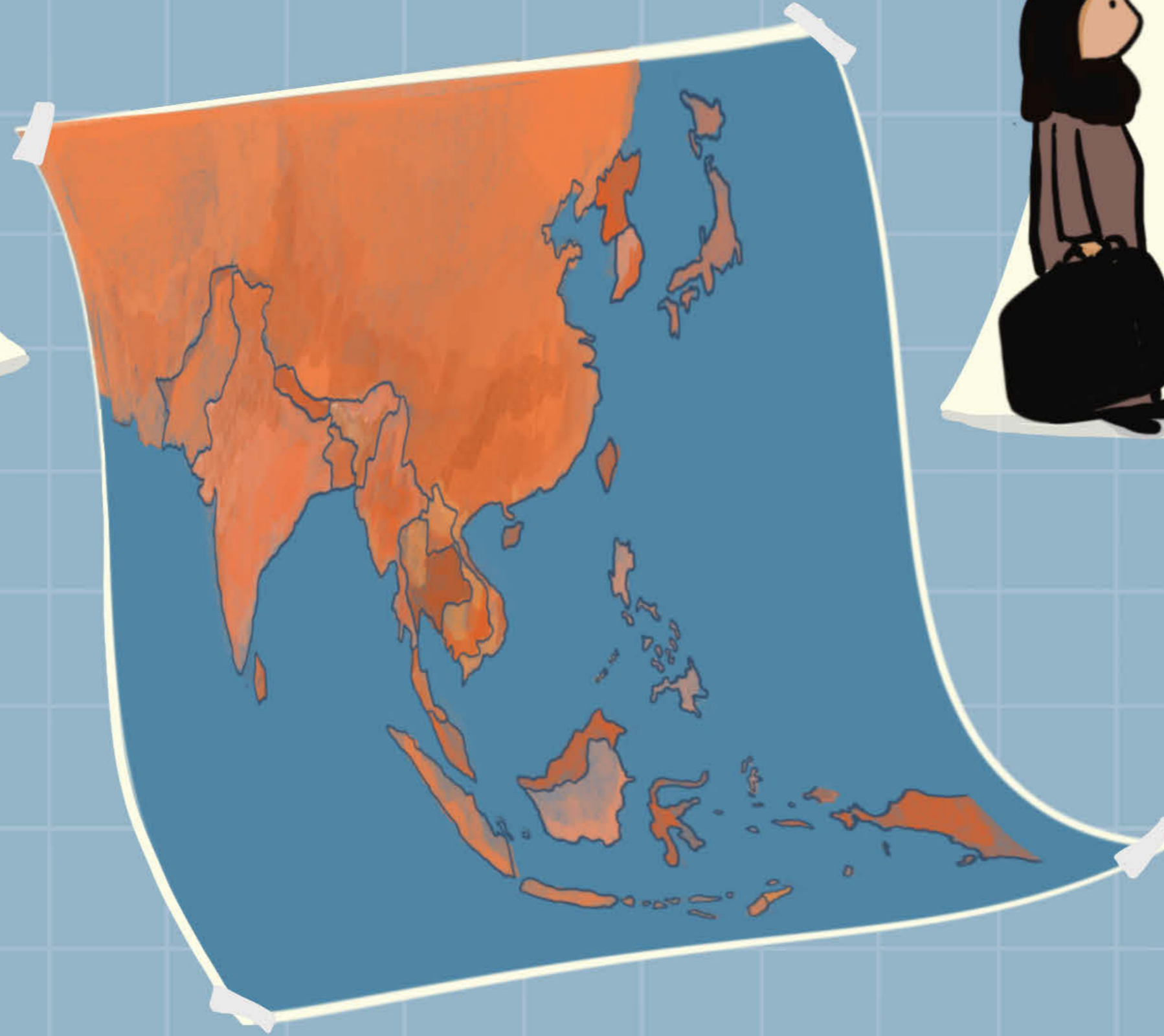


FOUNDATIONS FOR PEACE: TRANSITIONAL JUSTICE IN ASIAN CONTEXT



INTRODUCTION

THIS BOOKLET OF GRAPHIC RECORDING SUMMARISED THE LEARNING PROCESS OF ONLINE COURSE "FOUNDATIONS FOR PEACE: TRANSITIONAL JUSTICE IN ASIA CONTEXTS" WHICH ORGANISED BY TRANSITIONAL JUSTICE ASIA NETWORK (TJAN) ON 2 NOVEMBER - 17 DECEMBER 2020. THIS BOOKLET COVERS A SUMMARY DISCUSSION OF THE CONCEPT, MECHANISM AND PRACTICE OF TRANSITIONAL JUSTICE, EXPLANATION ABOUT EACH OF THE FOUR PILLARS OF TRANSITIONAL JUSTICE; THE RIGHT TO TRUTH AND TRUTH-SEEKING MECHANISMS, RIGHT TO JUSTICE AND PROSECUTIONS, THE RIGHT TO REPARATION AND VICTIMS' SUPPORT, NON-RECURRING GUARANTEES AND INSTITUTIONAL REFORMS, INCLUDING THEMATIC AND EMERGING TOPICS ON TRANSITIONAL JUSTICE CONTEXT ON PEACE BUILDING AND TRANSITIONAL JUSTICE, INTERNATIONAL CRIMINAL COURT (ICC), MEMORIALISATION, GENDER JUSTICE AND INTERNAL DISPLACEMENT. ALL MATERIALS WERE PRESENTED BY TRANSITIONAL JUSTICE EXPERTS IN ASIA WHO ARE PART OF TJAN.

ABOUT ASIA JUSTICE AND RIGHTS

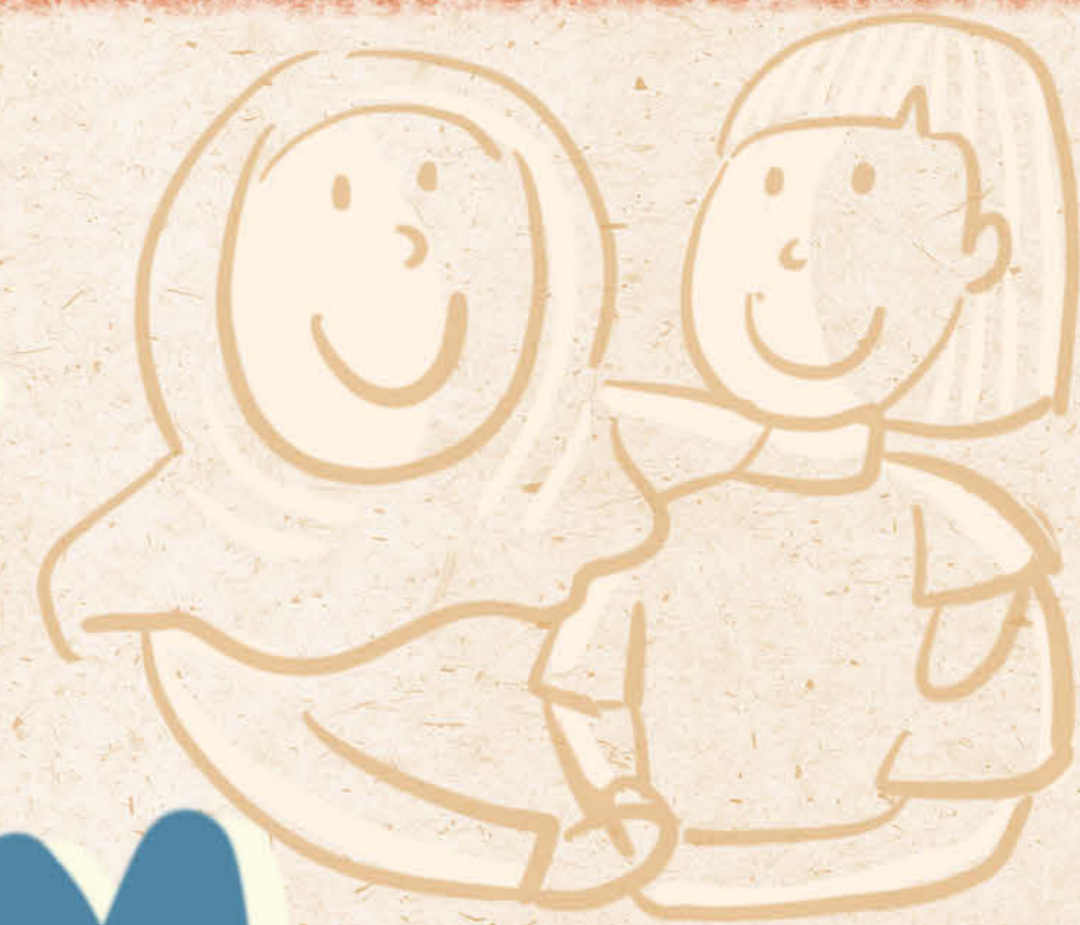
ASIA JUSTICE AND RIGHTS (AJAR) IS A NON-PROFIT ORGANIZATION BASED IN JAKARTA, INDONESIA. AJAR HAS A MISSION TO INCREASE LOCAL AND NATIONAL ACTORS' CAPACITIES, PARTICULARLY VICTIM ORGANIZATIONS, IN FIGHTING AGAINST IMPUNITY AND ALSO ENCOURAGING LIFE THAT IS BASED ON ACCOUNTABILITY, JUSTICE, AND WILLINGNESS TO LEARN FROM THE ROOT OF HUMAN RIGHTS VIOLATIONS. AJAR FOCUSES ITS WORK ON CONFLICT TRANSFORMATION ISSUES, HUMAN RIGHTS AND EDUCATING AND STRENGTHENING COMMUNITIES IN THE ASIA-PACIFIC REGION.

ABOUT TRANSITIONAL JUSTICE ASIA NETWORK

TRANSITIONAL JUSTICE ASIA NETWORK (TJAN) IS A REGIONAL HUB OF TRANSITIONAL JUSTICE EXPERTS, ACADEMICS, LAWYERS, AND COMMISSIONERS, WHICH WAS ESTABLISHED IN FEBRUARY 2017. TJAN WORKS TOGETHER TO FIND JUST SOLUTIONS TO MASS HUMAN RIGHTS VIOLATIONS AND NATIONAL AND REGIONAL INITIATIVES THAT FOCUS ON ACCOUNTABILITY, IMPUNITY, JUSTICE AND VICTIMS' RIGHTS. TJAN'S CORE INITIATIVES FOCUS ON LEARNING AND KNOWLEDGE CIRCLES, SOUTH-SOUTH EXCHANGES, ENGAGEMENT WITH EXISTING FORMAL TRANSITIONAL JUSTICE MECHANISM, BUILDING THE KNOWLEDGE AND SKILLS OF HUMAN RIGHTS PRACTITIONERS, AND LEADING TRANSITIONAL JUSTICE KNOWLEDGE PRODUCTIONS. TJAN'S MAIN STRATEGY IS TO CREATE "LEARNING CIRCLES" WHERE COUNTRY EXPERTS DEEPEN THEIR KNOWLEDGE AND SKILLS, DEVELOP PRACTICAL STRATEGIES, FORMULATE ACTIVITIES, AND GATHER LESSONS FROM ACROSS THE REGION TO ENSURE LEARNING IS SPREAD ACROSS GROUPS AND STRENGTHENING THE ADVOCACY FOR ACCOUNTABILITY AND FIGHTING IMPUNITY IN THE REGION.

TJAN'S CORE GROUPS AND ASSOCIATES ARE CROSS CULTURAL FOUNDATION (THAILAND), ND-BURMA (MYANMAR), KONTRAS ACEH (ACEH), ALTERNATIVE LAW GROUPS (PHILIPPINES), SURIYA WOMEN'S DEVELOPMENT CENTRE (SRI LANKA), ASSOSIASAUN CHEGA BA ITA (TIMOR LESTE), ADVOCACY FORUM (NEPAL), LIBERATION WAR MUSEUM (BANGLADESH), THE MAY 18 MEMORIAL FOUNDATION (SOUTH KOREA) WITH ASIA JUSTICE AND RIGHTS (AJAR) AS THE SECRETARIAT OF THE NETWORK.

CONCEPT MECHANISM & PRACTICE OF TRANSITIONAL JUSTICE



CONCEPT, MECHANISM AND PRACTICE ON TRANSITIONAL JUSTICE



PATRICK BURGESS
PRESIDENT OF AJAR

TRANSITIONAL JUSTICE
DEALING WITH MASS CRIMES

MECHANISM KOFI ANAN
SOCIETY
HUMAN RIGHTS
TIMOR LESTE
INDONESIA
MYANMAR
BANGLADESH

OPEN UP THE WOUND
IT DOES HURT BUT IT NEEDS TO BE DONE

20 LESSONS
PATRICK BURGESS
TRUTH COMMISSIONS APPOINT COMMISSION WHO ARE TRUE

LOOK AT OUR CONTEXT
SEEKING FOR STRATEGY
HOLISTIC WAY

THERE'S ALWAYS SOMETHING THAT WE CAN DO

TJ IS ALL THE THINGS THAT WE WILL DO TO REBUILD THE SOCIETY AFTER MASS CRIMES

HELP VICTIMS FIND CREATIVE WAYS IN DOING TJ

MASS VIOLATIONS & WHAT WE ARE GOING TO DO WITH IT

WHAT DO WE DO?



1 TRUTH SEEKING
FIND OUT THE TRUTH & SHARE IT
TRUTH COMMISSIONS APPOINT COMMISSIONERS WHO ARE INDEPENDENT AND HIGH INTEGRITY
ACCOUNTABILITY NEEDED
GOVERNMENT/UN
OFFICIAL
UNOFFICIAL
NEW MODE

- TRUTH COMMISSIONS
- FACT FINDING MISSIONS
- NATIONAL HUMAN RIGHTS
- COMMISSION INQUIRIES

DOCUMENTATION OF VIOLATIONS
SONGS / FILM / THEATRE, NGO REPORT, HISTORIANS
UN SYRIA / UN NORTH KOREA



3 REPARATIONS REPAIRING THE LIVES OF THE VICTIMS
JUSTICE RIGHTS FOR TRUTH, FINANCIAL ASSISTANCE BUT VICTIMS WANT JUSTICE BUT ALSO ECONOMIC. ASSISTING PSYCHOLOGICAL NEEDS GATHERING FOR HEALING PROCESS
REPAIR THE LIVES OF THE VICTIM
INDIVIDUAL
COLLECTIVE / COMMUNITY
SYMBOLIC

- CASH PAYMENTS
- PENSIONS
- TRAINING
- MEDICAL CARE
- CHILE
- SOUTH AFRICA
- HEALTH CENTER IN SCHOOLS
- FREE SCHOOLING FOR CHILDREN OF WIDOWS
- APOLGY MONUMENT



2 PROSECUTIONS
PROSECUTE WHO ARE RESPONSIBLE
COURTS
INTERNATIONAL COURTS
HYBRID COURTS
NATIONAL COURTS
UNIVERSAL JURISDICTION
INTERNATIONAL CRIMINAL COURT

- MASS CRIMES IN THESE COURTS
ICC, ADHOC INTERNATIONAL TRIBUNALS
- MIXED INTERNATIONAL & NATIONAL JUDGES
UN JUDGES & INTERNATIONAL
- COUNTRY COURTS DEALING WITH MASS CRIMES
- PROSECUTIONS IN OTHER COUNTRIES
- GENOCIDE, CRIMES AGAINST HUMANITY



4 INSTITUTIONAL & SOCIAL REFORM
CHANGE
60 YEARS BRINGING JUSTICE
SHARE EVIDENCE
PUBLIC HEARING PREPARING
IT'S POSSIBLE BUT IT TAKES A LONG TIME
REFORM IS TAKING PLACE
CAMBODIA
WE TELL THE STORY!
WE WRITE HISTORY BOOK!
KHMER ROUGE STIMULATED



YOU ARE THE PART OF THE REFORM BECAUSE YOU KNOW YOUR COUNTRY
TRUTH SEEKING PROSECUTIONS
REPARATIONS INSTITUTIONAL & SOCIAL REFORM
PAST FUTURE



VISA STOPPING PERPETRATORS



WITHOUT THE TRUTH IT'S HARD TO ACT ON PEOPLE WHO VIOLATED MASS CRIMES PERPETRATOR

WHO HAS THE RIGHTS TO NOT PROSECUTE? VICTIMS HAS THE RIGHTS OF JUSTICE



AMNESTY SHOULD NOT BE GIVEN FOR INTERNATIONAL CRIMES

WHY SHOULD WE LET THEM SLEEP IN PEACE?

BANGLADESH - ROHINGYA
INTERNATIONAL COMMUNITY SHOULD HELP
PROSECUTION FILES - SAFE RETURN TO MYANMAR
CHALLENGE 50 YEARS OF DICTATORSHIP

MARGINALISED COMMUNITIES WORK ON REPARATIONS BUT STILL WORK ON THE VICTIMS

PEOPLE RESPONSIBLE FOR MASSIVE CRIME SHOULD BE PROSECUTED



SOMETIMES SOCIETY NEEDS TO BE CHANGED
CELEBRATE SMALL VICTORIES

CONFLICT? MINORITY GROUPS BORDERS
DEATH TOLLS
CAMBODIA NEPAL INDONESIA



CHINA THE HIGHEST 20-30 MIL
BANGLADESH HAPPENED ACROSS THE WORLD

UNCOVERING THE TRUTH IS INTERESTING

WHY APOLOGIZING IS SO HARD

POLITICAL LEADERS EQUALLY RESPONSIBLE

MIX AUSTRALIAN ABORIGINAL CHILDREN
APOLGY BY THE GOVERNMENT
CIVIL MOVEMENT PUSHING THE GOVERNMENT
ADMITTING THEIR RESPONSIBILITY

TRANSITIONAL JUSTICE IN SRI LANKA



ERMIZA TEGAL
HUMAN RIGHTS LAWYER
SRI LANKA

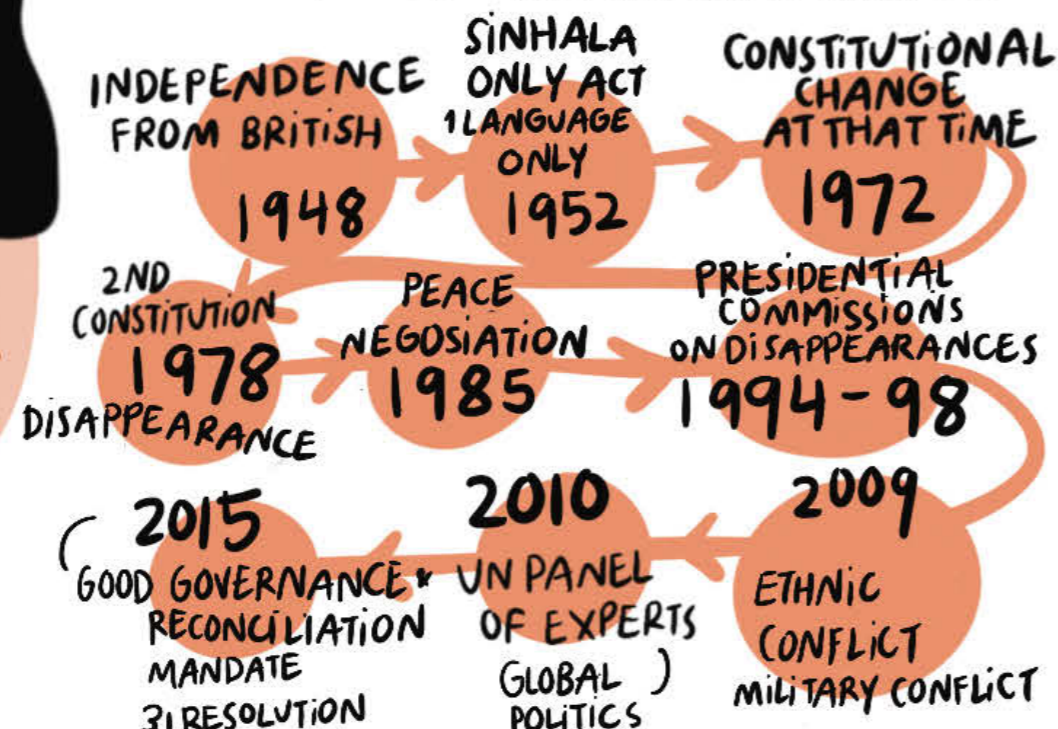
TIMELINE TRANSITIONAL

LOOK AT OUR HISTORY

COLONIALISM
SAME IN SOUTH ASIA
LEGAL SYSTEM, HISTORIES
MECHANISM, INSTITUTION
UNDERSTANDING THAT CONTRIBUTED
TO THE MASS VIOLATIONS

TARGET: CHANGING THE SYSTEM

★ INSTITUTIONAL DISCRIMINATION ★

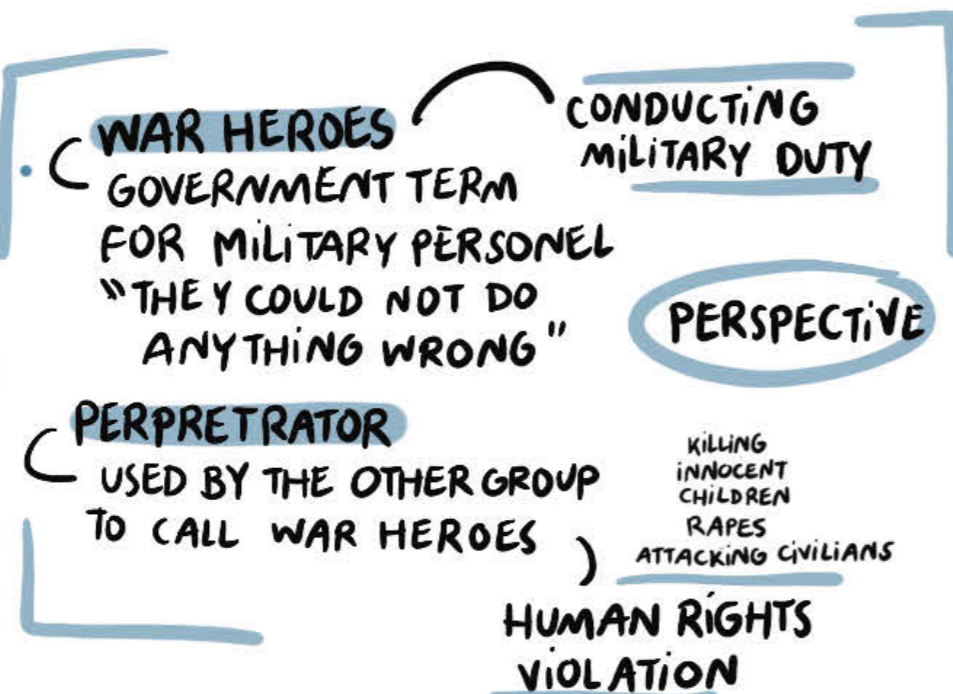


MASS VIOLATIONS

MANY ACTORS



MULTIPLE VIOLATIONS
OVER THE LONG
PERIOD OF HISTORY



2016-2020 NEW GOVERNMENT

OPENING DISCUSSIONS ON TRANSITIONAL JUSTICE

2016

PUBLIC REPRESENTATIONS ON CONSTITUTIONAL REFORMS



MUSLIM WOMEN WERE VOCAL ON DISCRIMINATION

2017 CONSULTATION TASK FORCE REPORT



RIGHT TO INFORMATION ACT PROTECTING FROM TERRORISM

PTA ABUSED TO VIOLATE THE MECHANISM CHANGED → CTA APPROVED BY CABINET

2018 INTERNATIONAL CONVENTION FOR THE PROTECTION

OFFICE OF REPARATIONS ACT

2019 RECONFIRMED UN RESOLUTION 40/11 DEATH PENALTY IN SRILANKA DRUG TRAFFICKING

DISTRACTION TOWARDS EASTER ATTACK

2020

NEW GOVERNMENT 20TH AMENDMENT TO CONSTITUTION COMMISSIONS APPOINTED DIRECTLY → REJECTS THE UN PRIORITIZE DOMESTIC CASES → ACCOUNTABILITY? IMPUNITY?

WHAT IS HAPPENING NATIONALLY IMPACTED BY THE GLOBAL EVENTS

OPPORTUNITY

SPACE & EXPERIENCE OF CONVERSATIONS ON TJ IF IT IS SAFE PEOPLE ARE WILLING TO TALK



SOLIDARITY OVER COMMON ISSUES LAND ISSUES

INTERNATIONAL OBLIGATION MECHANISMS ON TJ EXIST BUT MANY COUNTERS

APOLOGISING IS HARD DIRECTLY & INDIRECTLY RESPONSIBLE SO MUCH PRESSURE WITH THE CURRENT POLITICAL POWER

ACKNOWLEDGEMENT FOR VICTIMS TALKING IS A JOURNEY FOR THE VICTIMS

CREATING A SPACE NOT ERASING THE PAST

CHALLENGES FOR TJ



FEAR FOR INFORMATION GIVEN OMP RELEVANCE FOR FUTURE GOVERNMENT INFORMATION

SOME PROSECUTIONS CAN BE DONE BUT NOT ALL

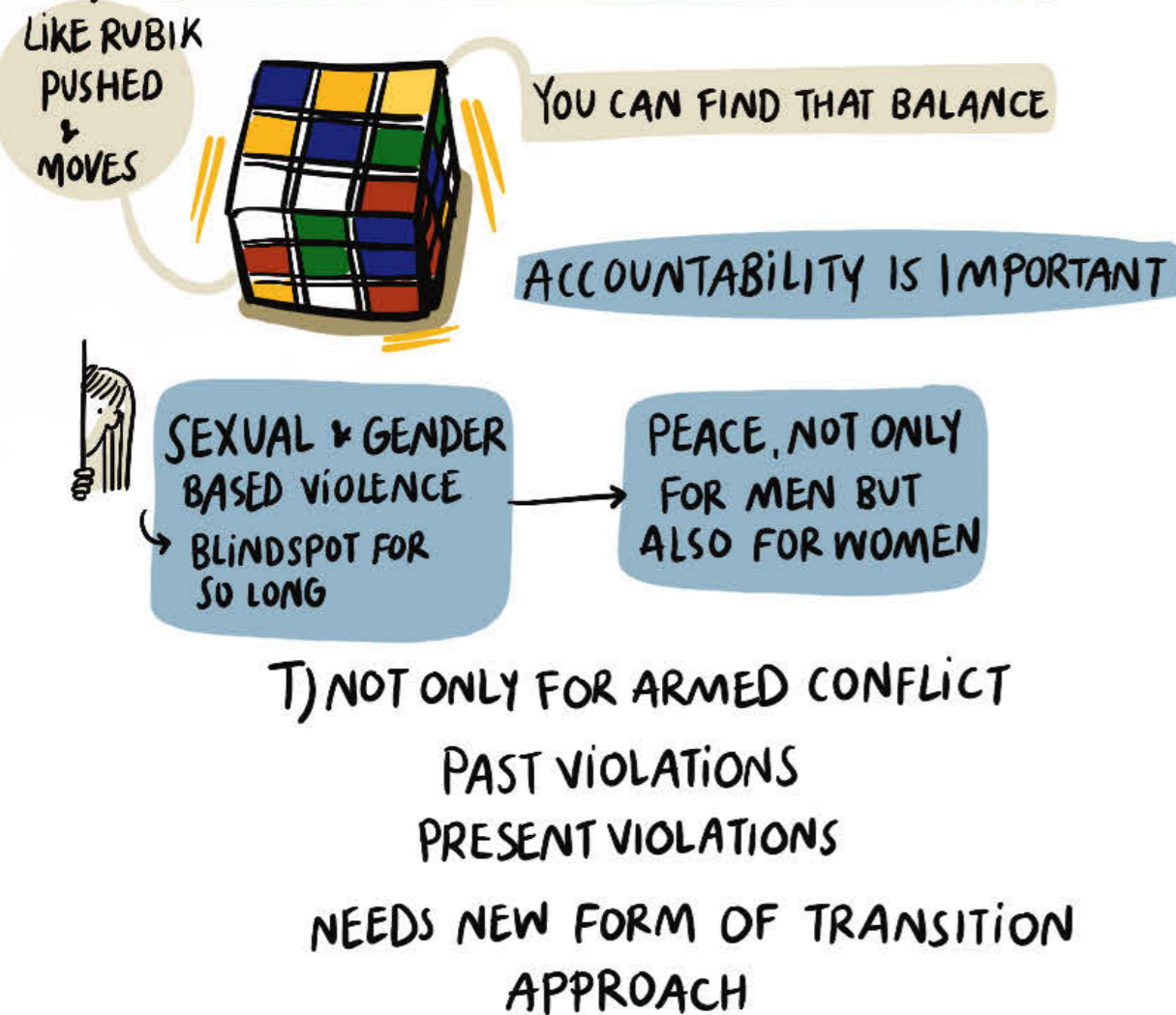
**PEACE BUILDING
AND
TRANSITIONAL
JUSTICE**



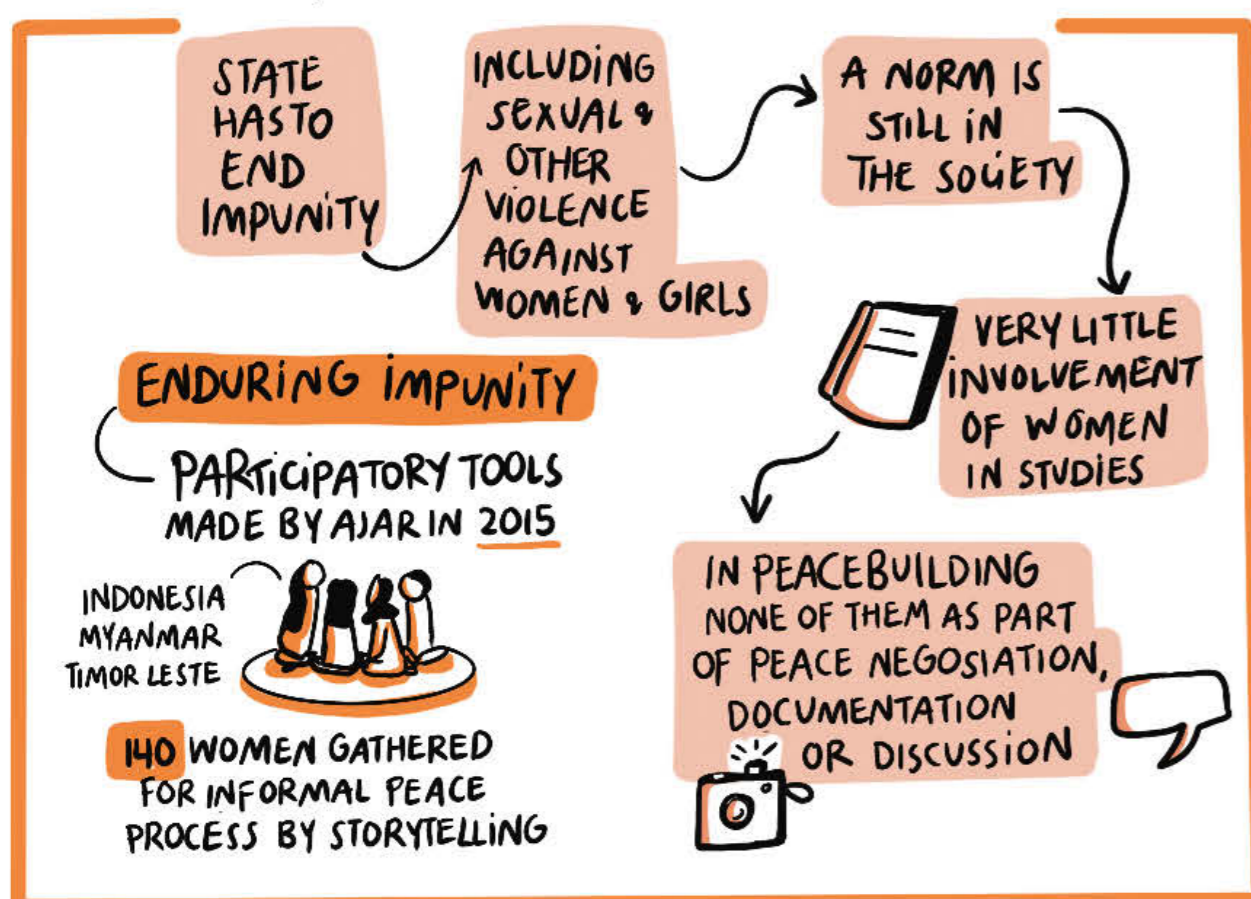
PEACE AND ACCOUNTABILITY: WHY TRANSITIONAL JUSTICE REMAIN RELEVANT



PEACE & ACCOUNTABILITY



20 YEARS SINCE UNSCR 1325



CURRENT FORMS OF CONFLICT



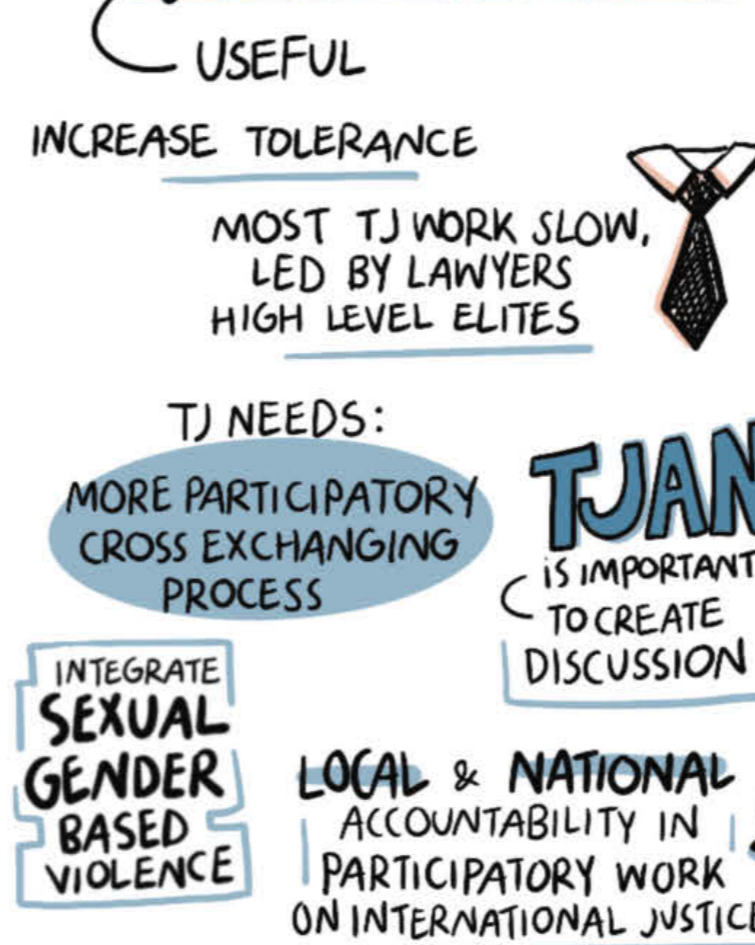
CYCLE OF MASS VIOLATIONS



AMBITION OF TJ



TJ IS STILL RELEVANT?



PARTICIPATION IS IMPORTANT SHOULD BE SIMPLE FOR LOCAL COMMUNITIES TO BE UNDERSTOOD SO PEOPLE CAN PARTICIPATE

CURRENT CONDITION



PANDEMIC COVID-19



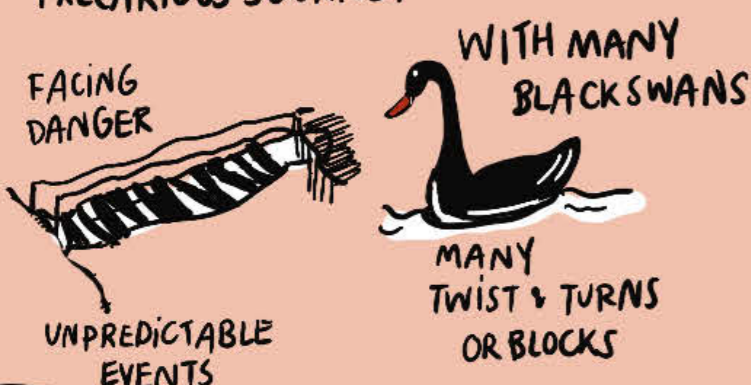
PEACEBUILDING AND TRANSITIONAL JUSTICE IN THE BANGSAMORO AUTONOMOUS REGION IN SOUTHERN PHILIPPINES

IT'S A CONDITION WHERE HUMAN BEINGS ARE WORKING TOGETHER TO RESOLVE CONFLICT, RESPECT STANDARD OF JUSTICE, SATISFY BASIC NEEDS AND HONOR HUMAN RIGHTS - HARRIS & MORRISON 2003

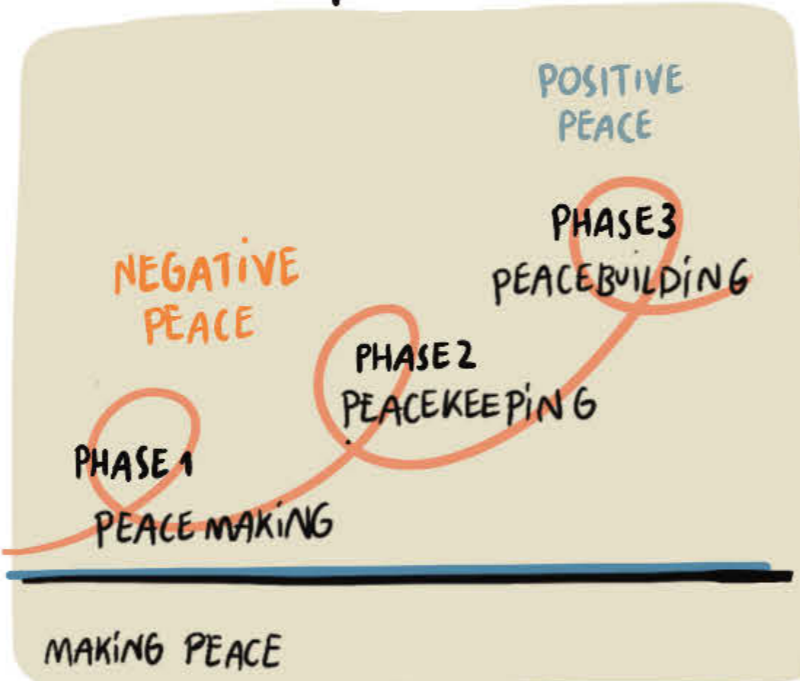


PEACE

IT IS A JOURNEY NOT A DESTINATION
PRECARIOUS JOURNEY



THE PEACE BUILDING SPIRAL



PHASE 1 PEACEMAKING

CESSATION OF ARMED CONFLICT



PHASE 2 PEACEKEEPING

PRESERVATION OF PEACE AGREEMENT



PHASE 3 PEACEBUILDING

SUSTAINING PEACE & PREVENTION OF RECURRENCE OF ARMED CONFLICTS



RUFA CAGOCO-GUIAM
INDEPENDENT WORKING GROUP ON TRANSITIONAL JUSTICE DEALING WITH THE PAST PHILIPPINES

TJ PROCESS FOR MUSLIMS IN PHILIPPINES



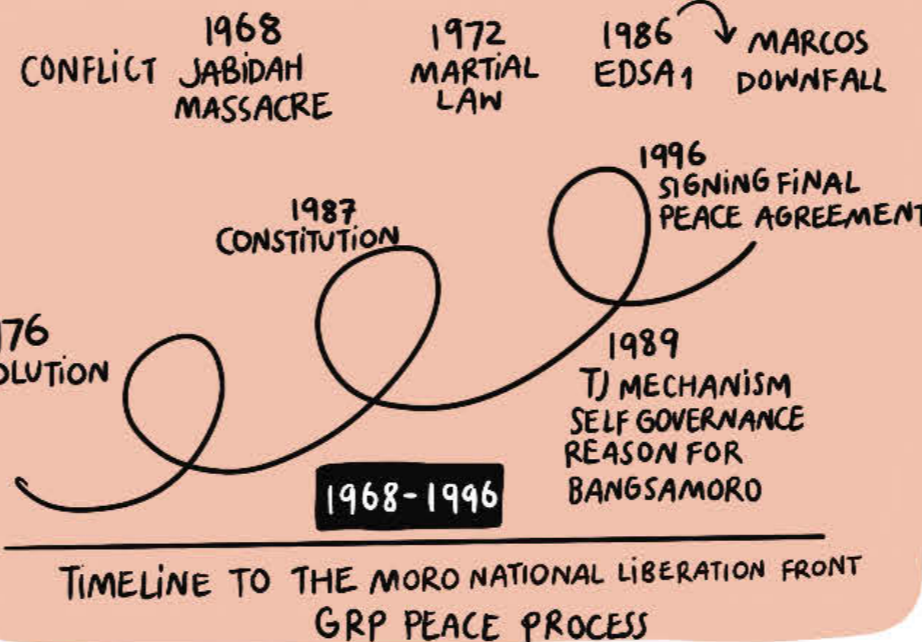
TAKE PEOPLE OUT OF HELL & TO COMFORT PEOPLE

WE HAVE TO DEAL WITH THE ROOT CAUSES OF CONFLICT & INJUSTICE

CREATING DIALOGUE IS IMPORTANT

BREAKDOWN OF COMMUNICATIONS LEADS TO SOMETHING

DON'T LET THE GUN DO THE TALKING FOR US



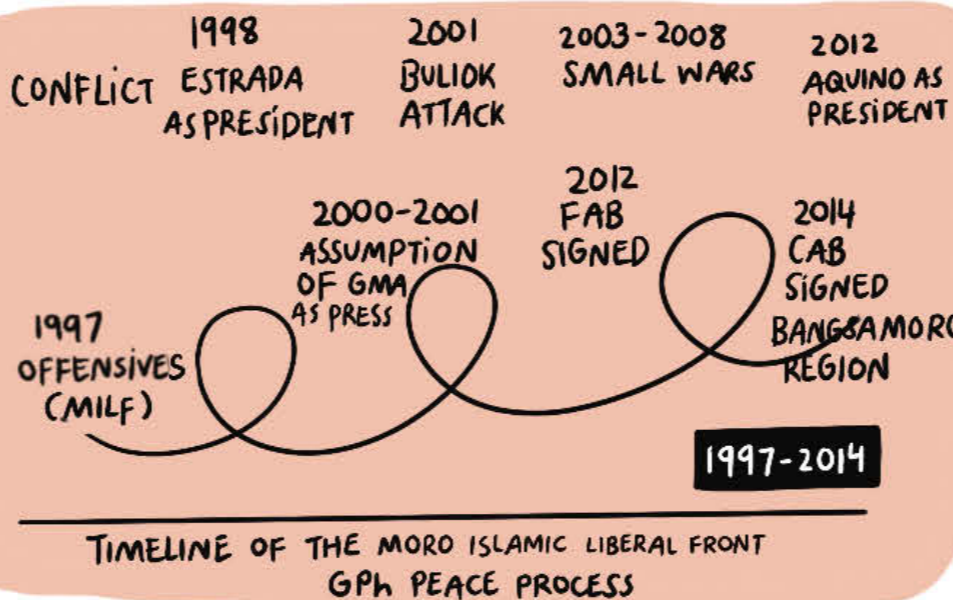
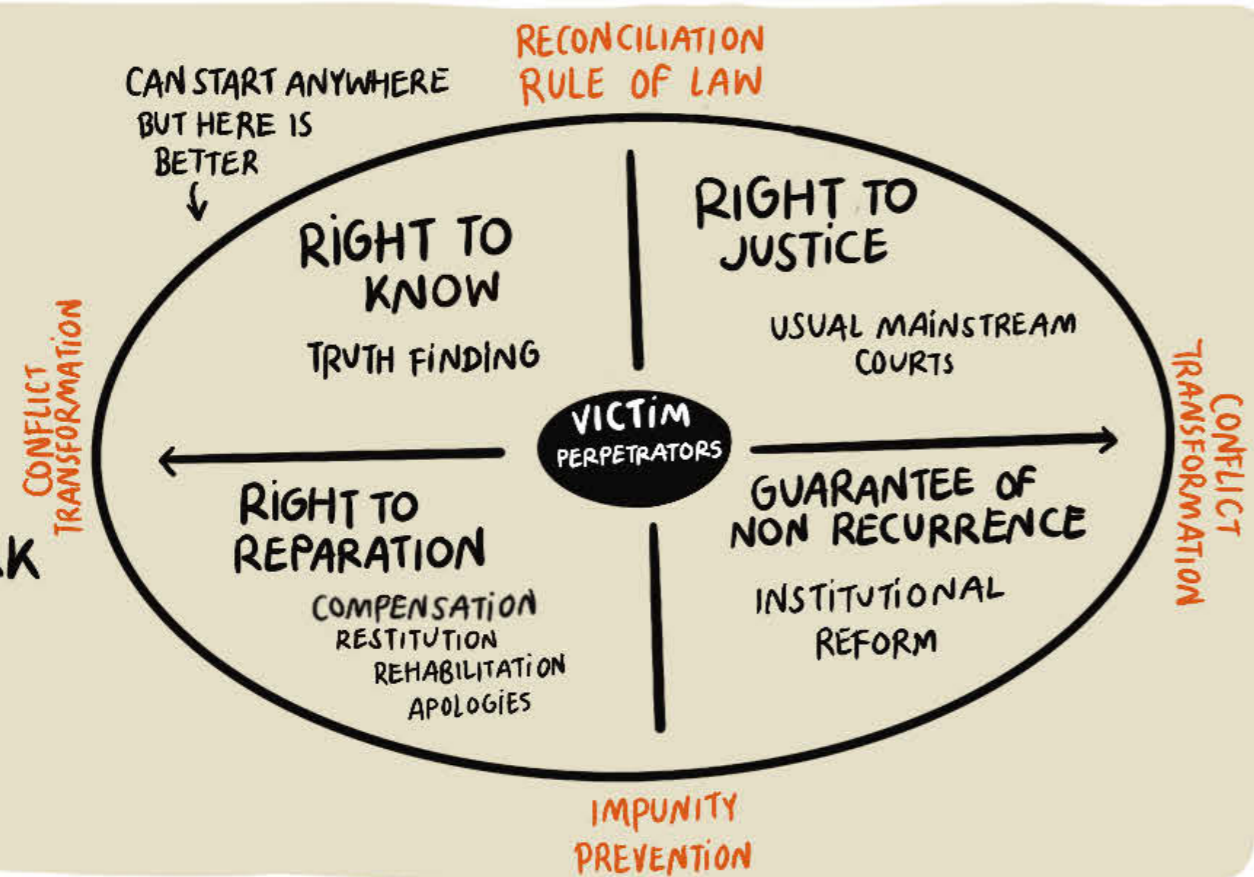
GPH-MNLF PEACE PROCESS

- 1976 TRIPOLI AGREEMENT
- 1987 CONSTITUTION AUTONOMOUS REGION
- 1989 ARMM ORGANIC ACT
- 1996 FINAL PEACE AGREEMENT
- 2001 EXPANDED ARMM ORGANIC ACT

PROSPECTS

- DONOR SUPPORT
- COMMITTED LEADERSHIP
- PERMANENT HOUSINGS FOR VICTIMS
- TJ MECHANISM IN THE REGION
- GROWING AWARENESS ON TJ MECHANISM
- EXECUTIVE ORDER 79 SIGNED

DEALING WITH THE PAST FRAMEWORK



CHALLENGES

- LACK OF UNITY AMONG MORO LEADERS
- SABOTAGES
- CHANGES IN MORO LEADERS
- CONSTITUENCY LOOKING AT A REBEL GROUP

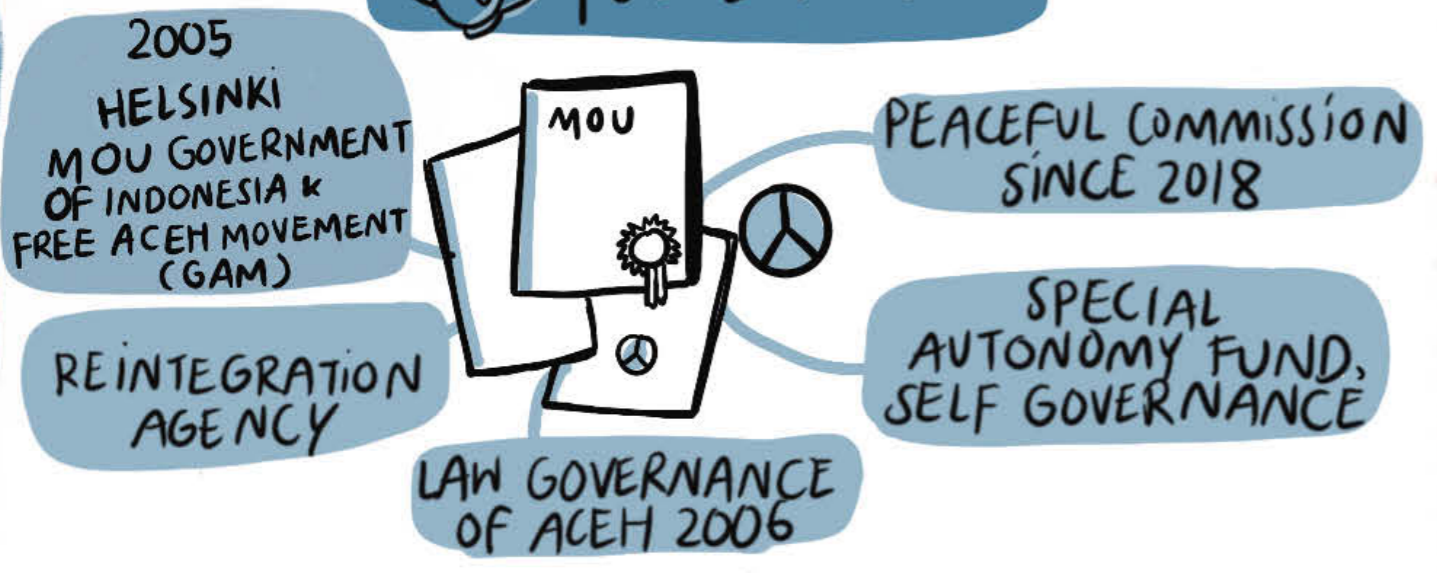


TRANSITIONAL JUSTICE AND RECONCILIATION



FROM NEGATIVE TO POSITIVE PEACE? BRIEF BACKGROUND ON PEACE PROCESS AND HOW TJ IMPLEMENTED IN ACEH, INDONESIA

GOOD NEWS



BAD NEWS



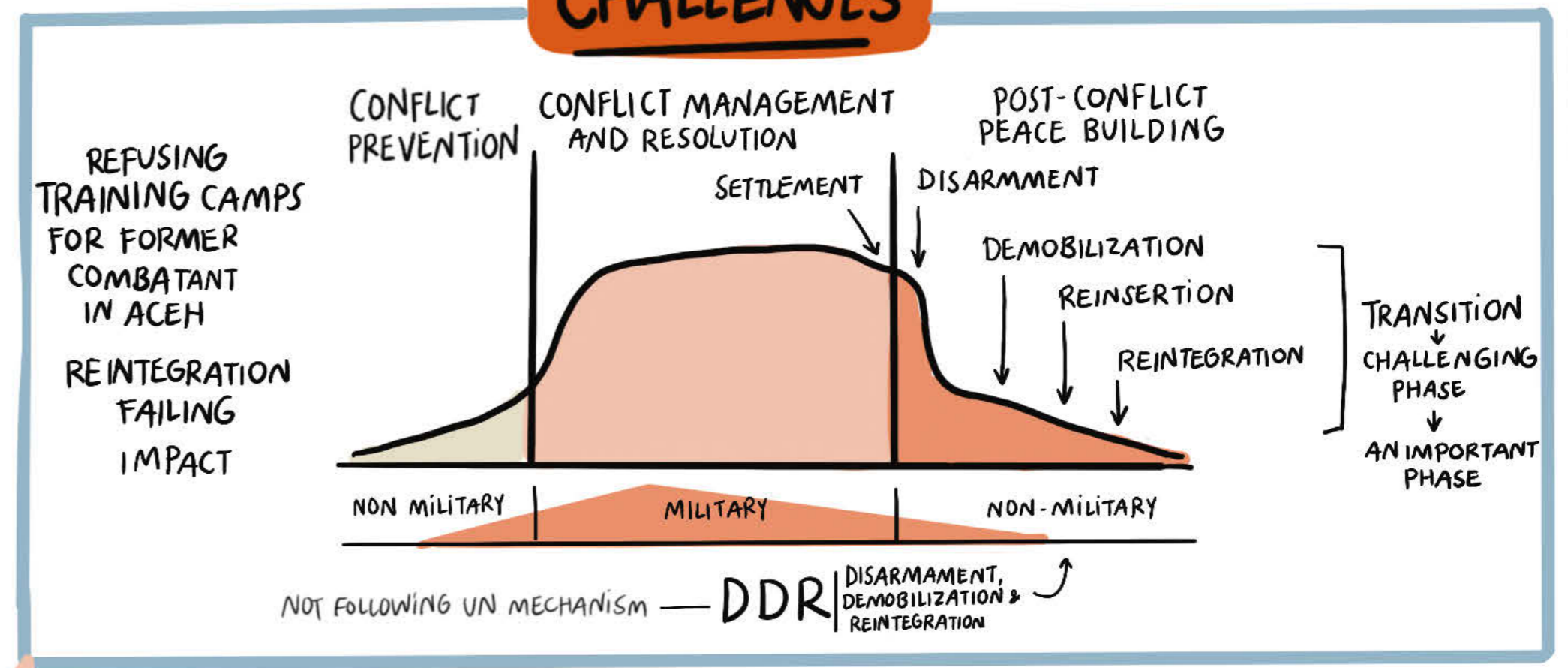
ACEH CAN BE THE OPENER?



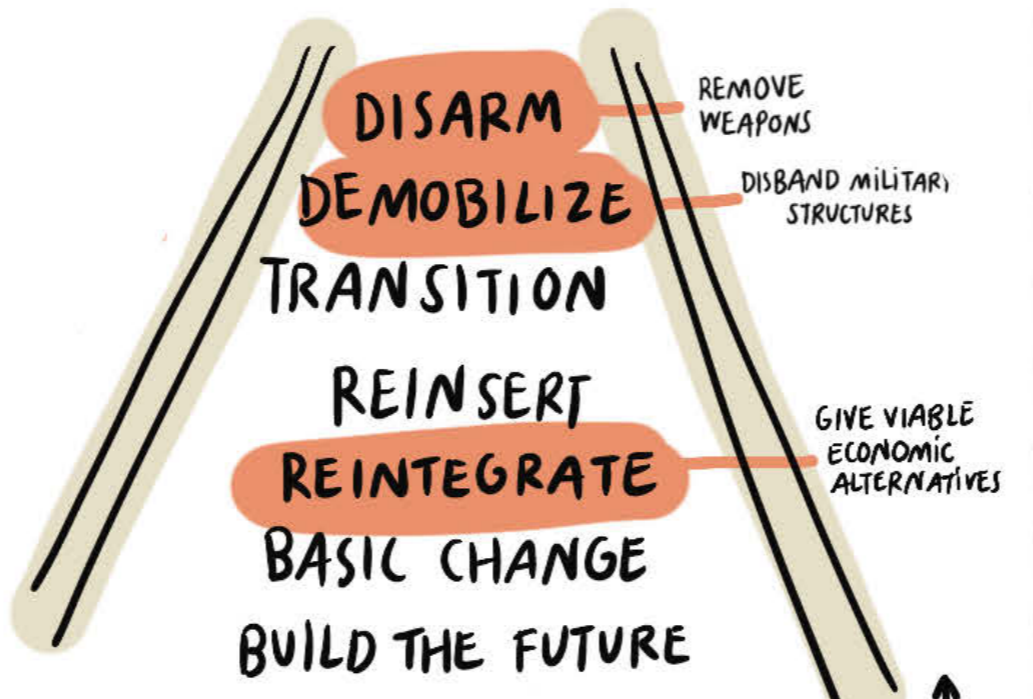
THE MOU PROVISION ON TJ

- ACCOUNTABILITY**
ESTABLISHMENT OF HUMAN RIGHTS COMMISSION
- TRUTH SEEKING**
ESTABLISHING PERMANENT TRC, FORMULATING & DETERMINING RECONCILIATION MEASURES
- REPARATIONS**
ISLAMIC LAW
- INSTITUTIONAL REFORM**
BACK CLASH AUTHORITARIAN GOVERNMENT

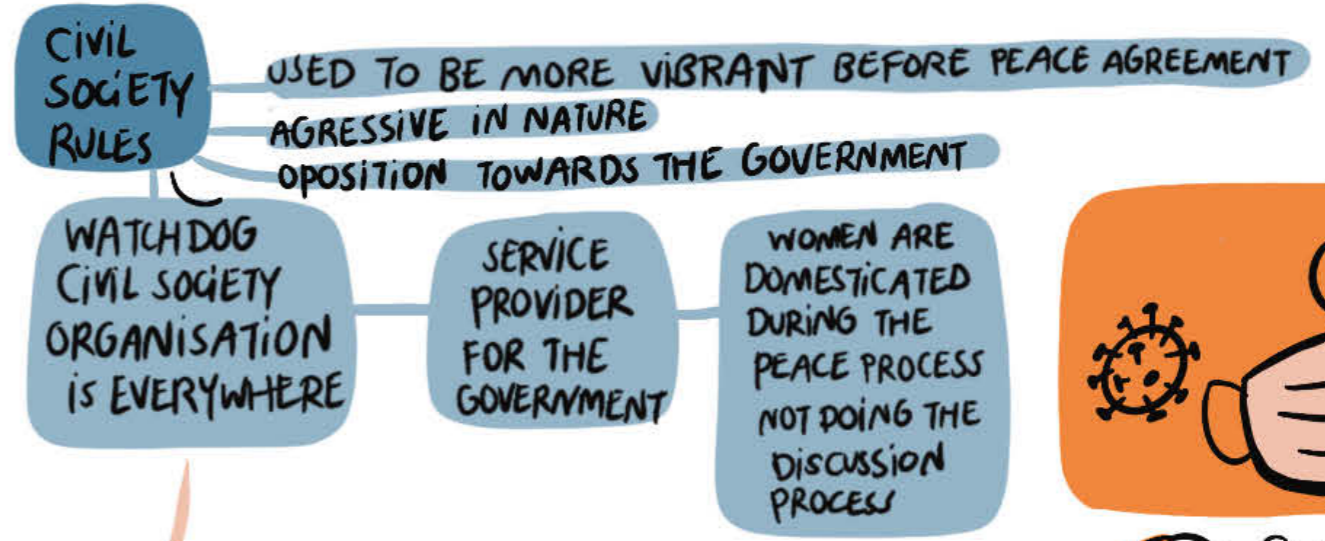
CHALLENGES



LONG ROAD HOME



SAIFUL MAHDI
UNIVERSITY OF SYIAH KUALA ACEH

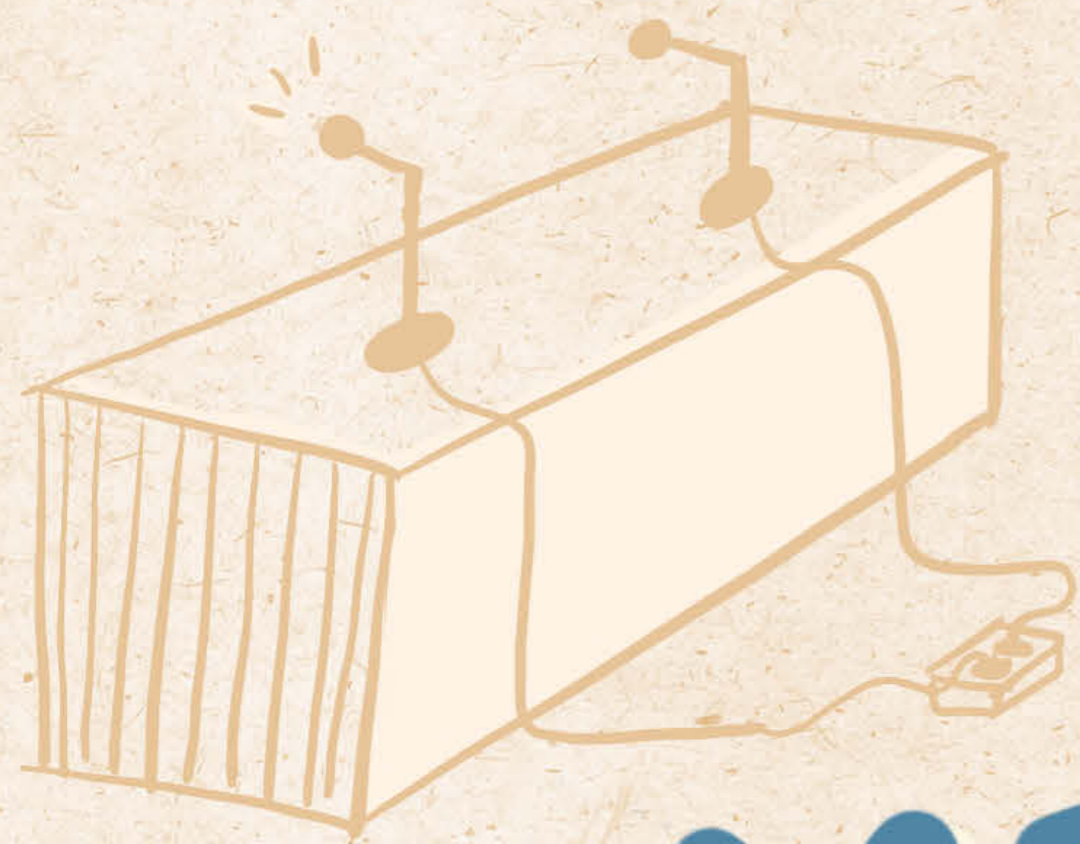


COVID-19
CURFEW APPLIED WAS REJECTED
BRINGING BACK TRAUMA FROM CONFLICT

ACEH COMMISSION DURING COVID-19

4000 STATEMENT FROM THE SURVIVORS → NOW DOING OFFICE WORK & ANALYSIS
DIRECT INTERVENTION IS HARD TO DO NOW
HEALTH SUPPORT IS CHALLENGING

RIGHT TO TRUTH AND TRUTH MECHANISM



RIGHT TO TRUTH & TRUTH MECHANISMS

ASPECTS OF THE RIGHT TO TRUTH

EFFECTIVE INVESTIGATIONS, VERIFICATIONS OF FACTS & PUBLIC DISCLOSURE OF TRUTH & THE RIGHT TO REPARATION

TO BE INTEGRAL TO THE ENJOYMENT OF FREEDOM OF INFORMATION & EXPRESSION

RIGHTS TO KNOW ABOUT THE TRUTH FOR INDIVIDUAL VICTIMS, FAMILIES, COMMUNITY

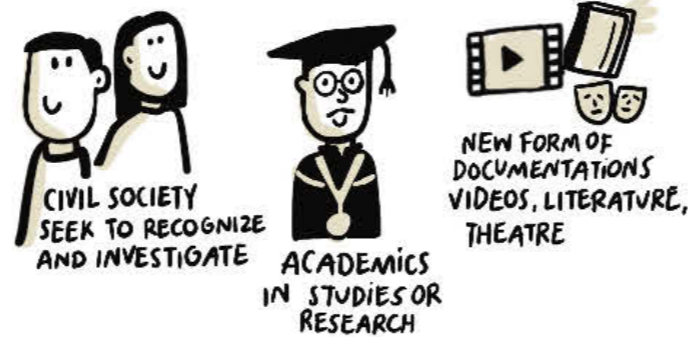
AMNESTY FOR PERPETRATORS CANNOT BE INVOKED

PRESERVE DOCUMENTARY FOR COMMEMORATION & REMEMBRANCE

RIGHTS OF RELATIVES & COMMUNITIES TO COMMEMORATE



UNOFFICIAL OR /LOCAL TRUTH SEEKING INITIATIVES



MEMORIALS, MUSEUMS OR TRAVELING EXHIBIT

EXAMPLE COMMUNITY PROJECTS SUPPORTED BY CIVIL SOCIETY IRELAND/US/ GUATEMALA TEST: 6000 SURVIVORS → ARMY IS RESPONSIBLE SO THEY ARE LOOKING FOR TRUTH

35 TRUTH COMMISSIONS SINCE MID '70S IN ALL REGIONS OF THE WORLD

SOUTH AFRICA 1995 LED BY DESMOND TUTU THE BEST KNOWN TRUTH & RECONCILIATION COMMISSION OF SOUTH AFRICA



POST CONFLICT COUNTRIES ESTABLISHING TRUTH COMMISSION



SOUTH KOREA

1987 TJ MEASURES
2013 ESTABLISHED 10 TRC, LEADING
2020 MOST PROMINENT TRUTH COMMISSIONS JEJU & TRC

VICTIMS OF GROSS VIOLATIONS OF HUMAN RIGHTS & SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW & THEIR FAMILIES, HAVE THE RIGHT TO AN EFFECTIVE REMEDY

RIGHT TO TRUTH?

TRUTH ABOUT THE ABUSES THEY HAVE SUFFERED

IDENTITY PERPETRATORS

CAUSES OF VIOLATIONS

FATE OF THE FORCIBLY DISAPPEARED

RECOGNIZED IN LEGAL DECISIONS BY COURTS IN SEVERAL COUNTRIES

HAN GYI ND-BURMA



PROMINENT COMMISSION JEJU COMMISSION (2020)

TRUTH AND RECONCILIATION COMMISSION (2005)

RECOMMENDATIONS



SINCE 2015 POLITICAL PRISONER IN GOVERNMENT ADVOCATE TO THE GOVT ON REPARATIONS BUT THEY DON'T HAVE THE CAPACITY

MYANMAR

MYANMAR'S HISTORY

1948 INDEPENDENCE MILITARY TO DEMOCRACY

1962 UNION GOVERNMENT
1962 2011 MILITARY GOVERNMENT
1962 1988 BSPP LED BY GEN. NE WIN
1988 STUDENTS LED POPULAR UPSRING BSPP STEPPED DOWN STUDENTS FLEE TO NEIGHBOURING COUNTRIES
1990 ELECTION, NLD WON MILITARY REGIME DID NOT TRANSFER THE POWER TO NLD
1993-2010 DRAFTING PROCESS IN 1993, APPROVED IN 2008 [2010] 1ST ELECTION AFTER 22 YEARS OF DIRECT MILITARY RULE

CYCLONE

MILITARY GIVEN THE POWER 35% IN THE PARLIAMENT 3 MAIN MINISTRIES

MYANMAR'S PEACE PROCESS

2011 SEMI CIVIL GOVERNMENT
2015 NLD HAS NOT OFFICIALLY ACKNOWLEDGE HUMAN RIGHTS VIOLATION
2020 PEACE PROCESS NOW PASSED 9 YEARS

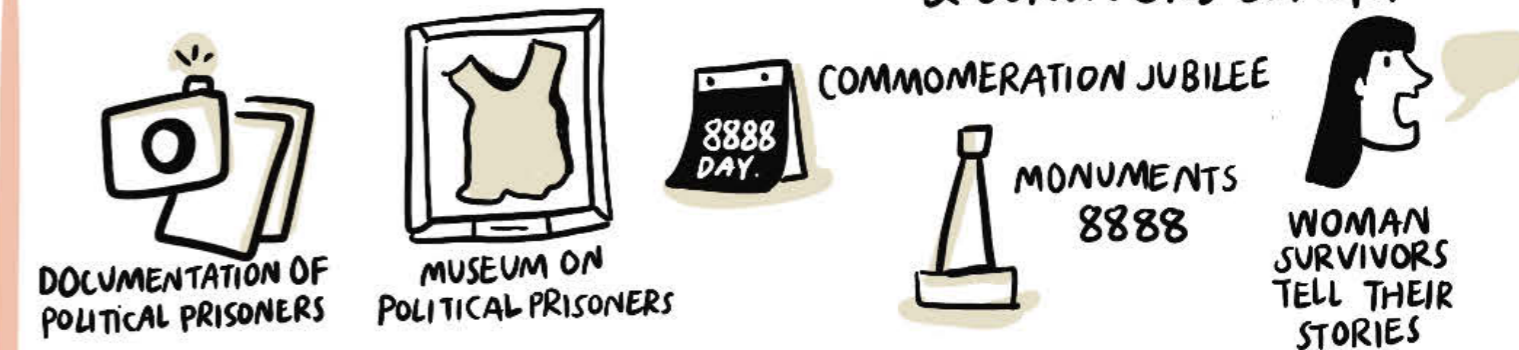
CSO INITIATIVES OF TRUTH SEEKING

DOCUMENTATION OF HRV FOR INTERNATIONAL ADVOCACY DIPLOMATIC & DOMESTIC POLICY MAKERS

LICENCE TO RAPE 173 INCIDENTS OF RAPE & OTHER FORMS OF SEXUAL VIOLENCE BY BURMESE TROOPS 1996-2001
2010 WOMAN LEAGUE OF BURMA HOSTED INTERNATIONAL TRIBUNAL ON CRIMES AGAINST WOMEN OF BURMA
2017 UNHR COUNCIL CONDUCT FFM MYANMAR CASE TO ICC

CSO IS NOT INVOLVED IN CONSTITUTION CHANGE WORKING ON INSTITUTIONAL REFORM, PRISON REFORM, TREATIES COLLABORATE WITH POLITICAL PARTIES

FORMER POLITICAL PRISONERS & SURVIVORS EFFORT



LACK OF WILLINGNESS OF STAKEHOLDERS



NOT USING TERMINOLOGY WE NEED TO EDUCATE ON TJ NOW UNDERSTANDING ONLY ON REVENGE ON PERPETRATOR

AFTER ELECTION ANALYSE STAKEHOLDER DONT KNOW YET WHO TO APPROACH

ABOLISH THE CONSTITUTION, GOVERNMENT WITHOUT MILITARY MILITARY-PEACE TO ACHIEVE AGREEMENT DDR-MILITARY

FEEDBACK FROM CURRENT GOVERNMENT

INVITE ALL TO MYANMAR TO SHARE EXPERIENCE TO THE GOVERNMENT

THE ACEH TRUTH AND RECONCILIATION COMMISSION

TRC AFTER 4 YEARS



GOVERNMENT SHOULD SUPPORT TRC, POLITICAL WILL



WILLINGNESS & OPENESS OF THE VICTIMS AND WITNESSES

SECURE CONDITION FOR VICTIMS TO TESTIFY



WHAT HAPPENED IN ACEH?

30 YEARS OF CONFLICT

2005 PEACE AGREEMENT

TRC BY NATIONAL GOVERNMENT

2020 REFLECTIVE MODE

ACEH CREATING LOCAL LAW BASED ON AUTONOMOUS RIGHTS

GOVT. IS NOT TAKING IT SERIOUSLY

2005-2016 OVERDUE POLITICAL CONDITION

2016 AFTER 7 YEARS OF HIATUS, TRC ESTABLISHED

THE WILLINGNESS OF SEEKING THE TRUTH

NO BUDGET UNDERSTAFF

VIOLENCE ENDED SHOULD BE SECURE ENOUGH FOR VICTIMS TO SPEAK

HESITANT TO TALK

FREEDOM OF SPEECH BUT NO GUARANTEE OF FREEDOM OF AFTER SPEAKING



AFRIDAL DARMI THE ACEH TRC

NOW

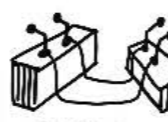


4530 VICTIMS FROM 14 REGENCIES
NOV 1976 - AUG 2015
20.000 - 25.000 CASES

TARGET 10.000 5000 VICTIMS' STATEMENTS HAVE BEEN TAKEN ± 600 IN PROCESS



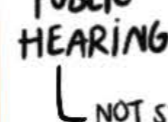
MARCH - PANDEMIC
968 VICTIMS CANCELLED IN 2020



2018 - TORTURE



2019 - DISAPPEARANCE - HUMAN RIGHTS VIOLATIONS IN LHOVSUMANE

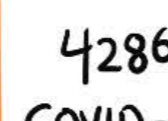


2020 - EXTRA JUDICIAL KILLING (CANCELLED DUE TO PANDEMIC)

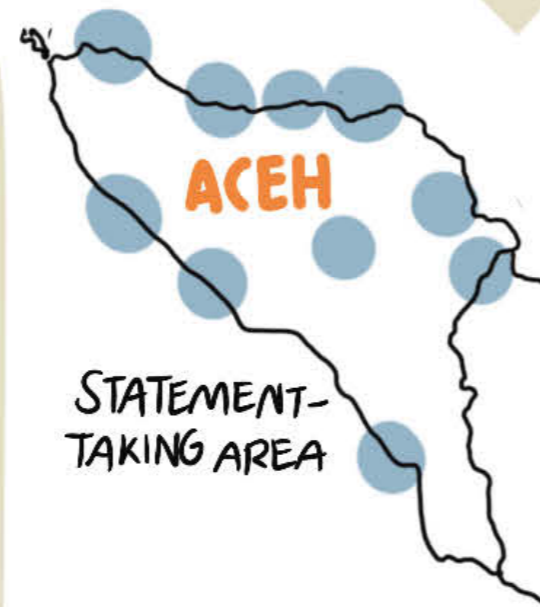
NOT STATING ANY INSTITUTIONS



245 VICTIMS ⇒ RECOMMENDED TO ACEH GOVERNMENT FOR URGENT REPARATION



4286 NAMES RECOMMENDED FOR COVID-19 GOVERNMENT RELIEF POLICY



ONLY 14/16 REGENCIES DUE TO LIMITED BUDGET REGIONAL REPRESENTATIVE WORK WITH LOCAL NGO FOR PUBLIC HEARING

20 NAMES FOR 2ND PUBLIC HEARING MONITOR MENTAL & HEALTH CONDITIONS

REPARATION

RIGHTS FOR VICTIM! NOT A CHARITY

ACEH TRC PROPOSED RECOMMENDATIONS FOR 245 VICTIMS TO ACEH GOVERNMENT FOR URGENT REPARATIONS.

ACEH TRC SUBMITTED AN ACADEMIC DRAFT TO THE NATIONAL GOVERNMENT FOR RECOMMENDATION OF REPARATIONS

NATIONAL TASK FORCE TO SUPPORT REPARATIONS FOR VICTIM

MINISTRY OF WOMEN'S EMPOWERMENT & CHILD PROTECTION REQUESTED DATA TO THE TRC TO RESPOND THE IMPACT OF COVID-19

GOVT'S GOOD WILL TO PUT IT IN THE HISTORY

HOW TO MEMORISE WHAT HAPPENED IN THE PAST SO FUTURE GENERATION UNDERSTAND WHAT HAPPENED

TRC CAN MAKE REPORTS BUT NEEDS TO ADVOCATE

LOCAL EFFORTS



MEMORIALISATION IN PIDIEJAYA JULY 2020 & EAST ACEH DECEMBER 2019



MOU WITH WITNESS & VICTIM PROTECTION AGENCY

NO RECONCILIATION WITHOUT TRUTH

EFFORT OF RECONCILIATION HAS BEEN DONE BUT DID NOT SUCCEED

BACK TO SQUARE 1



SOP OF RECONCILIATION

CAPACITY BUILDING OF MEDIATORS



RECONCILIATION BASED ON LOCAL WISDOM & SYARIAH LAW, INVOLVING ULAMA

FUTURE

VICTIMS HAVE NOT RECEIVED THEIR RIGHTS

REPRECAUTIONS



NO RIGHTS YET FOR THE VICTIMS

NO REPARATIONS PROGRAM BY THE GOVERNMENT

OBSTACLES

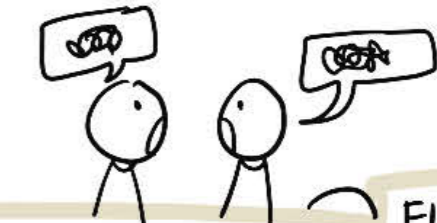
INTERPRETED AS OBLIGATIONS

BEAUREAUCRACY

RECOMMENDATION TRC FOR INDONESIA

NO BLANKET PROTECTION BY THE PRESIDENT

REPARATION BUDGET SHOULD BE PROVIDED EXTRA POLICY



ACEH HUMAN RIGHTS PROCRASTINATION NEEDS FRESH DEVELOPMENT AT NATIONAL LEVEL

FINDING OTHER EMERGENCY TO DENY FACING VICTIM'S RIGHTS

COVID-19 PANDEMIC / OTHER EMERGENCIES SHOULD NOT BE AN EXCUSE FOR THE GOVERNMENT

DEALING WITH APPROACH ON WOMEN FACING SEXUAL ABUSE



INSTITUTION KOMNAS PEREMPUAN CSO INSTITUTIONS

EXTREME PRECAUTIONS VISIT / VERIFICATION ON INFORMATION / FOLLOW UP TO TESTIFY

WE DON'T RE-VICTIMIZED THEM



TRC SETUP → NOT A LOCAL INSTITUTION, SHOULD BE A NATIONAL INSTITUTION AUTONOMOUS LAW OF ACEH ARTICLE 229

LOCAL LAW 17 IN 2013 - WAIT TILL 2016 ELECTED COMMISSIONER (1 YEAR SELECTION)

LAWYERS ACADEMICS WOMEN GROUP

DEV. BUDGET STRUGGLE

TRC MANDATES

NOT DOING HARM PERPETRATORS & VICTIMS

TRUTH SEEKING REPARATION RECONCILIATION

ENSURE ACTIVE PARTICIPATION

4 YEARS WITHOUT CONFLICT TRC SHOULD BE GIVEN THE OPPORTUNITY

NO ENFORCEMENT FOR REVEALING THE TRUTH

MANY WRONG ACCUSATIONS

PEACEFUL NOT COME WITH DANGER

INVOLVEMENT LOCAL CSO BECAUSE THEY HAVE WORKED LONGER

RIGHT TO JUSTICE AND PROSECUTIONS

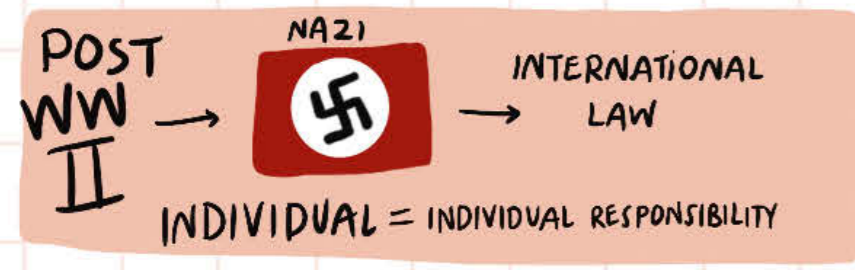


HOW CRIMES ARE PROSECUTED?

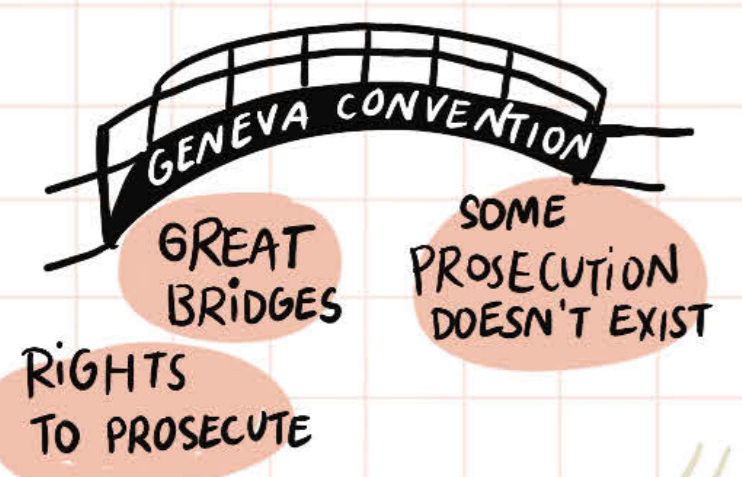
STATE OBLIGATIONS TO PROSECUTE MASS CRIMES

SERIOUS CRIMES OBLIGATIONS UNDER INTERNATIONAL LAW

INVESTIGATE
PROSECUTE
PUNISH

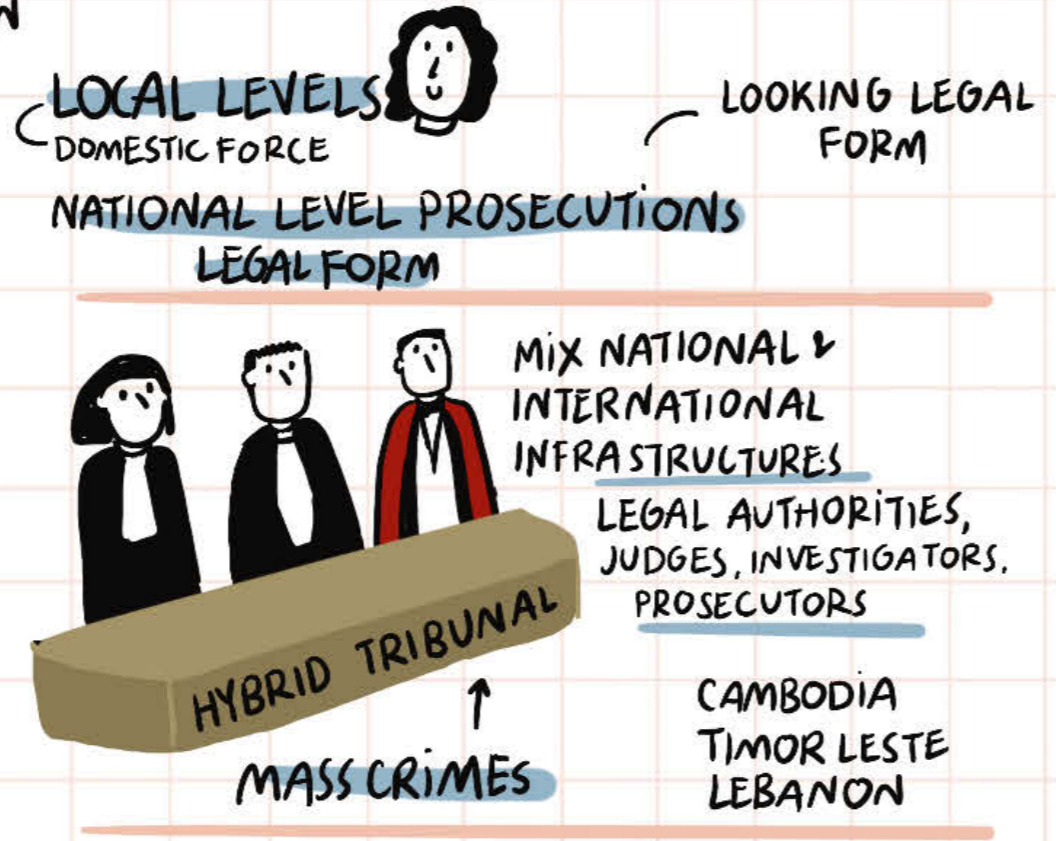


- INTERNATIONAL TRIBUNAL TOKYO
 - INTERNATIONAL ADHOC CRIMINAL TRIBUNAL FOR FORMER YUGOSLAVIA
 - INTERNATIONAL ADHOC CRIMINAL TRIBUNAL FOR RWANDA
- CONTRIBUTED INTERNATIONAL LAW ON PROSECUTIONS
- CONSOLIDATED THE UNDERSTANDING NATURE OF INTERNATIONAL CRIME



PROSECUTIONS FOR SERIOUS CRIMES

TRANSITION



BASIC PRINCIPLES TO DUTY TO PROSECUTE MASS CRIMES

NON APPLICABLE FOR IMMUNITY AMNESTIES

UNIVERSAL JURISDICTION

THE POWER FOR NATIONAL COURTS TO INVESTIGATE & TRY THE PERSONS SUSPECTED OF COMMITTING INTERNATIONAL CRIMINAL CRIMES ANYWHERE REGARDLESS OF THE NATIONALITY OF THE ACCUSED OR VICTIM OR THE IRRELEVANCE OF WHERE THE COURT IS LOCATED.

NEPAL 1996-2006

VIOLATIONS OF HUMAN RIGHTS

2001 OBSTACLES ARE TO BRING ISSUE TO THE COURT COURT NEEDS TO ORDER STRATEGIES - CREATE RELATIONS W/ COURTS



HABEAS CORPUS

1ST INFORMATION REPORT

PERSISTENT WORK

ORDER FROM SUPREME COURT FOR INVESTIGATION

MURDER DURING CONFLICT HAVE TO BE INVESTIGATED & PROSECUTED

→ STRATEGIC LITIGATION

2017 DISTRICT COURT LITIGATIONS

IMPORTANT PERSISTENT

ADVOCACY FORUM TAKING AN OPPORTUNITY FOR COMPLAINT, INVESTIGATION AND PROSECUTIONS = SUMMARY KILLINGS

MANDIRA SHARMA

ADVOCACY FORUM, NEPAL

SERIOUS CRIMES

GENOCIDE, WAR CRIMES, CRIMES AGAINST HUMANITY & AGGRESSION INCLUDING TORTURE & ENFORCE DISAPPEARANCES

ACTIVE / PASSIVE PERSONALITY OF THE COUNTRY PRINCIPLES ON LAW BASED ON COUNTRIES

INT. LAW INVOLVED SHOULD BE PROSECUTED

TORTURE CASE PRESIDENT CHILE PINOCHET WAS ARRESTED IN THE UK

LOCAL LAW GAVE IMMUNITY TO THE PRESIDENT BUT CAN BE PROSECUTED BY INTERNATIONAL LAW



COLONEL KUMAR LAMA CASE, NEPAL

UK OPENING TORTURE 2004 SHIFT DISCUSSIONS ON PROSECUTIONS TRIGGER FOR NATIONAL PROSECUTIONS

HOW OTHER UN MECHANISM BE INVOLVED IN JURISDICTION

ESTABLISHING HYBRID TRIBUNAL

REVISION TRC ACT - AMENDMENT TRC ACT

INCENTIVES BUT WORK ON PUNISHMENT

LIMITATIONS OF HYBRID TRIBUNAL

IMPORTANT TO HAVE TRC

TRC WILL NOT PROSECUTE NOT THE BODIES TO CONDUCT

NEPAL - INTERNATIONAL COURT ICC HAS JURISDICTION. THRESHOLD SHOULD BE LOOKED OUT

CHALLENGES:

- LACK OF POLITICAL WILL
- PAST ABUSES HAVE TO DEAL WITH TRANSITIONAL JUSTICE PROCESS
- ON GOING DEBATES

1 CASE CAN OPEN ANOTHER!

OUR EFFORT IS THE KEY

PROSECUTIONS IS YEARS OF WORK

COMMITTED CONSISTENT LONG TIME

- LONG TERM PLAN
- INVOLVEMENT OF VICTIMS ARE IMPORTANT EMPOWERING INTO DISCUSSIONS
- NEGOTIATIONS TAKES TIME POLITICAL BALANCE

US HAS NOT RECOGNISE JURISDICTION DISAPPEARANCES, TORTURE



INVESTIGATION IN THE US CAN HAPPEN

PERPETRATORS CAN BE ARRESTED IN THE US



MASS CRIMES. ATROCITIES CONVENTION AFTER WWII

HUMANITY

AD HOC TRIBUNAL

CRIME COMMITTED 75-79

SUPPORTED BY COMMUNIST BLOCK

NOT RECOGNISED BY INTERNATIONAL LAW

DEPENDING: POLITICAL WILL DESIRE OF VICTIM

NEW MECHANISM: HYBRID COURT

IS IT CREDIBLE? INDEPENDENT? FAIR & JUSTICE FOR ALL? WHAT IS THE POLITICAL WILL?

ECCC HYBRID TRIBUNAL

LOCAL JUSTICE SYSTEM
PROCESSING VIOLATIONS & ENDING IMPUNITY
PROVIDING TESTIMONIES FOR A BIGGER & CLEARER HISTORY



CAN YOU REPAIR THE SOCIETY THAT HAS BEEN AFFECTED?

TRIBUNAL TO RESTORE DIGNITY & EXPECTATION

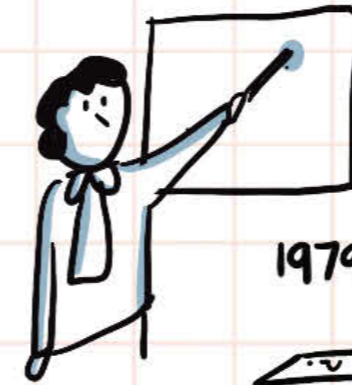
CHALLENGE OF HYBRID COURT

ENSURING CREDIBILITY, INDEPENDENT, AND FAIR



10 YEARS UNTIL MOU GOVERNMENT & CAMBODIA

- POLITICAL WILL TO COOPERATE WITH THE COURT INTERNATIONAL COMMUNITY
- INFRASTRUCTURE
- COMPLIANCE OF JUDICIAL SYSTEM
- CAPACITY OF LAWYERS
- JURISDICTIONAL TRIBUNAL



CAPACITY BUILDING

FOR LOCAL JUDGES/LAWYERS SO THEY CAN STAND IN COURT

1979-1988 SENIOR LEADER



CONSIDERATION CULTURAL

SYSTEM GOVERNMENT & UN

LOCAL x INTERNATIONAL LAW

= ACCESSIBLE LAW

INTERNATIONAL x LOCAL LAW

= CHALLENGING FOR LOCAL PRACTITIONER

LACK OF TRANSPARANCY & INDEPENDENCE



PANHAVUTH LONG

HUMAN RIGHTS LAWYER CAMBODIA



3 SUSPECTS DIED -> CASE DISMISSED

LEGACY

GIVING IMPACT TO NATIONAL LAW SYSTEM SHOULD START EARLY, AS SOON AS ECC JUST STARTED

DO ADVOCACY, CIVIL SOCIETY CAN CONDUCT THE PROCESS

ECCC - THE EXTRAORDINARY CHAMBERS OF CAMBODIA

GOOD START GOES BAD

THERE'S A MISTRUST BETWEEN CIVIL SOCIETY & ECCC. SHOULD SIT TOGETHER

INTERNATIONAL COMMUNITY HYBRID COURT



IS IT STILL THE MOMENTUM FOR VICTIMS?

AND INT. COMMUNITY POLITICALLY FINANCIALLY



IS NEEDED FOR THE TRIBUNAL

KHMER ROUGE TRIBUNAL: NO BODY KNOWS THE FUTURE, WHEN IT WILL EXIT. CAN BE CLOSED NEXT MONTH

EAST TIMOR IS REPEATING IN CAMBODIA

Sri Lanka

TRIBUNAL 97

SENTIMENT FROM SRILANKA SAME CONDITION

CAMBODIA 1997 -> INT. WANT LEGITIMATION INTERNATIONAL COMMUNITY -> SUPPORTING THE TRIBUNAL NEAR CHINA

POLITICAL WILL OF INTERNATIONAL COMMUNITY INTERESTED OR NOT WITH TRIBUNAL COURT

HONEYMOON IS OVER? TO SET UP TRIBUNAL

TAKES 3 YEARS TO MAKE THE TRIBUNAL RUNNING

WHAT CIVIL SOCIETY CAN DO

ADVOCACY OPTIMISM COLLECT EVIDENCE

SOME MECHANISM CAN BE SET UP

WHAT TO LOOK OUT IN THE TRIBUNAL PROCESS?

CREDIBLE INTEGRITY FOR VICTIMS

THE MECHANISM IS NOT CLEAR ACCOUNTABLE TO WHAT?

DONT SPEND EVERYTHING WHEN IT STARTED, MONEY & ENERGY

EAST TIMOR CAMBODIA -> TOWARDS CLOSING NOT MONITORED OR EVALUATED

DESIGNING IS IMPORTANT

PROSECUTIONS FOR SERIOUS CRIMES

INTERNATIONAL CRIMINAL COURT



ICC

ICC CREATED BY THE ROME STATUTE

TREATY ADOPTED IN 1998. FORCE IN 2002



PROSECUTING CRIMINALITY

- CRIMES**
- CRIMES AGAINST HUMANITY
 - GENOCIDE
 - WAR CRIMES
 - AGGRESSION



CRIMES AFTER 2002 AFTER THE COUNTRY RATIFIES



STATE PARTIES OF ICC

123 COUNTRIES

LOBBY YOUR GOVERNMENT

PROSECUTOR OF ICC IS A WOMAN FATOU BENSOUDA

INITIATING ICC PROCEEDINGS

STATE PARTIES

- PROSECUTOR ON HER OWN INITIATIVE
- STATE PARTY REFERRAL

NON STATE PARTIES

- NON-STATE PARTY ACCEPTANCE
- REFERRAL BY UN SECURITY COUNCIL

DECLARATION

CAN CALL FOR REFERRAL

TERRITORY/ PERPETRATOR

- STATE PARTY
- REFERRAL BY UN SECURITY COUNCIL

ICC BASED ON:

- CRIMES
- LOCATION
- TIME

ICC RELIES ON STATES ONLY GOVERNMENT CAN ARREST SUSPECTS



ICC CANNOT ARREST

VICTIMS PARTICIPATION HAVE THE RIGHTS TO PARTICIPATE



REPARATIONS

ORDERED BY

- JUDGES LINKED TO A CASE
- SYMBOLIC PROGRAMS, NOT ONLY FINANCIAL COMPENSATION
- TRUST FUNDS IN ICC PROVIDE SYSTEM IN THE COUNTRY



ICC: CRIMINAL PROSECUTIONS FOR INDIVIDUAL

COMPLEMENTARITY OF ICC IF:



THE STATE IS UNWILLING OR UNABLE, OR DOES NOT GENUINELY INVESTIGATE & PROSECUTE



TO THE SAME POTENTIAL SUSPECTS FOR THE SAME POTENTIAL CONDUCT

ICC CRIMES

- WAR CRIMES
- CRIMES AGAINST HUMANITY WIDESPREAD & SYSTEMATIC
- GENOCIDE INTENTION TO DESTROY A GROUP
- CRIME OF AGGRESSION USE OF ARMED FORCE BY A STATE



LAETITIA BONNET AJAR

ICC CURRENT SITUATION NO TRIAL AT THE MOMENT ONLY INVESTIGATION



COLLECT EVIDENCE BRING CASE REQUEST ARREST WARRANT CAN BE PUBLIC / SECRET

REPARATION IMPLEMENTATION PLAN DOCUMENT SUBMIT TO THE JUDGES FOR APPROVAL JUDGES GIVES GENERAL REPARATIONS



COLLECTIVE REPARATIONS EDUCATION PSYCHOLOGICAL INCOME GENERATING ACTIVITIES

ICC NOT REPLACING DOMESTIC COURT IF THE COUNTRY NOT WILLING TO DO IT, ICC WILL DO THE WORK

ICC CAN PROSECUTE MEMBERS OF GOVERNMENT & HEADS OF STATE

NO IMMUNITY FOR PRESIDENT / MINISTER



SUSPECTS: INDIVIDUAL > 18y.o BEAR THE GREATEST RESPONSIBILITY

SHOULD BE APPLIED TJ IS A HOLISTIC FRAMEWORK CAN BE ADAPTED TO DIFFERENT CONTEXT

ICC TRUST FUND FOR VICTIMS

CREATING A SYSTEM WHILE ICC IS DOING THE CASE HAVE THE MANDATE TO REPARATIONS

1st ICC CASE: KATANGA & LUBANGA (2003)

KATANGA

KILLING, RAPES, TORTURE NOT A HIGH REPUTABLE PERSON

UNDERSTAND THE CASE FIRST IDENTIFIED THE VICTIMS POSSIBLE FOR INDIVIDUAL REPARATIONS

\$250

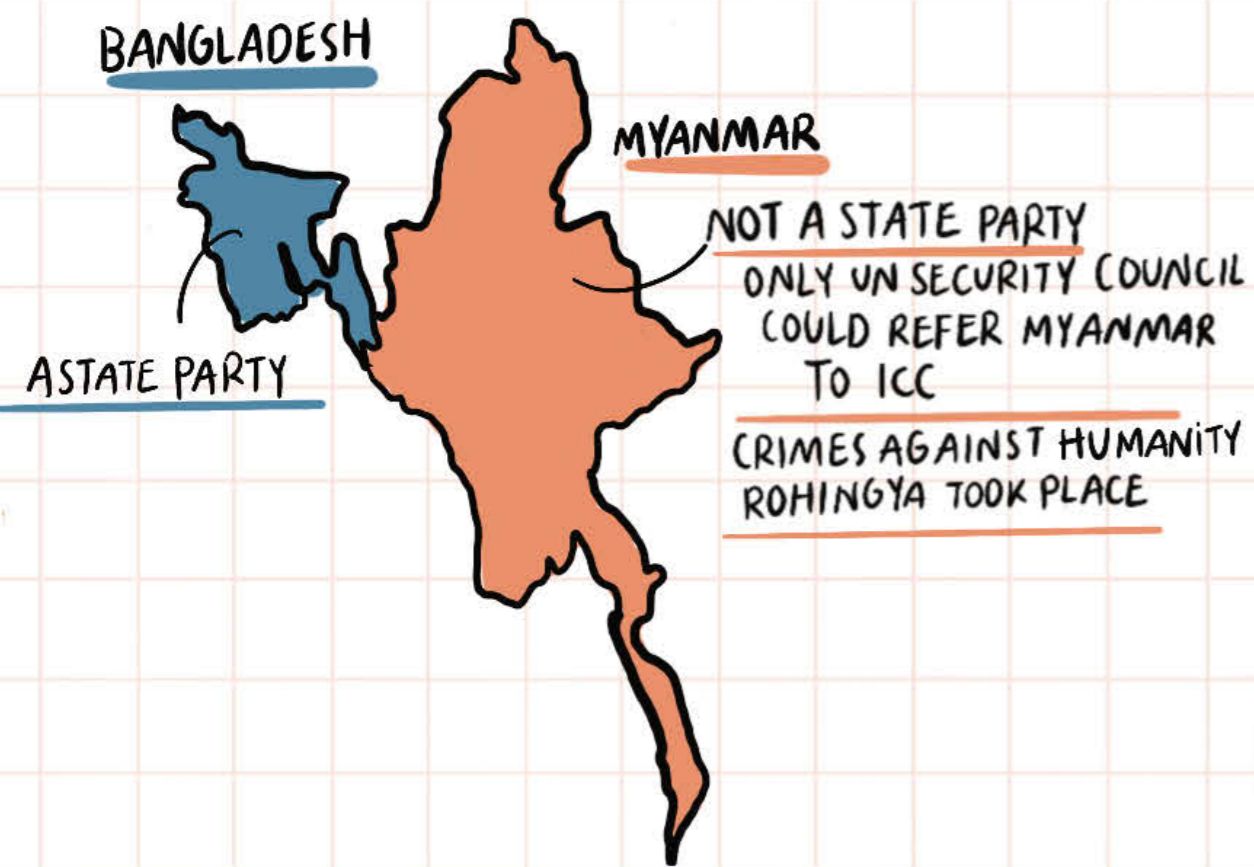
LUBANGA

CHILD SOLDIERS VICTIMS THEMSELVES SYMBOLIC REPARATION SERVICE BASE-REHABILITATION COLLECTIVE REPARATION

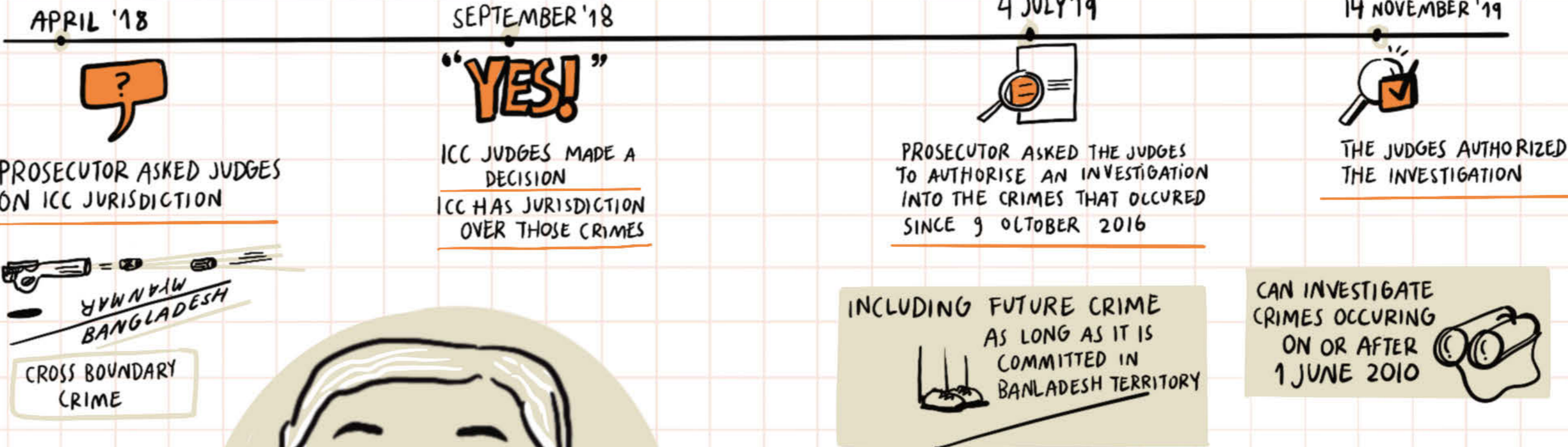
MONEY FOR REPARATIONS FROM DONORS

ICC THE INTERNATIONAL CRIMINAL COURT

ICC FOR MYANMAR / BANGLADESH



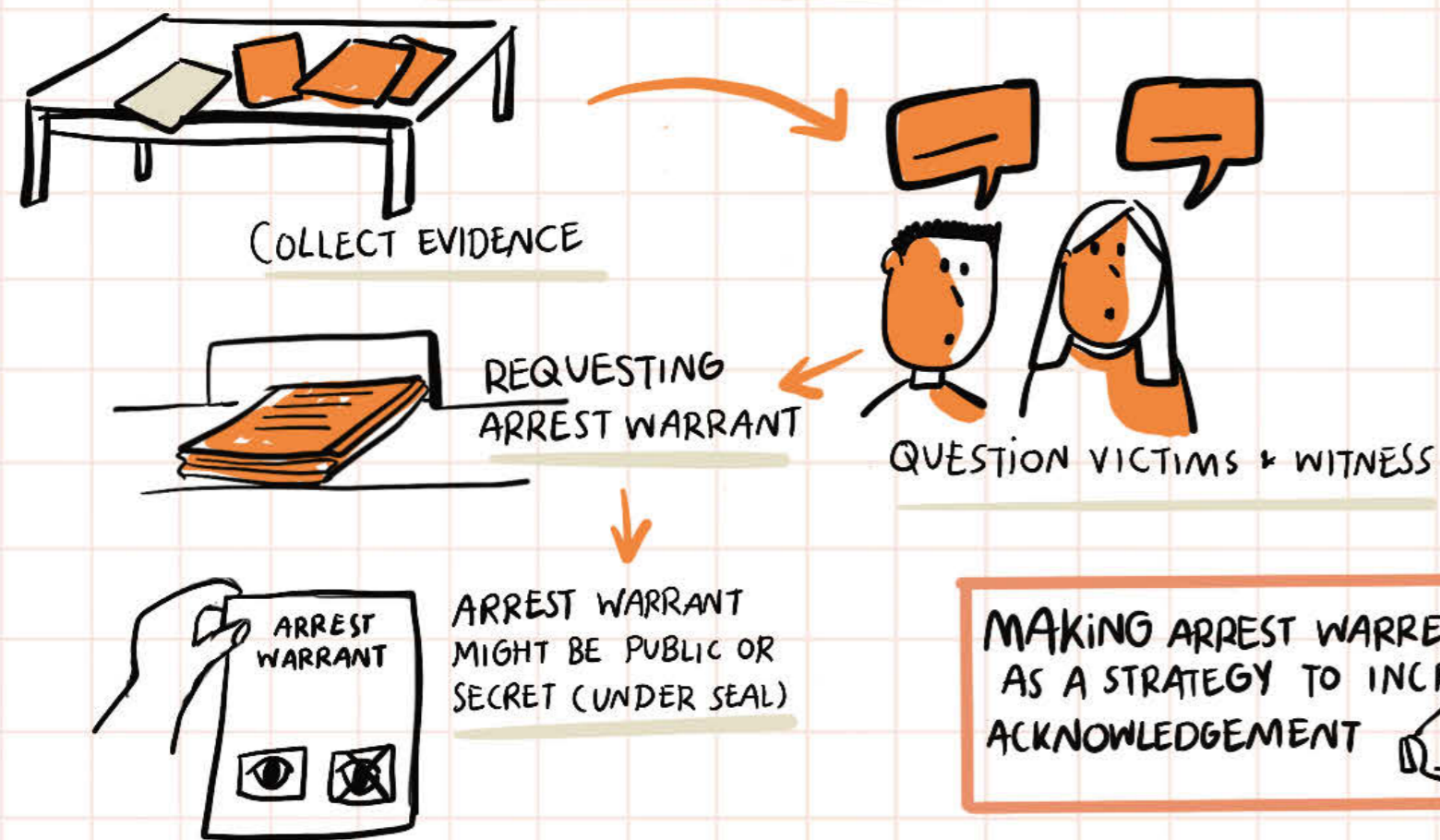
TIMELINE



LAETITIA BONNET AJAR

ROHINGYA CRISIS — BECAUSE THE LEFT THE COUNTRY JURISDICTION CRIMES IN BANGLADESH MYANMAR CANNOT DO ANYTHING

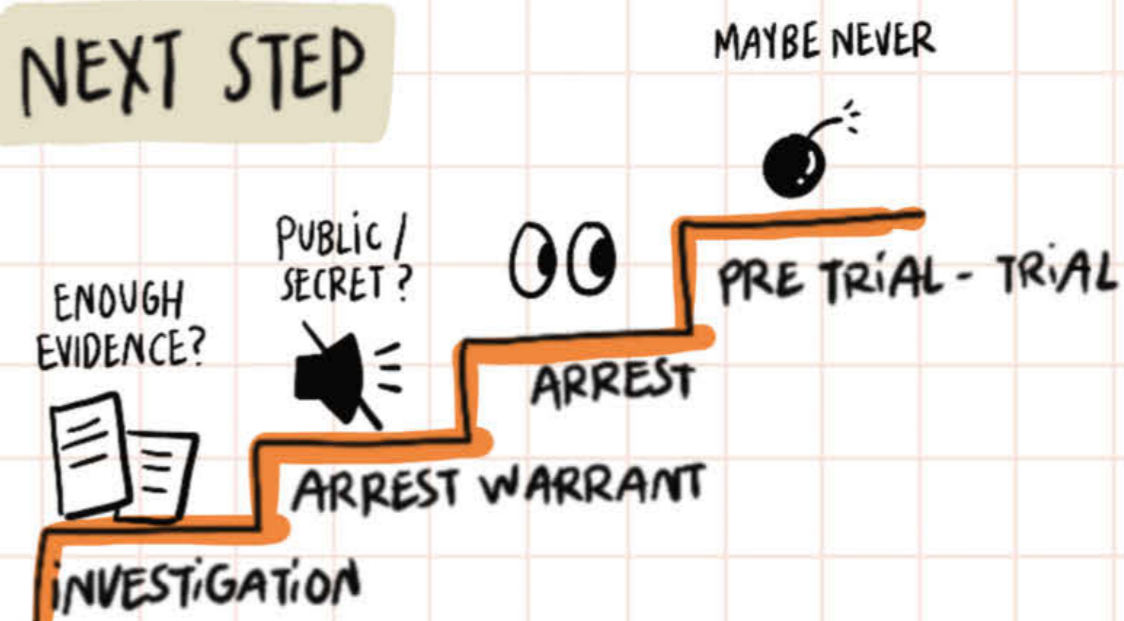
INVESTIGATION



MAKING ARREST WARRENTS PUBLIC AS A STRATEGY TO INCREASE ACKNOWLEDGEMENT

ICC CANNOT CONDUCT TRIAL IN ABSENTIA IF NOBODY ARREST & HAND THEM TO ICC, THERE WILL BE NO TRIAL

NEXT STEP



CIVIL SOCIETY ROLE

HELP EXPLAIN THE ICC AND ITS LIMITATIONS TO PUBLIC

PROVIDE INFORMATION & DOCUMENTATION TO THE PROSECUTOR

HELP VICTIMS & WITNESSES GIVE EVIDENCE TO THE ICC

THINK ABOUT ASKING TO THE PROSECUTORS TO MAKE ARREST WARRANTS PUBLIC

LOBBY ICC DEPARTMENTS TO DO OUTREACH & PUBLIC INFORMATION FOR ALL COMMUNITIES
LOBBY ICC TRUST FUNDS FOR VICTIMS TO START ASSISTANCE PROGRAMS FOR ROHINGYA VICTIMS

TIMELINE

SIGNATURE RATIFICATION

THE STEP IS IMPORTANT
EACH COUNTRY HAS ITS WAY TO RATIFY

PHILIPPINES

2/3 OF VOTES IN THE SENATE TO RATIFY THE TREATY

9 YEARS SINCE RATIFYING ROME STATUTE

CURRENTLY HERE



STAGES OF ICC



1. INITIAL ASSESSMENT

2. JURISDICTION

3. ADMISSIBILITY

4. INTEREST OF JUSTICE

WHAT HAPPENED?
PRESIDENT DUTERTE EMBARKED ON A NATIONWIDE WAR ON DRUGS AND NARCO-TERRORISM

2016 MORE THAN 20,000 PEOPLE KILLED THROUGH POLICE OPERATIONS, VIGILANTE KILLINGS OR BY ASSAILANTS



EDGAR MATOBATO SUBMITTED TO ICC OF DUTERTE ORDERING ASSASSINATIONS

SENATOR TRILIANES

MARCH 2018 DUTERTE WITHDRAWAL

ICC JURISDICTION 2011-2019 → ANY KILLING WILL BE UNDER THE ICC

PHILIPPINES STARTED, 2ND COUNTRY TO WITHDRAW FROM ICC

APRIL 2018 GEN. BATO RETIRED & RUN FOR SENATOR

DRUG WAR 3967 DRUG PERSONALITIES DIED
16,000 HOMICIDE CASES IN 1 YEAR NO RESOLVED CASES

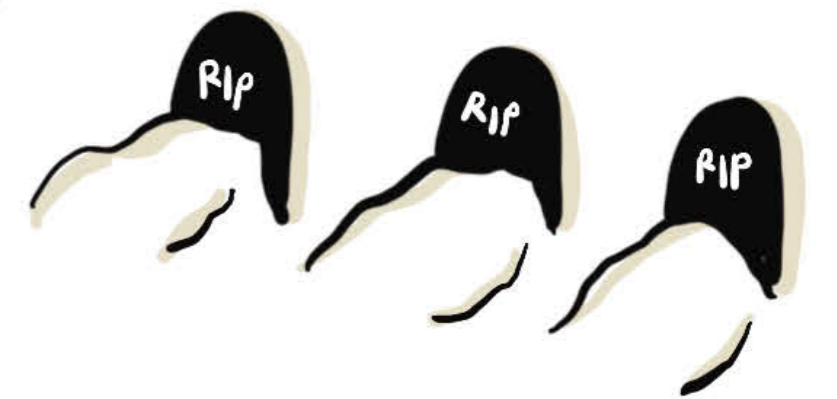
JUNE 2018 CHIEF JUSTICE SERENO OUT WITHOUT IMPEACHMENT

AUGUST 2018 WE WANT JUSTICE 2ND COMPLAINT FROM DRUG WAR FATALITIES FAMILIES

SEPT 2018 TRILLANES ARRESTED VOID HIS AMNESTY

? SECURITY CONCERNS. STRATEGIC TIMES TO FILE CASES

SENATOR BATO NOT GIVING DOCUMENTS TO THE SUPREME COURT BECAUSE DUTERTE DID NOT GIVE THE PERMISSION



ISSUES

WITHDRAW ROME STATUTE
MAINTAINS PHILIPPINES NEVER ACCEDED ROME STATUTE



DUTERTE

NOT PROTECTED FROM POSSIBLE INDICTMENT
REPLACED SERENO AS CHIEF JUSTICE OF THE SUPREME COURT

STATUS

ICC LAUNCHED PRELIMINARY EXAMINATIONS ON 2 CASES AGAINST DUTERTE

ON GOING ARGUMENTS ON PHILIPPINES! WITHDRAWAL FROM THE ICC

RIP KILLINGS ARE STILL GOING ON / DRUG WAR KILLS MORE PEOPLE +30,000 THAN COVID-19 -10,000

LESSONS

ICC CASE WILL MARK DUTERTE'S PRESIDENCY

THE SAME ICC PROSECUTOR LOOKING INTO DUTERTE'S CASE & 11 OTHER CASES

CHALLENGES

CURRENT PRESIDENT AS THE SUBJECT OF ICC COMMUNICATIONS

DUTERTE CONTROLS 3 BRANCHES OF GOVERNMENT
SUPREME COURT EXPECTED TO DECIDE BEFORE DUTERTE'S WITHDRAWAL

DUTERTE IS GUILTY OF CRIMES AGAINST HUMANITY IN A NON-LEGAL BINDING RULING

ADVOCACY

WITHDRAWAL FROM ROME STATUTE REQUIRES SENATE CONCURRENCE

TAKEN A BACK SEAT



THE CASE IN ICC PROSECUTOR'S OFFICE - COMPLETING THE CHECKLIST

CSOs COMMUNICATING EVIDENCE

NOW: NO LOCAL CASE TOWARDS DUTERTE

RESOLUTION REPARATION

FAMILY TO RECOVER TJ POINT OF VIEW) NOT THE RIGHT MOMENT BECAUSE THE DRUG WAR IS STILL GOING ON

MARCOS CASE 70-80's

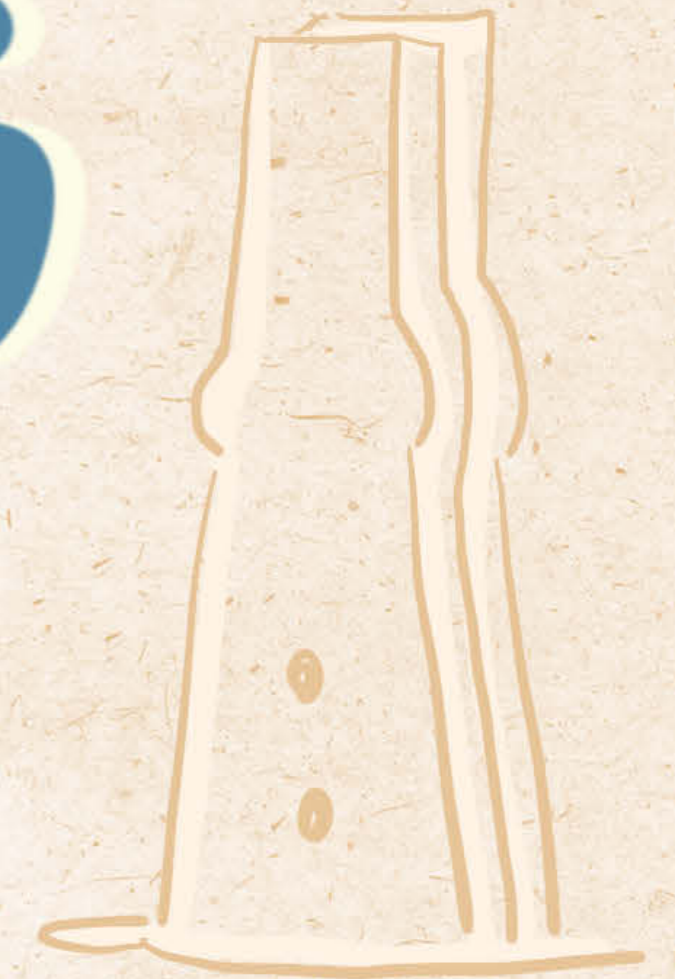
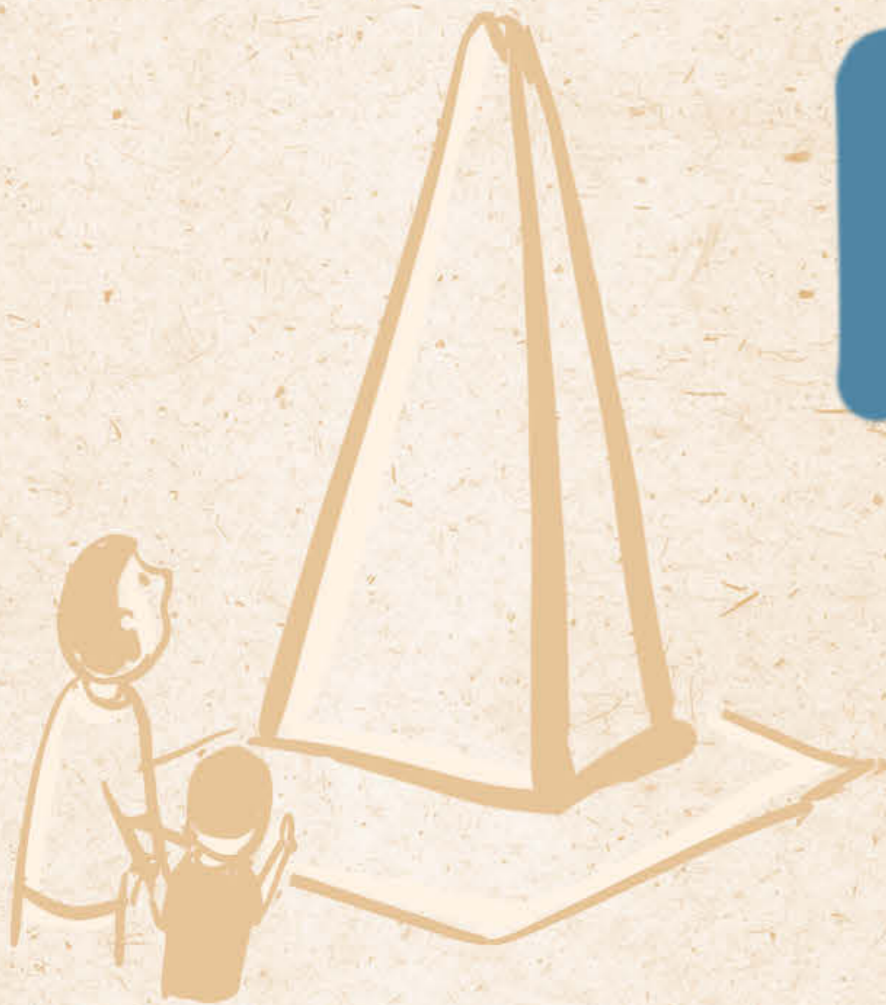
ICC WAS NOT ESTABLISHED REPARATIONS FROM THE FAMILY MONEY

ICC PRELIMINARY EXAMINATION IN THE PHILIPPINES





MEMORIALISATION & PRESERVING MEMORY





MOFIDUL HOQUE
LIBERATION WAR MUSEUM

THE STORY OF BANGLADESH

1971 GENOCIDE BY ARMY FOR 9 MONTHS
3 MILLION DEAD

NATIONAL MEMORIAL AT SAVAR BY GOVERNMENT

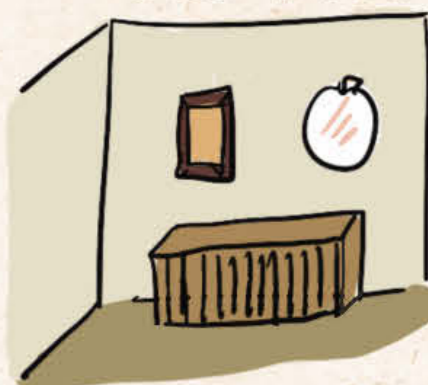


SCULPTURE SOCIETY ENGAGED TO TELL THEIR STORY



NEW HISTORICAL NARRATIVE

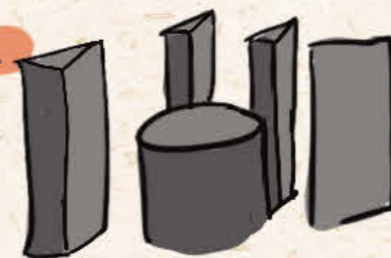
DENIAL OF HISTORY DISTORTION



AUG 1975 POLITICAL CHANGE KILLING OF THE FOUNDING FATHER SHEIKH MUJIB

SCULPTURE IN PUBLIC PLACE

RANDOM MEMORIAL BY THE COUNTRY AS A STATUE



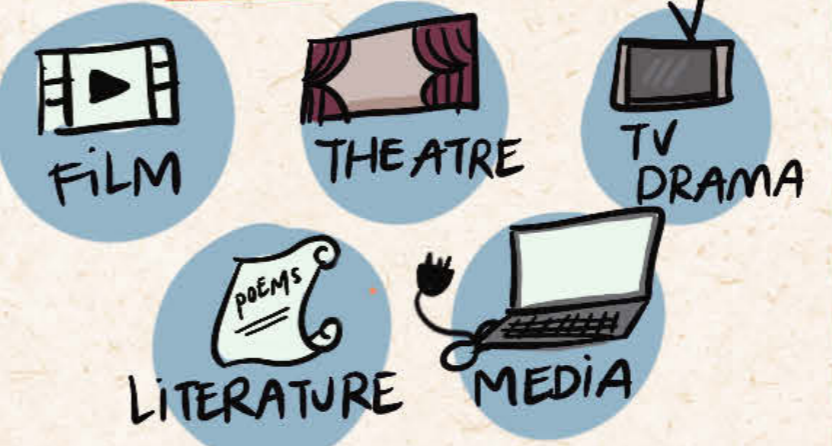
COMMUNITY CAN FOUND HOPE
EDUCATIONAL REFORM IS ALSO IMPORTANT

INSTITUTIONAL REFORM VERY DIFFICULT WITHOUT IT

EXPERIENCE CAN CHANGE PERSPECTIVE

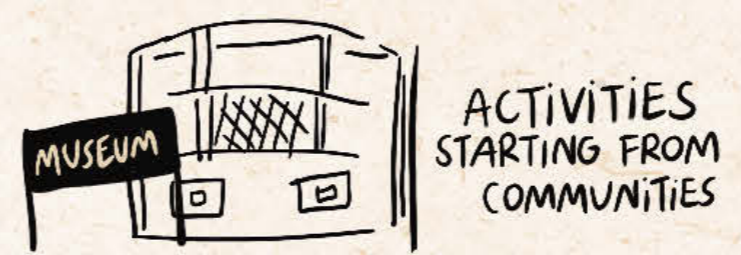
GOVERNMENT'S DENIAL VS SOCIAL ACTIVISM

ATROCITY WAS WIDESPREAD LOCAL INITIATIVE TO MEMORIALISE ALSO WIDESPREAD



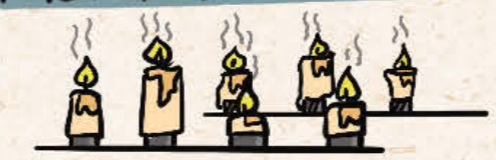
LIBERATION WAR MUSEUM EST 96

CITIZEN'S EFFORT TO MEMORIALISE



ORAL HISTORY COLLECTION

KILLING FIELD MEMORIAL SITE



2017 NEW MUSEUM

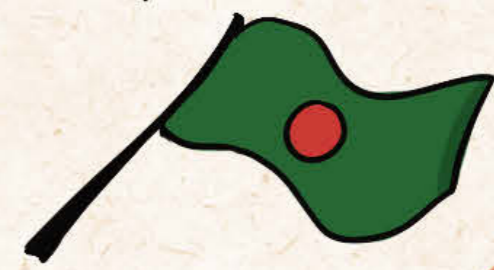
DEPOSITORY OF DOCUMENTS & FACTS

THIS MUSEUM IS THE STRENGTH OF SOCIETY
YOUNGER PEOPLE INVOLVED IN THE MUSEUM
INTERGENERATIONAL

"ASK YOUR GRANDMOTHER WHAT HAPPENED"

ENCOURAGE VICTIMS TO TELL THEIR STORIES

TRIBUNAL ESTABLISHED IN 2010 YOUTH IN SUPPORT OF TRIAL



DEMONSTRATION

MEMORIALISATION CREATES OPPORTUNITY FOR ACTIVISM



HEALS THE WOUND

KEEP THE FLAME ALIVE



REFORM EDUCATION

PATH TO JUSTICE

ROHINGYA GENOCIDE MANY MEMORIALISATION

MEMORIALISATION IS A KEY CONCEPT IN IT



MEMORIES SHOULD BE ALIVE AND NOT FORGOTTEN

MEMORIALISATION & PRESERVING MEMORY BANGLADESH EXPERIENCE

DEMAND OF JUSTICE BECAME STRONG

DOCUMENTED FACTS



EDUCATE YOUNGER GENERATION TO CELEBRATE HISTORY WITH THEIR OWN WAY

PEOPLE'S NARRATIVE THROUGH STUDENTS

FOCUS ON PEOPLE'S STORIES

PERSONAL NARRATIVE IN PHILIPPINES

MEMORIAL IN COMMUNITIES IS IMPORTANT EVEN THOUGH PEOPLE LOST THEIR BATTLE AT THE NATIONAL LEVEL

MEMORIALISATION IN SOUTH KOREA

MAY 18 MEMORIAL FOUNDATION

KOREA
18 MAY 1980
DEMOCRATIC UPRISING

1979 **BUSAN UPRISING FOR DEMOCRACY**
BUSAN & MASAN
OCTOBER

ASSASSINATION
18 YEARS OF
DICTATORSHIP
HOPING FOR
DEMOCRACY



GWANGJU LABELLED BY GOVERNMENT

MAY 18
KILLED & TORTURED CITIZEN



CEREMONIES STARTED
CATHOLIC CHURCH STARTED MASS FOR VICTIMS

1988
GOVERNMENT COMPENSATION
CULTURAL FESTIVAL → IN COMMEMORATION
NATIONAL ASSEMBLY
CONTRADICTORY MOVES BY GOVERNMENT
DEMOCRATIZATION MOVEMENT VS 511 RESEARCH

1987
JUNE UPRISING
COLLEGE STUDENTS WERE TORTURED AND KILLED
1ST EXHIBITION OF MAY 18 UPRISING
JUNE 29 DECLARATION
VIDEO OF UPRISING

1986
SUPPRESSION AND PROTESTS BECAME FIERCER
INRAE YOU
THE MAY 18 FOUNDATION



1985
RALLIES DEMANDING THE UPRISING'S TRUTH TELLING & GOVERNMENT'S APOLOGY

1984
GOVERNMENT STARTED COMMEMORATION TO LOOK GOOD FOR OUTSIDERS
COMMITTEE TO FIND THE TRUTH OF THE GWANGJU INCIDENT WAS ESTABLISHED

1990
MAY 18 COMPENSATION ACT ENACTED

1991
13 ASKING FOR THE TRUTH

1993
CEMETERY AS HOLY SPOT
FINANCIAL SUPPORT TO PARTICIPATE COMMEMORATION GWANGJU CITY

1994
PROSECUTE PERPETRATORS!
THE MAY 18 MEMORIAL FOUNDATION WAS FOUNDED
THE NATIONAL PEOPLE'S COMMITTEE TO FIND THE TRUTH WAS FORMED

1995
DEC 19 SPECIAL ACT OF MAY 18 ENACTED

1997
CHUN & ROH ARRESTED
ROH 17 YEARS
CHUN SENTENCED TO LIFE

2000
MAY 18 MEMORIAL CEREMONY NATIONAL DAY
18 MAY CEMETERY AS NATIONAL CEMETERY
MEMORIAL

2007
TEXT BOOK RECOGNIZING UPRISING

2011
UNESCO ACKNOWLEDGEMENT

POLITICAL & SOCIAL MEANING OF MAY 18 COMMEMORATION

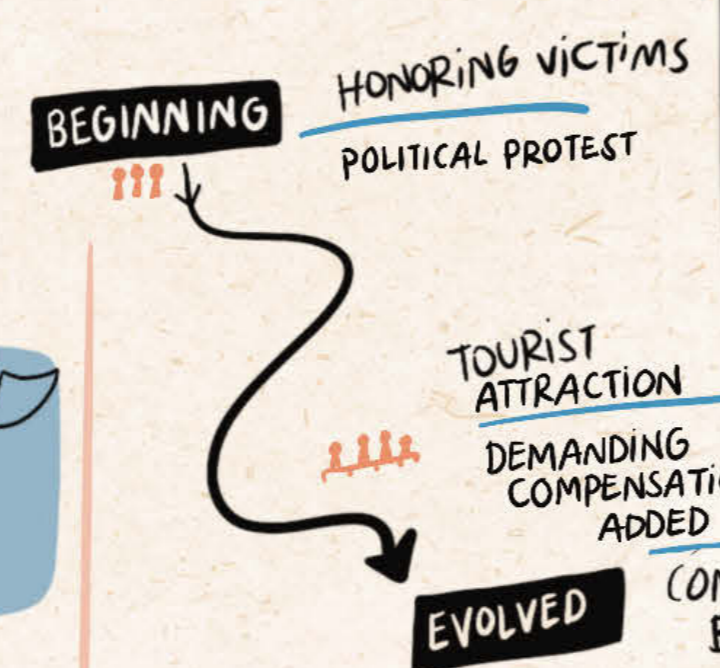
CULTURAL ATTRACTION

REMEMBER MAY 18 MOVEMENT

SACRED CITY

POLITICAL DIRECTION THE UNITY OF THE PEOPLE

PEOPLE CULTURE & MAY CULTURE



PROJECTS
GWANGJU PRIZE OF HUMAN RIGHTS
THE MAY 18 ACADEMY
MAY 18 SCHOLARSHIP
THE GWANGJU ASIA FORUM
THE MAY 18 PRESS AWARD

MAY 18 MEMORIAL CEREMONY NATIONAL DAY

2018
MINISTRY OF PATRIOTS & VETERANS REGRETTED BANNING MARCH FOR THE BELOVED SONG

2017
CANDLE LIGHT REVOLUTION

IT TOOK 37 YEARS TO SING THE SONG

CONTEMPORARY CULTURAL MOVEMENT
ART & CULTURE WILL BRING YOUNG GENERATION'S ATTENTION
[TAXI DRIVER] MOVIE

AJAR & TJAN TOOL FOR CIVIL SOCIETY

2016
NATIONAL FORUM

2015
MAY 18 ARCHIVES OPENED

2013
COMMITTEE TO COPE WITH DISTORTING THE HISTORY WAS FORMED

GOVERNMENT

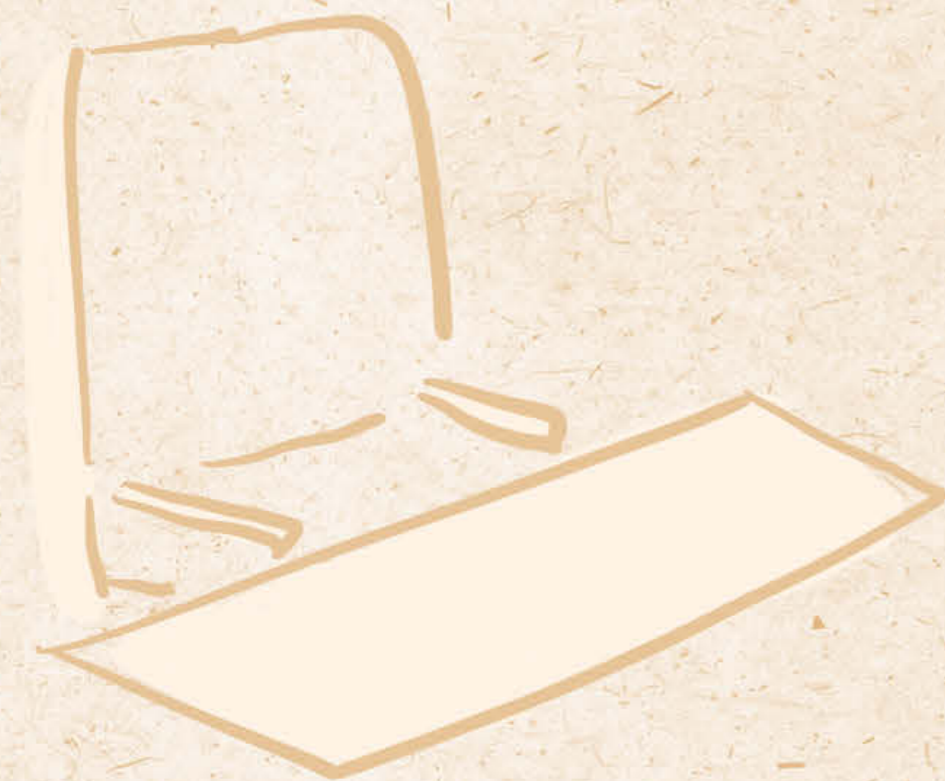
MAY 18 DEMOCRATIC UPRISING TRUTH COMMISSION

YEARLY NATIONAL LEVEL MEMORIAL SERVICE

FINANCIAL SUPPORT

AS NATIONAL MEMORIAL DAY

**INSTITUTIONAL
REFORM**



&



**GUARANTEE OF
NON RECCURENCE**

GUARANTEES OF NON RECURRENCE & INSTITUTIONAL REFORM



PORNPEN KHONGKACHONKIET
CROSS CULTURAL FOUNDATION
THAILAND

INSTITUTIONAL REFORM IN THAILAND →

4 PILLAR OF TJ



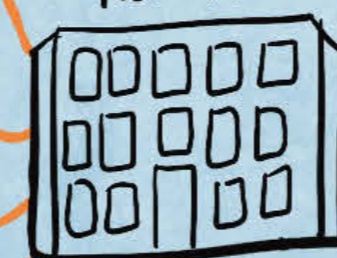
ADDRESSING ROOT CAUSES OF CONFLICTS

UNDERSTAND THE CONFLICT

LOOK AT THE CIRCLE OF VIOLENCE

UNDERSTANDING ROLE OF INSTITUTION

INSTITUTIONAL REFORM



WE SHOULD NOT REFORM ALL AT ONCE

INSTITUTION CAN BE A CONFLICT OR HELPING



EG: RELIGIOUS LEADERS

HUMAN RIGHTS ACTIVIST SHOULD FIND THEIR ROLE IN TJ

INSTITUTIONAL REFORM

- SECURITY SECTORS REFORM
- JUDICIARY REFORM
- POLICE REFORM
- LAW REFORM
- MILITARY REFORM
- EDUCATION REFORM
- CONSTITUTIONAL REFORM

OVERSIGHT BODY (PARLIAMENT, POLICE OVERSIGHT, OMBUDSMAN, MEDIA)
INSTITUTIONAL REFORM TO ABOLISH VIOLENCE HAPPENING

CONSTITUTION REFORM

PROTESTS EVERYDAY FROM STUDENTS

1. RESIGNATION
2. CONSTITUTIONAL CHANGES WITH REPRESENTATIVES
3. REFORM THE MONARCHY

EDUCATION REFORM



MEMORIZATION PAST HISTORY



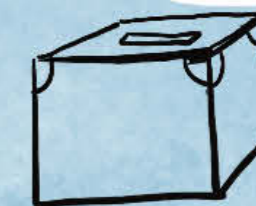
ELITE ANNOYED

LEGAL REFORM

CRIMINALIZING TORTURE & ENFORCED DISAPPEARANCES GOING AFTER THE COMMANDER



ELECTION LAW REFORM



INDEPENDENT OF ELECTION COMMISSION
SENATOR BY ELECTION

ROLE OF PARLIAMENTARY SIGHT

- SECURITY SECTOR
- POLICE REFORM
- STRENGTHEN PARILAMENTARY ROLES
- DEDICATED PARLIMENTARIAN



REFORM OF THAI MONARCHY

1ST TIME

WILL LAST FOR A WHILE

HOW THAI MONARCHY SHOULD BE?

POLICE ARE NOW MORE POLITICIZING



MILITARY REFORM

ENDING CONSCRIPT SOLDIER
BUDGETING / CORRUPTION
VIOLENCE IN ARMY
STRUCTURAL REFORM
DOWNSIZING



HOW REFORMATION CAN SUCCEED?

- DEMOCRATIC GOVERNMENT ✓
- STRONG PARLIAMENT ✓
- GOOD ELECTION SYSTEM ✓
- NO SPECIFIC STANDARD

HOPE OF CHANGE

FROM PROTESTERS & INTERNATIONAL COMMUNITY, NGO & CSO SUPPORT

POLICE REFORM



TRAINING POLICE BY INTERNATIONAL
INTERNAL REFORM SHOULD BE DONE

IN THE CONSTITUTION

JUDICIARY REFORM



SERVING THE KING
HOW CAN WE FIGHT WITH THIS KIND OF JUDICIAL FORM?

EDUCATION REFORM

TRUTH & RECONCILIATION COMMISSION

FINDING THE TRUTH NOT ACCEPTED BY PUBLIC
HISTORY WAS RECORDED BY OTHER PEOPLE OTHER THAN GOVERNMENT

PRISON REFORM EXPERIENCE

BEFORE → AFTER
INHUMANE → INTERNAL REFORM

INTERNATIONAL RECOGNITION & SUPPORT


RECOGNISE THEY NEED A REFORM

FREEDOM OF EXPRESSIONS ARE STILL OKAY!

NOW IS THE MOST DEMOCRATIC ERA IN THAILAND

INSTITUTIONAL REFORM IN TIMOR LESTE

TIMOR LESTE



A SUCCESSFUL STORY OF UN FOR 2 YEARS

- CHANGE**
- NATIONAL ASSEMBLY MOST MODERN CONSTITUTION HUMAN & HUMAN RIGHTS FIRST
 - RATIFY ALL UN CONVENTIONS

INSTITUTIONAL REFORM TO PREVENT WHAT HAPPENED IN THE PAST



12 YEARS TO ESTABLISH FOR THE GOVERNMENT

TO REALISE TAKES A LONG TIME

CENTRO NACIONAL CHEGA

2016

2005-2017 NOT APPLIED
DIRECT REPORT TO THE MINISTER
2017 ESTABLISHED BY LAW



ADVANTAGES OF CHEGA!

1 STRONG MANDATES TO IMPLEMENT

2 ENSURE TO INTEGRATE GOVERNMENT POLICY PROVIDING RESOURCES

HISTORIAN



HUGO M FERNANDES
CENTRO NACIONAL CHEGA

THINGS THAT HAPPENED IN THE PAST SHOULD NOT HAPPEN AGAIN

REPARATION
est. 2017

CURRENT REPARATION

INDIVIDUAL	COLLECTIVE
PSYCHOLOGICAL HEALTH	ECONOMIC EMPOWERMENT

PARTNERSHIP FOR CHANGES

OMBUDSMAN OF HR AND JUSTICE
TRAINING IS IMPORTANT FOR POLICE & ARMY
POLICE ACADEMY MODULE



BEST PRACTICES FROM OTHER COUNTRIES

MINISTRY OF INTERIOR
INTEGRATING CHEGA! CONTENT & RECOMMENDATION INTO POLICE ACADEMY CURRICULUM.

NATIONAL DEFENSE INSTITUTE
INTEGRATING CONTENT RELATED TO PEACE STUDY, CONFLICT TRANSFORMATION FOR PEACE BUILDING

MINISTRY OF SOCIAL SOLIDARITY, MINISTRY OF HEALTH & MINISTRY OF JUSTICE:
REPARATION FOR VULNERABLE SURVIVORS SURVIVOR OF HUMAN RIGHTS VIOLATION
150 VICTIMS, AFTER 15 YEARS

INTEGRATING WITH EDUCATION REFORM



MINISTRY OF EDUCATION
DEVELOPING CURRICULUM OF HISTORY
MID NEXT YEAR: HUMAN RIGHTS ISSUE @ SCHOOL

CHEGA & TJ IN UNIVERSITIES
FORMAL EDUCATION INTERACTIVE EDUCATION

COMMUNITY ONE HISTORY
RESEARCH FELLOWSHIP/ FEE

WHAT HAPPENED?
TRANSMISSION OF MEMORIES

BIRTH CERTIFICATE CAN GO TO SCHOOL
SEXUAL VIOLENCE KIDS NOW CAN GO TO SCHOOL
INSTITUTION RELIGIOUS

2016 MENTIONED FOR IMPLEMENTATION FOR MINISTRY OF EDUCATION

5 YEARS PROGRAM WITH THE CURRENT GOVERNMENT

INTEGRATED MEMORIALIZATION PROGRAMS

20 COMMOMERATIONS

VICTIMS PUBLICLY RECOGNISED

TALK IN DIALOGUE

DOCUMENTED

CAUSED BY CULTURE

SEX VIOLENCE NOT ALL DOCUMENTED

AJAR, AKBID HELPED VICTIMS WITH THEIR METHODS

VICTIMS STARTED THE HEALING PROCESS & START TO TALK IN PUBLIC

TRUST CONVINCED

SUPPORT SYSTEM (T)AN
FROM THE REGION, COUNTRIES & THE WORLD
SHARING EXPERIENCE

**RIGHT TO
REPARATION**

&

**SUPPORT FOR
VICTIMS**

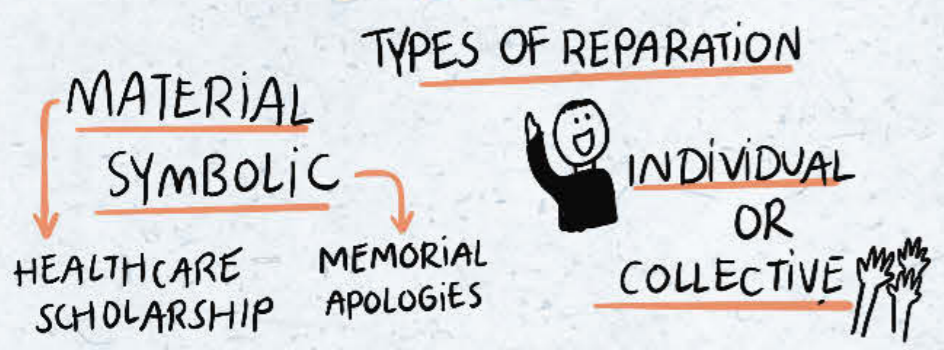


REPARATIONS SEEMS LIKE A CHOCOLATE CAKE THAT YOU CAN'T HAVE
CONCRETE STEP TO MAKE IT HAPPEN

Repairing what cannot be repaired

PART OF TJ
HELPING VICTIMS TO CONTINUE LIVE THEIR LIFE
BUT WE MUST

REPARATIONS NOT ONLY CASH HANDOUTS



LEGAL BASIS OF RIGHT TO REPARATION

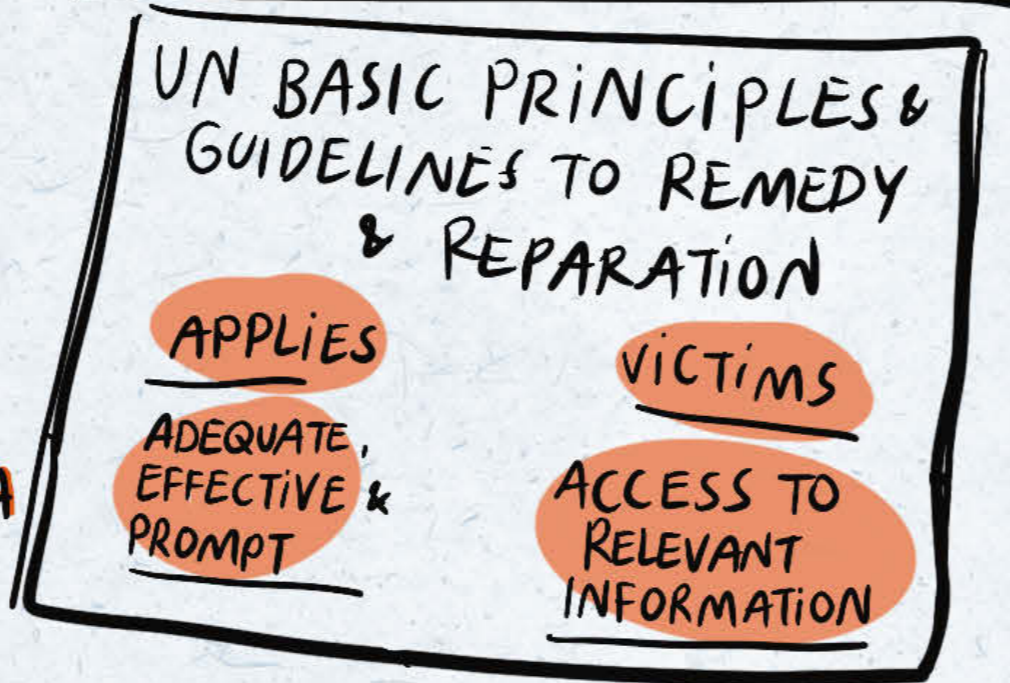


CONVENTION AGAINST TORTURE

RIGHT TO FAIR & ADEQUATE COMPENSATION

ROME STATUTE ART 75

ESTABLISH PRINCIPLES, DETERMINE THE SCOPE
REPARATION > 1000 PEOPLE
IT'S NOT EFFICIENT



GALUH WANDITA



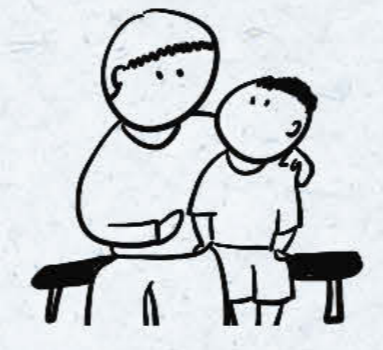
REPARATIONS

CONCEPT & PRACTICE

STATE RESPONSIBILITY & FORMS OF REPARATIONS

- COMPENSATION: GOVERNMENTS ARE SCARED OF MONEY MAY BECOME A PROBLEM IN THE SOCIETY
- RESTITUTION: RESTORE VICTIM TO ORIGINAL SITUATION TRANSFORMATIVE REPARATION
- REHABILITATION: MORE THAN MEDICAL & PSYCHOLOGICAL TO MAKE SURE THE CONTINUITY OF LIFE
- SATISFACTION: SO HARD BECAUSE THE VIOLATION HAS TOOK SO MUCH THE WHOLE TJ PRACTICE
- GUARANTEES OF NON-REPETITION: MAKING SURE THAT VICTIMS WILL NOT EXPERIENCE THE SAME VIOLATIONS IN THE FUTURE

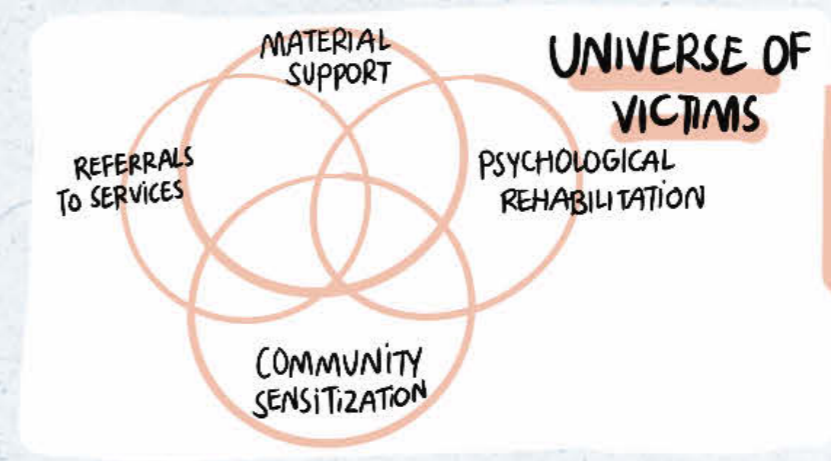
DR MUKWEGE FOUNDATION
LET'S NOT WAIT FOR THE STATE



SERVICES LIFE PLAN: VICTIMS HAVE CONTROL OF THEIR LIFE

UN SPECIAL RAPPORTEUR ON VAW

REPARATIONS & STRUCTURAL TRANSFORMATION



TRUST FUND FOR VICTIM ICC

CHALLENGES IN ASIA:

STATE NEGLECT & DENIAL
PERPETRATORS WANTING CORRUPTION
COMPENSATION TO BUY PEACE
VIOLATIONS & DISCRIMINATION

1984 PORT JAKARTA ISLAH - ACCEPTING BUT CANNOT BE DISCUSSED

ROLE OF CIVIL SOCIETY

- CRITICAL IN ENDURING IMPUNITY
- MODELING
- FINDING BALANCE

STOLEN CHILDREN OF TIMOR LESTE



NINA LONG JOURNEY HOME
180 CHILDREN FOUNDED

REPARATIONS

IN INDONESIA: CIVIL SOCIETY TRUTH SEEKING PROCESS
VICTIMS SEEN AS VULNERABLE GROUPS

IN TIMOR LESTE: ASSOSIASAUN CHEGA! BA ITA
ORGANISING AND EMPOWERING VICTIMS

RIGHT NOW IN ACEH: VICTIM'S STRATEGIC TOOL

REHABILITATION

- COMMUNITY & COLLECTIVE REPARATION AS A GROUP
- 1 POLICY / MECHANISM
 - ACKNOWLEDGING COMMUNITY
 - MAY LEAVE BEHIND A GROUP OF PEOPLE

VICTIMS ACKNOWLEDGE FOR A CHANGE

SOCIETY TRANSFORMING ITSELF BASED ON TRUTH

IMPORTANT

A COMBINATION IN WAYS DELIVERING REPARATIONS IS IMPORTANT

PRE MARTIAL LAW IN THE PHILIPPINES

HUMAN RIGHTS FRAMEWORK (1965-1986)
MARCOS AWARE ON HUMAN RIGHTS

1972 PROCLAMATION OF MARTIAL LAW
 SOCIAL ORDER UNTIL FEB 1986
 ICCPR

TOOLS OF MARTIAL LAW
 CONSTITUTIONAL AUTHORITARIANISM
 CRONYISM & PLUNDER
 MASSIVE MILITARIZATION
DAMAGED THE LAW

HIDDEN COST OF "SAVING DEMOCRACY"
HUMAN RIGHTS VIOLATION
 [DISCIPLINE IS NECESSARY]

FACT FINDING MISSIONS
 NGOs ARE HELPFUL TO HELP THE REPARATIONS IN DOCUMENTATIONS

PROVINCE LEVEL DOCUMENTATION

NEVER AGAIN MARTIAL LAW



ATTY. GLENDA T. LITONG
 HUMAN RIGHTS VICTIMS CLAIMS BOARD

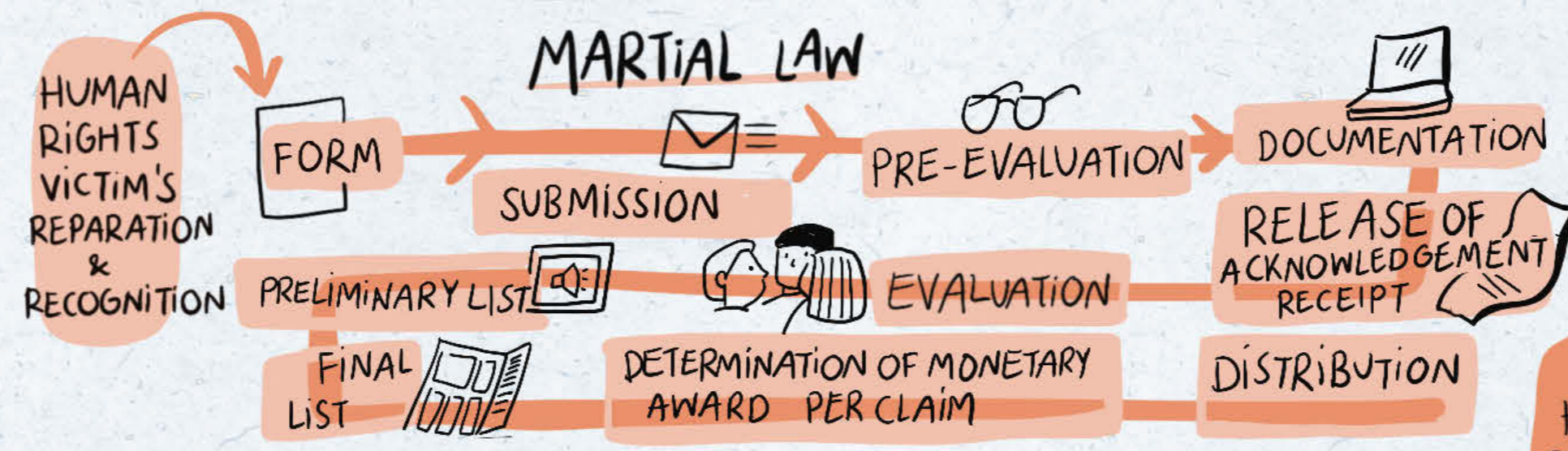
CIVIL SOCIETY RIGHTS
 1987 CONSTITUTION
 ASSET RECOVERY & MUTUAL LEGAL ASSISTANCE
 REPARATION LAW FOR HUMAN RIGHTS VICTIM

RIGHT TO TRUTH IS IMPORTANT

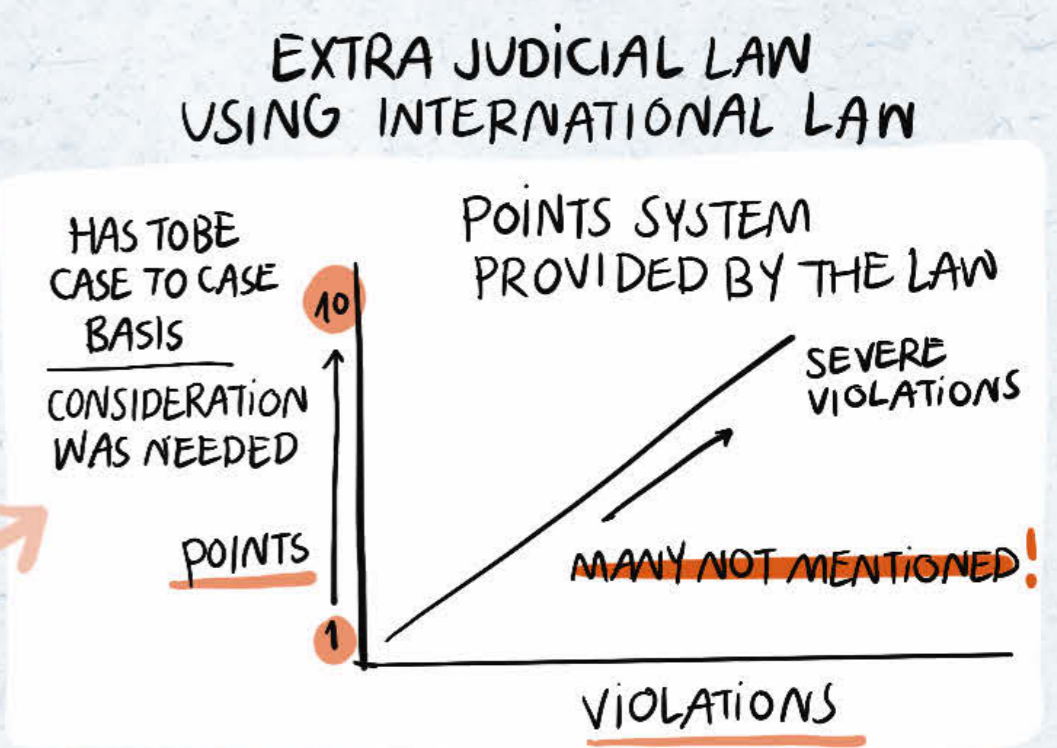
RECOVERY ILL-GOTTEN WEALTH
 SWISS BANK ACCOUNT OF MARCOS FOR REPARATION
 10 BILLION FOR COMPENSATION HUMAN RIGHTS VICTIM WITH DOCUMENTATIONS

DECLARATION OF POLICY
 VALUE & RESPECT HUMAN RIGHTS
 ACKNOWLEDGES MORAL & LEGAL OBLIGATION TO PROVIDE REPARATIONS

REPARATION IN THE PHILIPPINES



1972-1980 VIOLATION
 LAW: HUMAN RIGHTS VIOLATION



FORMS OF REMEDY

REPARATIONS

MONETARY 75749 / 11.103V
 CHECKING EVIDENCE INCLUDING BANK ACCOUNTS

NON MONETARY
 SOCIAL REPARATIONS
 EDUCATE GOVERNMENT BODIES
 ENSURING REPARATION TO BE PROVIDED AS AN OBLIGATION OF THE STATE

RECOGNITION
 ACKNOWLEDGEMENT FROM THE STATE OF VIOLATIONS

HRVV
 HUMAN RIGHTS VIOLATIONS VICTIM

MEMORIALIZATION
 HISTORY BOOK SHOULD PRESERVE THE MEMORY OF HUMAN RIGHTS VIOLATION
 HEALING ASPECTS IN COMMUNITIES WILL GIVE A CLOSURE AS A GROUP

EDUCATE ON HUMAN RIGHTS BECAUSE MANY PEOPLE DON'T UNDERSTAND WHAT HAPPENED

LESSONS LEARNED

TJ IS NOT EASY!

PEOPLE RIGHTS TO KNOW ON TJ



TJ REFERS A WIDE RANGE OF MEASURES THAT WOULD CATER TO THE SENSE OF JUSTICE HAS BEEN CARRIED OVERTIME AND HAS DEEPER EFFECT

TJ MUST LOOK INTO MEASURES TO PREVENT RECURRENCE

FRAMING STATE OBLIGATION & ACKNOWLEDGEMENT
 NON-DISCRIMINATION
 SOCIAL ACCESSIBILITY SHOULD APPEAR



CHALLENGE OF TRANSITIONAL JUSTICE IN ASIA





HUMAN RIGHTS DURING PANDEMIC

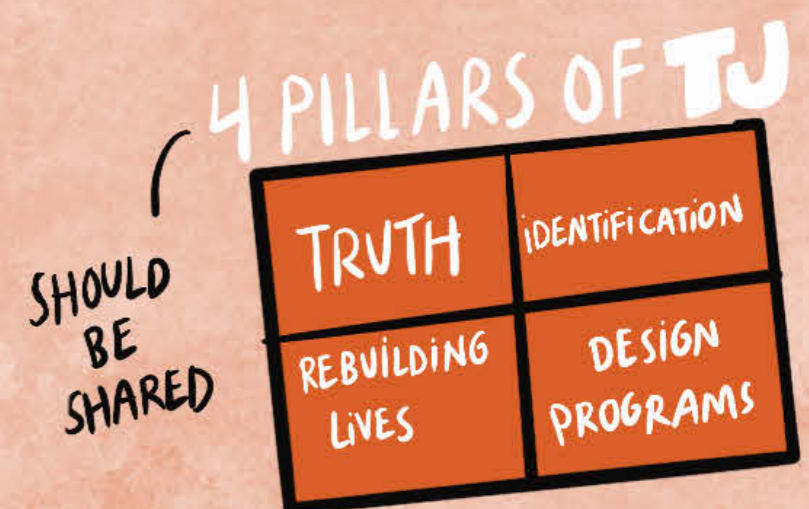
WE CAN ALL DO HUMAN RIGHTS JOB
HUMAN RIGHTS WORK IS NOT TOUGH IT'S A RICH OPPORTUNITY

PATRICK BURGEES
PRESIDENT OF AJAR

DURING PANDEMIC WE FEEL
ISOLATED INSIDE IN DARK PLACES
JUST LIKE THE VICTIMS OF HUMAN RIGHTS VIOLATION



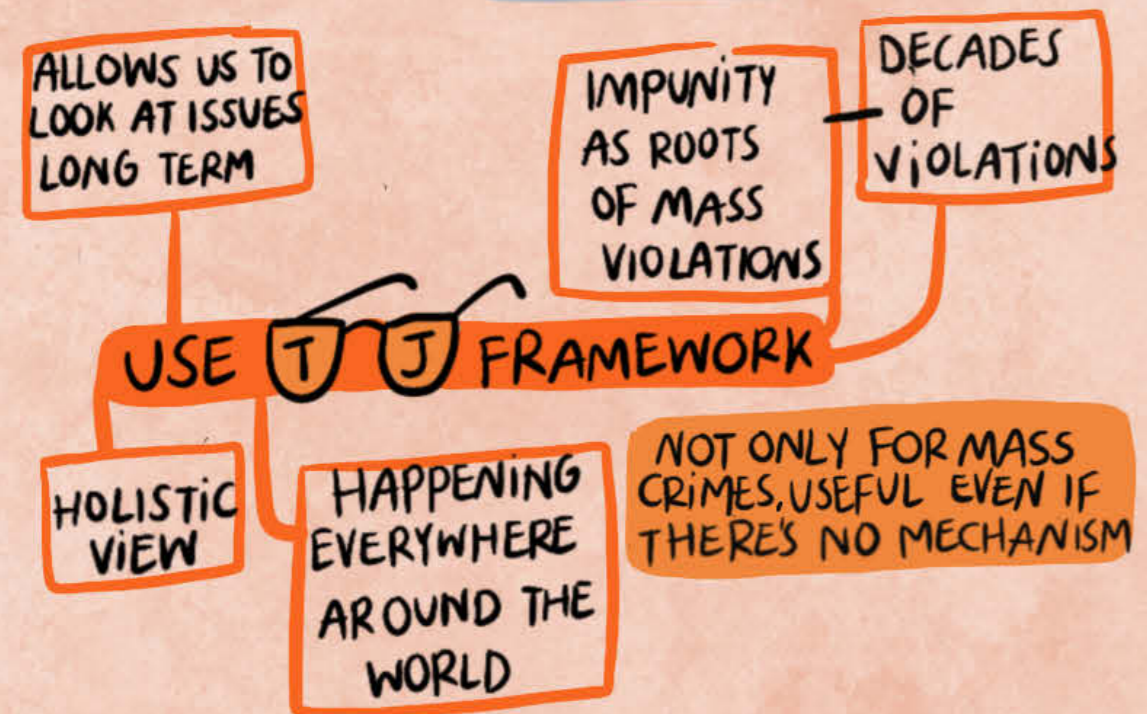
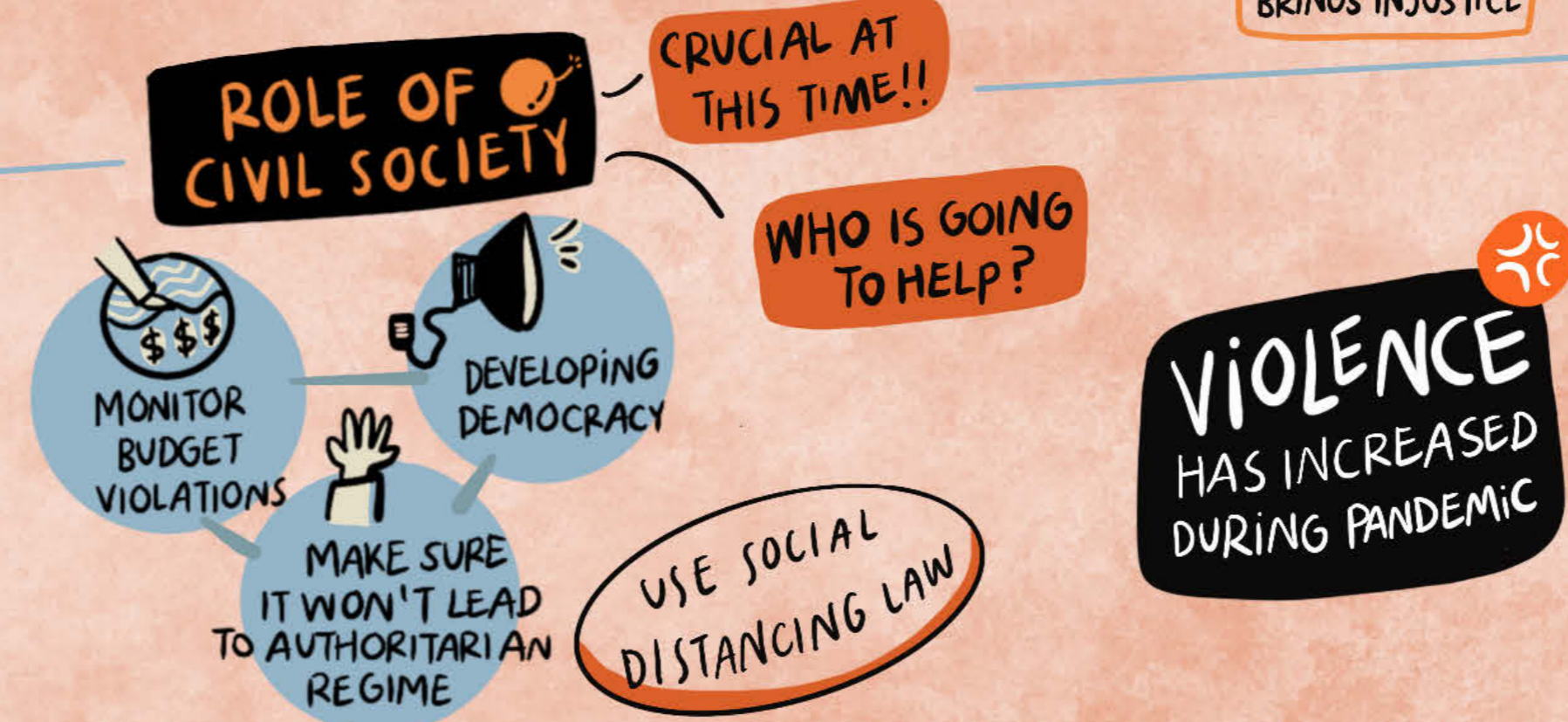
SOMANY MASS HUMAN RIGHTS VIOLATIONS HAPPENING IN MILITARY RULED COUNTRIES



HUMAN RIGHTS
NEGLECTED DURING PANDEMIC

ATTENTION ONLY ON THEMSELVES

NO SIGHT ON HUMAN RIGHTS



THE RETURN OF AUTHORITARIANISM
WITH THE KICK OF PANDEMIC

IT LEADS NOWHERE GOOD



- SHOULD BE PREPARED TO FIND JUSTICE
- DO WHAT'S POSSIBLE NOW
- PREPARING FOR PROSECUTIONS/ FINDING JUSTICE
- WE PREPARE FOR ACCOUNTABILITY

ARGENTINA WAITED 60 YEARS TO PROSECUTE

WHAT HAPPENED BEFORE CAN STOP & NOT HAPPEN AGAIN



SOMCHAI HOMLAOR

PRESIDENT OF CROSS CULTURAL FOUNDATION, THAILAND

THAILAND NOW

YOUNG GENERATION
HAND IN HAND TO FIGHT FOR DEMOCRACY

DIGITAL TECHNOLOGY



GOVERNMENT CANNOT RESTRICT FREEDOM OF SP & ASSOCIATION
SET UP THEIR OWN

USING POWER FOR MOVEMENT IN DIGITAL TECHNOLOGY

YOUNG GENERATION CHANGED THE BELIEVE OF NO ONE CAN RESTRICT THEIR VOICE



NEW DIMENSION FROM YOUNG GENERATION FOR THEIR FUTURE

JUDICIARY INDEPENDENCE IS IMPORTANT

STRONG CIVIL SOCIETY IS NEEDED

MANY PEOPLE KILLED & INJURED BY MILITARY

NO OFFICERS BROUGHT TO PROSECUTIONS



VIOLENCE
HAPPENED EVERY 10 YEARS

PROTESTS BY YOUNG PEOPLE

CURRENT CONDITION IN THAILAND:



REFORM MONARCH GENUINE UNDER THE CONSTITUTION

SIENCE 10 YEARS AGO

13 COUP BY THE MILITARY
TORN CONSTITUTION
NO FREEDOM RESTRICTIONS

22 CONSTITUTION IN THAILAND

RESTRICTING FREEDOM OF ASSOCIATION

DISSOLVING POLITICAL PARTY



CHALLENGE REFORMATION OF THE MONARCHY

MONARCHY GIVING SUPPORT TO MILITARY



TJ APPLYING FOR DEMOCRACY

MANY LAWYERS USE LITIGATION TO FIGHT BACK THE GOVERNMENT POLICE & MILITARY

USE THE LAW TO HARRAS THE OPPOSITION

JUDICIARY MUST BE INDEPENDENT

MILITARY REFORMING MILITARY

ACCUSED AS SEPARATISM

MANY THAI ACTIVISTS RUN TO CAMBODIA
PEOPLE CRITISICING THE GOVERNMENT GONE MISSING

8 PEOPLE WERE ABDUCTED

AUTHORITY MILITARY REGIME CROSSING THE BORDER



COORDINATE WITH OTHER COUNTRIES

ACTIVIST HAVE NO PLACE NO SAFE SPACE

RESTRICTING FREEDOM IN OTHER COUNTRIES

USING 4 PILLARS OF TJ IN THAILAND

APPLICABLE FOR SINGLE CASE
STRONG CIVIL SOCIETY IS IMPORTANT FOR LOCAL LEVEL & NATIONAL LEVEL



SINCE 2014

STRONG SUPPORT UN & INTERNATIONAL COMMUNITY





INTERNALLY DISPLACED PERSONS

CECILIA JIMENEZ-DAMARY
UN SPECIAL RAPPORTEUR ON
INTERNALLY DISPLACED PERSON

GO TO THE
ROOT CAUSES
WHY THIS
VIOLATION IS
HAPPENING

HUMAN RIGHTS SHOULD
BE UNIVERSAL & INDIVISIBLE



**INTERNALLY
DISPLACED
PERSON
(IDP)**

JURISDICTION
IN BORDER

FORCED
TO LEAVE
THEIR HOME

LINKED TO
VIOLATION
OF HUMAN
RIGHTS

LINKED TO
AUTHORITARIANISM
&
MILITARISM

MANY FAMILY
MEMBERS KILLED IN
ARMED CONFLICT



IDP INCREASED
OVER THE PAST
2 DECADES

IDP HAS NO
TIME LIMIT

800.000
NEW IDPs
DURING PANDEMIC

50 MILLION
OF IDP
IN THE
WORLD NOW

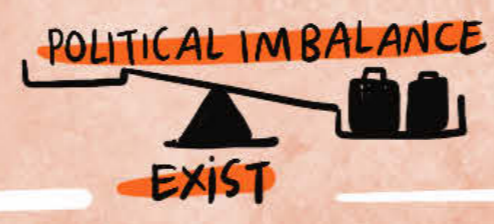
AUTHORITARIANISM &
MILITARISM RISES
INCIDENTS & IDPs



**INDIGENOUS
PEOPLE**

MARGINALISED
VULNERABLE
DISCRIMINATION

STEPS SHOULD BE TAKEN
IN RESTITUTION



POLITICAL IMBALANCE
EXIST

EXPERIENCING
VIOLATION OF
RIGHTS
LAND STRUGGLE
PROPERTY RIGHTS

HR ACTIVISTS
WORKING

3 FACT FINDING
HR DURING IDP
SOLUTIONS

COUNTRY SHOULD TAKE
PRIORITIES

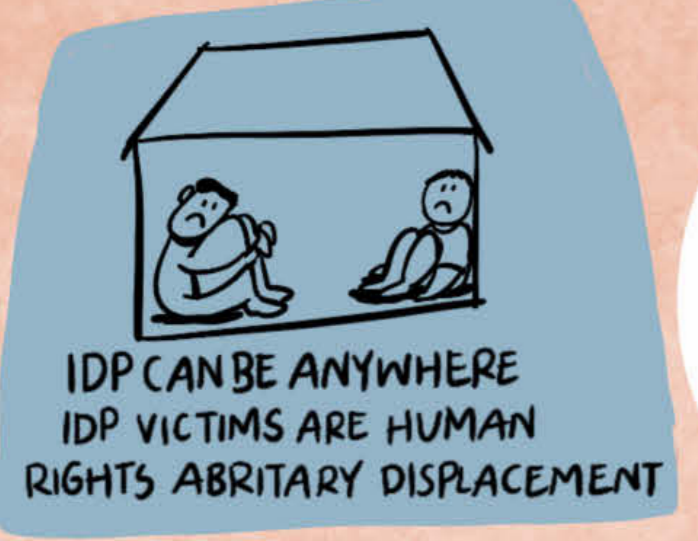
TJ APPLIED TO
THE RIGHTS OF IDP
INCLUSION VICTIMS OF
HUMAN RIGHTS

COLUMBIA
TREATING IDP
& HR VIOLATION

COLLECTIVE
REPARATION
IN TJ FRAMEWORK

ALONG PATH
TO ENSURE
TJ APPLIED
TO IDP

HAVE
THE
RIGHTS



IDP CAN BE ANYWHERE
IDP VICTIMS ARE HUMAN
RIGHTS ARBITRARY DISPLACEMENT



VIOLENCE
& INJUSTICE
A CYCLE



SHOULD BE
OFFERED
COMMITMENT
LAND & PROPERTY ARE ALSO
EXPERIENCING
HUMAN RIGHTS VIOLATION

ENSURE THE RIGHTS OF IDP



ORGANISATIONS &
CIVIL SOCIETY ARE
IMPORTANT

IDP ARE AFRAID
TO SPEAK UP
THE IMPACT OF
AUTHORITARIANISM
NGO HELPS VICTIMS
TO SPEAK UP
SAFETY & SECURITY
IS THE PROBLEM

HOW TJ APPLIED TO THE IDP?

LOOK AT THE FRAMEWORK
APPLIED IN YOUR COUNTRY



NEEDS TO BE
HEARD

TJ PROCESS
ARE DIFFICULT
TO ACCESS

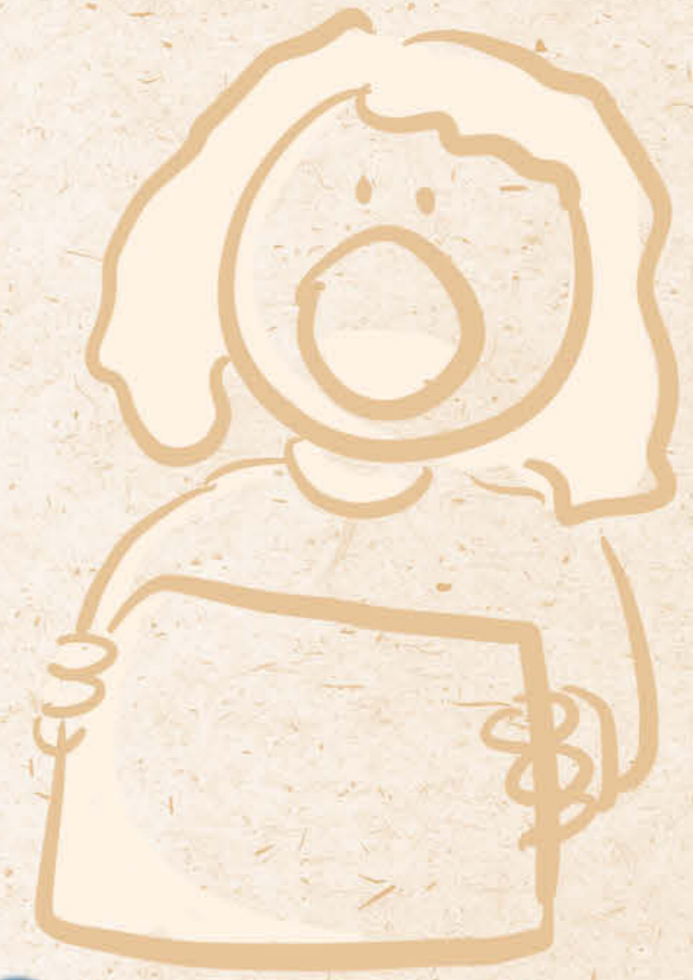
GENDER MINORITY
APPROACH

DIVERSE GROUP
OF IDP
PRACTITIONERS
LOCAL / CULTURAL
RECONCILIATIONS
COMPLIES WITH
THE STANDARD

LIKE
COLUMBIA

VICTIMS OF
INTERNALISED
DISPLACEMENT

GENDER JUSTICE & TRANSITIONAL JUSTICE



CONCEPT & DEVELOPMENT OF GENDER JUSTICE

SRI LANKA



SARALA EMMANUEL
SURIYA WOMEN'S DEVELOPMENT, SRI LANKA

REIMAGINE EQUALITY FOR EVERYONE

WHO DECIDES?

- OFFICE OF MISSING PERSONS COMMISSIONERS TAKES YEARS TO SET UP
- ♀ EQUAL WOMEN COMMISSIONERS VICTIMS OF SURVIVORS

WHOSE RIGHTS?

INTERSECTIONAL MARGINALISATIONS OF RACE / ETHNICITY
DIFFERENT GROUPS HAVE DIFFERENT STORY



WHAT KIND OF RIGHTS?

WHAT ARE THE CONTRACTS?

IN FIGHTING:

SHOULD NOT PUT ALL EGGS IN 1 BASKET



THERE SHOULD BE PEOPLE WHO ARE STILL FIGHTING ON THE SAME CAUSE

IT'S ALONG JOURNEY & SHOULD BE SUSTAIN

1. MAINTAIN INDIVIDUAL SPACES FOR WOMEN SURVIVORS
2. GIVE GOOD SUPPORT



VULNERABLE FOR POLITICAL AGENDA

WHAT IS BEING DISCUSSED
NO REFORMS POSSIBLE WITHOUT MUSLIM WOMEN
IN A ROOM FULL OF MEN
WHO IS BEING DISCUSSED

CURRENT CABINET OF MINISTERS NO GENDER EQUALITY.

WHO IS REPRESENTING

IMPORTANT! :

- CONSTITUTION
- WOMEN'S PARTICIPATION
- VOICE OF SURVIVORS
- MOBILISATION OF WOMEN AWARENESS RAISING

TO ENSURE GENDER JUSTICE

GENDER JUSTICE FRAMING

- CULTURAL PRACTICES SHOULD MAKE PEOPLE SEE
- START THE UNDERSTANDING WITHIN THE COMMUNITY WITH MEN & BOYS

1 UNIVERSAL PRINCIPLE
LIVE IN BALANCE HOW WE HUMAN BEING SHOULD LIVE

2 ABSENCE OF OF DISCRIMINATION
ARE WE ENSURING NO DISCRIMINATION

3 RIGHTS IN DEVEVELOPMENT PROCESS
ECONOMIC & POLITICAL DEVELOPMENT

SOCIO-CULTURAL RIGHTS
EVERYDAY LEGAL PRACTICE

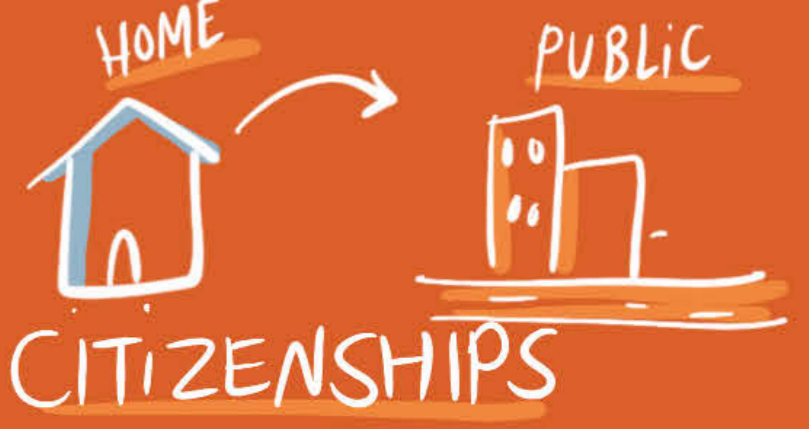
EVERYDAY LIFE

SOCIAL CONTRACTS
CULTURALLY VALID
NON-DISCRIMINATORY

ARE WE READY TO CHALLENGE PATRIARCHY?

IN FAMILY MARKET
STATE SEXUAL CONTRACT
ECONOMIC CONTRACT
NOT POLITICAL CONTRACT

ARE WE WILLING TO LOOK AT GENDER DISCRIMINATION FROM HOME TO PUBLIC SPACE



INCLUSIVE CITIZENSHIPS
LOCAL TRUTH SEEKING PROCESS
MATRI LINEAL LAND RIGHTS, TRADITIONAL RIGHTS

PLURALISM NO DISCRIMINATION

GENDER JUSTICE IN TIMOR LESTE



MANUELA PEREIRA
ACbit

HISTORY

1500-1600 PORTUGUESE
1945 JAPANESE
1974 CARNATION REVOLUTION IN PORTUGAL
1975
INDONESIAN INVASION 1980-1998
RESISTANCE & SYSTEMATIC GENDER VIOLENCE 1999
1400 KILLED
250 DISPLACED 60.000
INDEPENDENCE PREPARATION

ROAD TO GENDER JUSTICE

FOKUPERS
EST. 1997
EMERGENCY PROGRAMS
TRAUMA HEALING
SHELTER FACILITATION
DOCUMENTATION GBV
AWARD FROM PRESIDENT

IMPACT OF VIOLENCE

SUFFERED PSYCHOLOGICALLY AND PHYSICAL
STOLEN CHILDREN
MANY WOMEN KEEP THE STORIES AS SECRETS
MISSING PEOPLE BELIVED AS DEAD
FAMILIES CREATING GRAVES & PRAY CONSTANTLY FOR THEIR SPIRIT
DATA GATHERING OF STOLEN CHILDREN
80/100 STOLEN CHILDREN REUNITED
AJAR X WORKING GROUP (INDONESIA & TIMOR LESTE)

ACbit
STRENGTHENING WOMEN VICTIMS & SURVIVORS

SPECIAL PANEL FOR SERIOUS CRIMES IN TIMOR LESTE
2000-2005
VICTIMS DIFFICULT TO TALK

HYBRID COURT- ESTABLISHED IN 2000
MANY PERPETRATORS RUN TO INDONESIA
LOLOTOE CASE AS SERIOUS CRIMES-RAPE CASE

CURRENT SITUATION

WOMEN STILL STRUGGLING
NO NATIONAL LAW
MINIMAL ATTENTION
MANY VIOLENCE / MORE HAPPENING
ACCESS IS LIMITED (HEALTH, EDUCATION)
MULTIPLE LAYERS OF DISCRIMINATION

DOES TRUTH BRING RECONCILIATION?

ACCESS TO JUSTICE IS LIMITED
CASES ARE NOT FINISHED
PERPETRATORS CAN STILL BE FREE → CREATES NEW VIOLENCE

COMMISSION FOR RECEPTION, TRUTH & RECONCILIATION IN TIMOR LESTE (CAVR)
2002-2005
REVEALING THE TRUTH ON HR VIOLATIONS FROM 1974-1999

COMMUNITY BASED RECONCILIATION

MALE & FEMALE 30% WOMEN STATEMENT
WOMEN RESEARCH UNIT
WOMEN PUBLIC HEARING

RESEARCH & PUBLIC HEARINGS

Chega!
8000 STATEMENTS
SEPARATED CHILDREN FROM FAMILIES TO ORPHANAGES IN INDONESIA
853 SEXUAL VIOLENCE CASE
BULLYING ARE STILL HAPPENING OR DISCRIMINATION OF "TNI" CHILDREN

GOVERNMENT EFFORT

PENSIONS
STOLEN CHILDREN
CNC
A LOT OF RESOURCES BUT NOT SUPPORTING VICTIMS
MORE RESOURCES LEARNING ABOUT THE PAST
NOT MANY EFFORTS WITH WOMEN ISSUE
WORKING NOW FOR MEN / VETERANS SHOULD BE BALANCED
ACbit
NO CONTINUATION OF SUPPORT

SOCIAL HEALTH ECONOMIC EMPOWERMENT

2013-2019
501 WOMEN DOCUMENTED
234 CASES OF RAPE SEX, SLAVERY, FORCED MARRIAGE

STONE & FLOWER

PAR LINKING WOMEN SURVIVORS
CREATING DIALOGUE

ACbit
NO CONTINUATION OF SUPPORT

"The biggest learning so far is that being involved in transitional justice, even if it's just in terms of learning about it, we will have to be a continuous, long-term process and that we have to keep channels open so we can keep learning about experiences from other contexts"

- PARTICIPANT OF THE COURSE



NOVEMBER 2020

TRANSITIONAL JUSTICE
ASIA NETWORK

