

The opportunity for AJAR to provide technical assistance to the Commission in this nascent phase was an important one. AJAR looks forward to continuing its excellent relationship with the TRC in the coming years and to providing further technical expertise and support.

***"The success or failure of a truth commission is strongly determined by the peoples sense of ownership of it"***  
- Galuh Wandita, AJAR Director

***"The commission must not only look back, we must also look forward"***  
- Aceh TRC Commissioner-elect





## **LIST OF ACTIVITIES OF 2016 (and number of participants)**

### ***January***

1. Regional Annual Evaluation, Bali (25)
2. CLC Workshop, Bali (24)

### ***February***

1. Chega! Expert Workshop, Bali (15)
2. UPR Submission Report, Dili (5)
3. EUTV Collaborative Workshop, Dili (40)
4. CLC Workshop, Poso (20)
5. CLC Workshop, Wamena (10)
6. Jayapura Working Group discussion, Jayapura (17)
7. Transitional Justice & Gender-based Violence workshop with the Indonesian National Commission on Violence Against Women, (30)
8. Transitional Justice Workshop, Sri Lanka (60)
9. Meeting with Shan Women's Action Network, Chiang Mai (5)
10. Meeting with Women's League of Burma, Chiang Mai (3)
11. Meeting with ND-Burma, Chiang Mai (3)
12. Meeting with Karen Women Organisation, Chiang Mai (4)
13. Human Rights Defender Forum, Yangon (40)
14. Agents of Change Training, Chiang Mai (10)

### ***March***

1. UPR Report Meeting, Dili (31)
2. CLC workshop, Yogyakarta (15)
3. CLC Workshop, Pidie, Aceh (17)
4. CLC Workshop, Makassar (6)
5. Nina & The Stolen Children film screening, Jakarta (70)
6. Panel Discussion on "100 Days for New Government After Transfer the Power", Yangon (150)
7. Celebration of International Women's Day, Yangon (200)
8. International Day Against Racial Discrimination, Yangon (100)
9. Commemoration event for family members of deceased political prisoners, Yangon (300)
10. Report launch: "Violence Against Women (VAW): Prevention and Response Services and Access in Myanmar", Yangon (88)

### ***April***

1. Chega! Module working group, Dili (6)
2. Support for Victims workshop, Jakarta (20)
3. Participatory Action Research & Self-Care Workshop, Pyin Oo Lwin (12)
4. Regional Conference on Accountability & Prevention of Torture, Jakarta (200)
5. CLC Documentation Workshop in, Aceh, Makassar, Buru Island (40)
6. CLC Community Organising Training in Buru Island, Maumere, Aceh, Yogyakarta, Makassar (51)
7. Workshop on Safety Shelter for women, Yogyakarta (30)
8. NGO Coalition Meeting, Banda Aceh, (7)
9. EU Roadmap in Timor-Leste partner meeting, Dili (20)

### ***May***

1. Stolen Children workshop, Bali (16)
2. Stolen Children family workshop, Dili (8)
3. Stolen Children reunion visit, Dili (20)
4. Papua Participatory Action Research in Merauke, Keerom, Sorong, Wamena and Jayapura (83)
5. CLC Cultural Forum, Maumere (25)
6. Meeting with former political prisoners for AJAR evaluation, Yangon (11)
7. Self-care Workshop, and Stone & Flower Workshop, Pyin Oo Lwin (12)
8. CSO Working Group on Reparation, Pyin Oo Lwin (34)

### ***June***

1. Trauma Healing, Dili (24)
2. Limited MISEREOR Film Screening on Papuan Women, Jakarta (8)
3. CLC Workshop on Natural Resources, Maumere (24)
4. International Day in Support for Victims of Torture, Yangon (200)
5. Commemoration & Reflection on International Day in Support for Victims of Torture, Dili (25)

### ***July***

1. CLC Workshop in Pidie & Poso (47)
2. Photo Exhibition The Act of Living, Freiburg, (100 approx)
3. Briefing Meeting for Timor-Leste Universal Periodic Review (UPR), Dili (29)



### **August**

1. Wimutti Volunteer Group Symposium, Yangon (47)
2. Participatory Action Research, Yangon and Papua (12)
3. ASEAN People Forum - Public Discussion on Transitional Justice in ASEAN, Dili (100 approx)
4. EU-TV Creative Writing Workshop, Dili (21)
5. CLC Workshop in Pidie (Aceh), Marapu (East Nusa Tenggara), & Bayang (West Nusa Tenggara) – community mapping & historical research (70)
6. Prime Ministry Working Group Discussion & Hearing, Dili (50)
7. Pro Bono Conference, Sanur (68)

### **September**

1. CLC Workshop in Papua & Pidie on historical timeline, advocacy, and community mapping (44)
2. Joint workshop with newly-elected Aceh Truth & Reconciliation Commissioners, Bali-Jakarta (12)
3. Mini Conference on 1965, Melbourne (50)
4. 1965 victim memoir & sketchbook launch, Jakarta (35)
5. Access to Justice Workshop with Partners Asia, Yangon (50 approx)

### **October**

1. Gathering of Women Survivors, Yangon (68)
2. Papuan Women Workshop on Natural Resources, Keerom (15)
3. Stolen Children photo book Launch, Bali (50 approx)
4. CLC Reflection, Bali (28)
5. Nina & The Stolen Children Film Screening, Melbourne (50 approx)
6. The Act of Living Photo Exhibition, Melbourne (100 approx)

### **November**

1. Participatory Photography Workshop & updating for victims, Banda Aceh (24)
2. Unlearning Impunity Book Launch, Yangon (50)
3. 1965 victim memoir & sketchbook launch, Surabaya (50)
4. Stolen Children Reunion visit, Dili (16)
5. Leadership Training for Victims in Transitional Justice, Dili (26)

### **December**

1. Herb Feith Foundation's Human Rights Education Award for Putu Oka Sukanta, Jakarta (40)

## GOVERNANCE

AJAR's Governing Board is responsible for guiding the policy work of AJAR and for the governance of the organisation. This includes providing a focused and informed voice on matters of policy in Indonesia and internationally, providing leadership and strategic direction in relation to policy and operations; oversight and monitoring of the policies and operations of AJAR; and making decisions on governance and finance matters in the best interests of AJAR.

### *AJAR's Governing Board*

#### *Chairperson:*

**Ifdhal Kasim**: lawyer and former chair of Indonesia's national human rights commission (2008-2011)

#### *Members:*

**Putu Oka Sukanta**, writer and accupunturist, Jakarta

**Zandra Mambrasar**, human rights worker, Papua

**Tati Krisnawaty**, women's rights advocate, West Java

**Fr. Leo Kleden SVD**, educator, Flores

**I Gede Artika**, businessman, Bali

**Isna Marifa**, environmentalist, Jakarta

**Prihatin Asmidy**, business manager, Jakarta

**Rev Dr John Campbell-Nelson**, educator, Kupang

### *AJAR's International Board of Advisors*

**Ian Martin**, UN expert and former secretary general of Amnesty International, New York

**Priscilla Hayner**, expert on truth and reconciliation commissions and peace processes, New York

**Somchai Homlaor**, jurist, member of the Law Reform Commission of Thailand, and former member of Truth and Reconciliation Commission, Bangkok

**U Kyaw Mint**, lawyer and founder of the Myanmar Legal Aid Network, Executive Director of the Yangon Justice Centre, Yangon

**Dr Jacqueline Hayden**, expert on the protection of children in conflict areas, former head of the



faculty of early childhood education at Macquarie University, Australia

**David Mc Quoid Mason**, expert on legal aid, founder of Street Law Program, Professor of Law Durban University, Durban

**Tati Krisnawaty**, former member of National Commission for Violence Against Women, leading campaigner for women's rights and migrant workers, West Java

**Kieran Dwyer**, expert in human rights communications, New York

**Rosalia Sciortino**, formerly senior staff with Ford Foundation and Rockefeller Foundation, expert on ASEAN, Bangkok.

**Saku Akmeemana**, international lawyer and access to justice specialist, Washington DC

**Howard Varney**, expert on investigation and prosecution of mass crimes, advisor to a broad range of TRC's and transitional justice processes, Cape Town

**Dr Jehan Perera**, expert on reconciliation and transitional justice, Colombo

**Mandira Sharma**, Founder and executive director of the Advocacy Forum of Nepal, expert on transitional justice, combating torture, London/Kathmandu

**Lewis Tyndall**, Barrister and Founder of Climate Roundtable, Sydney

**Pat Walsh**, former Advisor to the President of Timor Leste on reconciliation issues, Dili/Melbourne

### *Our Team*

In 2016, many hands, hearts and minds contributed to keeping AJAR's programme on-track.

**Patrick Burgess**, *President*

### *Regional*

**Galuh Wandita**, Director

**Atikah Nuraini**, Institutional Learning Coordinator

**Indria Fernida**, Regional Program Coordinator

**Karen Campbell-Nelson**, Institutional Learning and Gender Advisor

**Citra Dwi Ayu**, Finance Coordinator

**Prabha Gulati**, Institutional Development & Donor Liaison (Australian Volunteers International)

**Andy Liem**, Finance Advisor (Australian Volunteers International)

**Yenny Satriyadini**, Grant Finance Officer

**Perdana Putri**, Communications & Publication Officer

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**Selviana Yolanda**, Program Officer  
**Neneng Kurnia**, Finance Officer  
**Sukri Hamdani**, Administration & Finance Assistance  
**Emmanuella Kania Mamonto**, Indonesia Program Assistance

### *Timor-Leste*

**Jose Luis de Oliveira**, Country Manager  
**Inocencio Xavier**, Program Officer  
**Leonardo Soares**, Outreach Officer  
**Jose Fransisco**, Finance Officer

### *Myanmar*

**Laetitia Bonnet**, Country Manager  
**Sheng Shadan**, Program Officer  
**Seng Pri Moon**, Program Assistant  
**Mai Ja**, Training Officer

### *Volunteers and Consultants*

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**Anya Olsen**, USA  
**Lisa Houston**, UK/Thailand  
**Matthew Easton**, USA  
**Alexandra Scrivner**, USA  
**Lee-Anne Henfry**, Australia  
**Pia Conradsen**, Australia  
**Mayra Walsh**, Australia  
**Ria Papermoon**, Indonesia  
**Muhammad Syafari Firdaus**, Indonesia  
**Anne-Cecile Esteve**, France  
**Sigit Pratama**, Indonesia  
**Herizal Arifin**, Indonesia  
**Ellena Ekarahendy**, Indonesia  
**Janu Wibowo**, Indonesia  
**Pameo Team**, Indonesia  
**Sriyanto**, Indonesia  
**Polly Dewhirst**, USA/Myanmar  
**John Patrick Kelleher**, New Zealand  
**Ian Finch**, England  
**Kate McGreggor**, Australia  
**Jemma Purdey**, Australia  
**Celine Rivat**, French  
**Dwiyento Aryo Pangestu**, Indonesia



## **Thank You to Our Partners**

*We would not be able to carry out this work without the support and cooperation with our partners.*

### **Donor List 2016**

1. Herb Feith Foundation
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8. Tifa Foundation
9. Bread fur Die Worlt
10. Misereor
11. The Asia Foundation
12. MAMPU (AusAid)
13. British Embassy
14. Norwegian Human Rights Fund
15. United Nation Fund for Victims of Torture
16. Foundation for Just Society
17. United States Bureau of Democracy, Human Rights, and Labour
18. Indonesia Ministry of Foreign Affairs

### **List of Partners (2016)**

#### **Timor-Leste**

1. Asosiasaun HAK (Hak Azasi dan Kemanusiaan)
2. PDHJ (Provedoria dos Direitos Humanos e Justiça)
3. ACBit (Asosiasaun Chega! Ba Ita)
4. Asosiasaun Viktima “Konflikto Politiku” 74-99
5. FONGTIL (East Timor NGO Forum)
6. Fokupers
7. Luta Hamutuk

#### **Myanmar**

1. WVG (Wimutti Volunteer Group)
2. Partner Asia
3. AAAPP (The Assistance Association for Political Prisoner)
4. WON (Women’s Organisation Network) of Myanmar
5. KWEG (Karen Women Empowerment Group)
6. WLB (Women’s League of Burma)
7. Legal Aid Myanmar
8. Educational Initiatives

9. TWO (Ta'ang Women Organisation)

***Indonesia***

1. KontraS (Commission for the Disappeared and Victims of Violence)
2. KontraS (Commission for the Disappeared and Victims of Violence) Sulawesi
3. KontraS (Commission for the Disappeared and Victims of Violence) Aceh
4. IKOHI (Indonesia Association of the Family of the Dissapeared)
5. Insist Press
6. LAPPAN (Women & Children Empowerment Group – Ambon)
7. PBH Nusa (Legal Aid Association of East Nusa Tenggara)
8. SKP HAM Palu (Survivor of Human Rights Crime Solidarity Palu)
9. PASKA Aceh
10. KIPPER Yogyakarta (Women's Action Yogyakarta)
11. JPIT (East Indonesian Women's Network)
12. Humi Inane Wamena
13. KKPK (Coalition of Justice & Truth Reconciliation)
14. Yayasan Indonesia untuk Kemanusiaan (Indonesia for Human Rights Foundation)
15. Indonesia Ministry of Foreign Affairs
16. Indonesia National Commission on Violence Against Women
17. Indonesia National Commission of Human Rights

***Regional***

1. National Peace Council of Srilanka
2. BABSEACLE
3. SEA Junction
4. Ubud Writer's Festival
5. Alola Foundation
6. University of Melbourne
7. Monash University