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

TRANSITIONAL JUSTICE
DEALING WITH MASS CRIMES

MECHANISM
SOCIETY
HUMAN RIGHTS
TIMOR LESTE
INDONESIA
MYANMAR
BANGLADESH

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

TRUTH SEEKING
FIND OUT THE TRUTH & SHARE IT

TRUTH COMMISSIONS APPOINT COMMISSIONERS WHO ARE INDEPENDENT AND HIGH INTEGRITY
ACCOUNTABILITY NEEDED
OFFICIAL
- TRUTH COMMISSIONS
- FACT FINDING MISSIONS
- NATIONAL HUMAN RIGHTS COMMISSION INQUIRIES

UNOFFICIAL
NEW MODE
DOCUMENTATION OF VIOLATIONS
SING SONGS FROM THEATRE, AND REPORT HISTORIES
SYRIA, NORTH KOREA

TRUTH COMMISSIONS APPOINT COMMISSIONERS WHO ARE TRUE

REPARATIONS
REPAIR THE LIVES OF THE VICTIMS

JUSTICE RIGHTS FOR TRUTH, FINANCIAL ASSISTANCE BUT VICTIM'S WANT JUSTICE BUT ALSO ECONOMIC ASSISTING PSYCHOLOGICAL NEEDS GATHERING FOR HEALING PROGRESS

INDIVIDUAL
CASH PAYMENTS
PENSIONS
TRAINING
MEDICAL CARE

COLLECTIVE
COMMUNITY
HEALTH CENTERS IN SCHOOLS
FREE SCHOOLING FOR CHILDREN OF WIDOWS

SYMBOLIC
APOLOGY MOVEMENT

REPARATIONS
REPAIRING THE LIVES OF THE VICTIMS

1. PROSECUTIONS
PROSECUTE WHO ARE RESPONSIBLE

COURTS
- INTERNATIONAL COURTS
- HYBRID COURTS
- NATIONAL COURTS
- UNIVERSAL CRIMINAL COURT
- INTERNATIONAL CRIMINAL COURT

2. COMMUNITY
GENOCIDE, CRIMES AGAINST HUMANITY

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

PAST
FUTURE

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

WHO HAS THE RIGHTS TO NOT PROSECUTE? VICTIMS HAS THE RIGHTS OF JUSTICE
AMNESTY SHOULD NOT BE GIVEN FOR INTERNATIONAL CRIMES

BANGLADESH - ROHINGYA
INTERNATIONAL COMMUNITY SHOULD HELP PROSECUTIONS FILES SAFE RETURN TO MYANMAR CHALLENGE TO BARS OF DICTATORSHIP

MARGINALIZED COMMUNITIES WORK ON REPARATIONS BUT STILL WORK ON THE VICTIMS

PEOPLE RESPONSIBLE FOR MASSIVE CRIME SHOULD BE PROSECUTED

MAKING HISTORY
HUMAN RIGHTS

RESEARCH
HURRAH RESEARCH

60 YEARS BRINGING JUSTICE
IT'S POSSIBLE BUT IT TAKES A LONG TIME
REFORM IS TAKING PLACE
CAMBODIA

WHAT DO WE DO?

3. INSTITUTIONAL
SOCIAL REFORM

SHARE EVIDENCE
PUBLIC HEARING
PREPARING
WE TELL THE STORY!
WE WRITE HISTORY BOOK!
HUMAN RIGHTS STIMULATED

4. PEOPLE
RESPONSIBLE FOR MASSIVE CRIME SHOULD BE PROSECUTED

POLITICAL LEADERS
EQUALLY RESPONSIBLE

MIX AUSTRALIAN ABORIGINAL
CHILDREN

APOLGY BY THE GOVERNMENT
CIVIL MOVEMENT PUSHING THE GOVERNMENT

UNCOVERING THE TRUTH IS INTERESTING

WHY APOLOGIZING IS SO HARD

LOOK AT OUR CONTEXT SEEKING FOR STRATEGY
HOLISTIC WAY

CONFLICT?
MINORITY GROUPS
BORDERS
DEATH TOLLS
CAMBODIA NEPAL INDONESIA

SOMETIMES SOCIETY NEEDS TO BE CHANGED
CELEBRATE SMALL VICTORIES

THERE'S ALWAYS SOMETHING THAT WE CAN DO

HELP VICTIMS FIND CREATIVE WAYS IN DOING TJ

UNCOVER THE TRUTH FOR JH

CONFIDENTIALITY

CHINESE HIGHEST 20-30 MIL BANGLADESH HAPPENED ACROSS THE WORLD

PAPUA NEW GUINEA
PEACE BUILDING AND TRANSITIONAL JUSTICE
PEACE AND ACCOUNTABILITY: WHY TRANSITIONAL JUSTICE REMAIN RELEVANT

**PEACE & ACCOUNTABILITY**

- **Accountability is important**
  - Sexual & gender-based violence, a blindspot for peace
  - PEACE, not only for men but also for women

**CURRENT FORMS OF CONFLICT**

- Reality-based view of conflicts from armed conflict
  - Civil war
  - Political conflict
  - Responses to state repression/violence
  - Separatism & autonomy
  - Communal/religious & ideological conflict

**AMBITION OF TJ**

- Local process & participation as building blocks to justice
- Religious based violence
- Natural resource violence
- Myanmar: ethnic
- Thailand movement
- Philippines: listening models to indigenous
- Sri Lanka: TJ promise
- Nepal: far, but civil society jurisdiction

**CURRENT CONDITION**

- Strong impunity culture in Asia
- We cannot dream TJ will be given by the state
- Dance
- Hard work of civil society

**PANDEMIC COVID-19**

- Indonesia
  - National Truth Commission: a promise since 20 years ago
  - Outreach surveys victims impacted by COVID
  - Victims of '65 are old
  - Food drop
  - Timor Leste: stopped by pandemic
  - Budget cut
  - Now facing pandemic
  - Little from the state, more from civil society

**CYCLE OF MASS VIOLATIONS**

- Not only past or present violations
- Adapting TJ tools to look at the current form

**TARGETS**

- Enduring impunity
- Participatory tools made by Ajar in 2015
- Women gathered for informal peace process by storytelling

**PEACE & ACCOUNTABILITY**

- State has to end impunity
- Including sexual & other violence against women & girls
- Very little involvement of women in studies
- IN PEACEBUILDING none of them as part of peace negotiation, documentation, or discussion

**20 YEARS SINCE UNSCR 1325**

- 10/40 women combating impunity
- Timor Leste 6/10
- Myanmar 4/10
- Indonesia 0/10

**TRANSITIONAL JUSTICE**

- TJ is still relevant?
  - Useful
  - Increase tolerance
  - Most TJ work slow, led by lawyers, high level elites

**TJ NEEDS**

- More participatory process
  - Exchanging process
  - TJAN is important to create discussion

**PARTICIPATION IS IMPORTANT**

- Should be simple for local communities to be understood so people can participate

**INDONESIA**

- National Truth Commission: a promise since 20 years ago
- Outreach surveys victims impacted by COVID
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FROM NEGATIVE TO POSITIVE PEACE?
BRIEF BACKGROUND ON PEACE PROCESS AND HOW TJ IMPLEMENTED IN ACEH, INDONESIA

GOOD NEWS
- 2005 HELSINKI MOU GOVERNMENT OF INDONESIA & FREE ACEH MOVEMENT (GAM)
- REINTEGRATION AGENCY
- LAW GOVERNANCE OF ACEH 2006
- PEACEFUL COMMISSION SINCE 2018
- SPECIAL AUTONOMY FUND, SELF-GOVERNANCE

BAD NEWS
- NOT FOLLOWING PEACE AGREEMENT
- IMPROVEMENTS NEEDS TO BE DONE
- IMPACT FROM 30 YEARS OF WAR
- CAPACITY OF HUMAN RESOURCES
- CIVIL SOCIETY IS NOT AS VIBRANT
- FREE ACEH MOVEMENT CREATING A PERMANENT AGENCY
- IMPUNITY ISSUE IN INDONESIA
- MOU PEACE NOT FULLY IMPLEMENTED
- AMBIVALENCE OF CENTRAL GOVERNMENT'S POLITICAL WILL PlainText
- FORMAL REBELS ARE GOVERNING
- INSTITUTIONAL ARRANGEMENT

CHALLENGES
- REFUSING TRAINING CAMPS FOR FORMER COMBATANT IN ACEH
- REINTEGRATION FAILING IMPACT
- ACCOUNTABILITY
  - ESTABLISHMENT OF HUMAN RIGHTS COMMISSION
  - TRUTH SEEKING
  - ESTABLISHING PERMANENT TRC, FORMULATING & DETERMINING RECONCILIATION MEASURES
- REPARATIONS
  - ISLAMIC LAW
  - INSTITUTIONAL REFORM
  - BACKLASH AUTOCRATIC GOVERNMENT

THE MOU PROVISION ON TJ
- POST-CONFLICT PEACE BUILDING
- CONFLICT PREVENTION
- CONFLICT MANAGEMENT AND RESOLUTION
- DISARMAMENT
- DEMOBILIZATION & REINSERTION
- REINTEGRATION
- TRANSITION CHALLENGING PHASE
- AN IMPORTANT PHASE

LONG ROAD HOME
- DISARM
- DEMOBILIZE
- TRANSITION
- REINTEGRATE
- BASIC CHANGE
- BUILD THE FUTURE

SAIFUL MAHDI
UNIVERSITY OF SYAH KHALIF
ACEH

COVID-19
- CURRENT APPEAL WAS REJECTED
- BRINGING BACK TRAUMA FROM CONFLICT

ACEH COMMISSION DURING COVID-19
- 4000 STATEMENT FROM THE SURVIVORS
- NOW DOING OFFICE WORK V ANALYSIS
- DGE: DIRECT INTERVENTION IS HARD TO DO NOW
- HEALTH SUPPORT IS CHALLENGING

AFTER
2005 PEACEFUL AGREEMENT

BEFORE
2003 MARTIAL LAW

B Burden for Transition

C Burden for Transition

SAIFUL MAHDI
UNIVERSITY OF SYAH KHALIF
ACEH
RIGHT TO TRUTH AND TRUTH MECHANISM
THE ACEH TRUTH AND RECONCILIATION COMMISSION

TRC AFTER 4 YEARS
- Government should support TRC, political will
- Willingness & openness of the victims and witnesses

WHAT HAPPENED IN ACEH?
- 30 years of conflict
- 2005 Peace Agreement
- TRC by national government
- 2020 REFECTIVE MODE
- Aceh creating local law based on autonomous rights
- Govt. is not taking it seriously
- Violence ended should be secure enough for victims to speak
- Freedom of speech but no guarantee of freedom of after speaking

Afridal Darmi
The Aceh TRC

NOW
- 1530 victims from 14 regencies
- Target 10,000 victims’ statements have been taken out of 600 in process
- March - Pandemic, 968 victims cancelled in 2020
- 2018 - Torture
- 2019 - Disappearance
- Human rights violations in Aceh
- Not sustainable any institutions

245 victims recommended to Aceh government
4286 names recommended for Covid-19 government relief policy

LOCAL EFFORTS
- Memorialisation in Pidie Jaya
- July 2020 & East Aceh December 2019
- MOU with witness protection agency

NO RECONCILIATION WITHOUT TRUTH
- Effort of reconciliation has been done but did not succeed
- Back to square 1
- Need for truth finding

FUTURE
- Victims have not received their rights
- No reparations program by the government

INSTITUTION KOMNAS PEREMPAN
CSO INSTITUTIONS
- Extreme precautions on information & follow up
- We don’t re-victimize them

TRC SETUP
- Not 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)

TRC MANDATES
- Truth seeking, reparations, reconciliation
- Not doing harm perpetrators & victims

INTERNAL OBSTACLES
- Bureaucracy
- Recommendation TRC for Indonesia

EXTERNAL OBSTACLES
- Many wrong accusations
- Many not coming to the truth
- Many not coming to the truth
- No enforcement for revealing the truth

REPARRATION
- 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 & reparations
- National task force to support reparations for victims
- 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
- Reparation budget should be provided"
RIGHT TO JUSTICE AND PROSECUTIONS
PROSECUTIONS FOR SERIOUS CRIMES

CAMBODIA 1975-1979

MASS ATROCITIES

CRIMES COMMitted 75-79

SUPPORTED BY COMMUNIST BLOCK

NOT RECOGNISED BY INTERNATIONAL LAW

LOCAL JUSTICE SYSTEM

PROCESSING ENDING VIOLATIONS > IMPUNITY

PROVIDING TESTIMONIES FOR A BIGGER & CLEARER HISTORY

CAN YOU REPAIR THE SOCIETY THAT HAS BEEN AFFECTED?

COUNTRY TO RESTORE DIGNITY > EXPECTATION

CHALLENGE OF HYBRID COURT

ENSURING CREDIBILITY, INDEPENDENT, AND FAIR

DEPENDS: POLITICAL WILL DESIRE OF VICTIM

NEW MECHANISM: HYBRID COURT

IS IT CREDIBLE? INDEPENDENT? FAIR & JUSTICE FOR ALL?

WHAT IS THE POLITICAL WILL?

ECC HYBRID 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 TRANSPARENCY & INDEPENDENCE

KHMER TRIBUNAL IS NOT CHEAP

3 SUSPECTS DIED > CASE DISMISSED

PANHAVUTH LONG

HUMAN RIGHTS LAWYER CAMBODIA

LEGACY

INTERNATIONAL COMMUNITY HYBRID COURT

IS IT STILL THE MOMENTUM FOR VICTIMS?

POLITICALLY FINANCIALLY

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

EAST TIMOR IS REPEATING IN CAMBODIA

SRI LANKA

TRIBUNAL 97

SENTIMENT FROM SRI LANKA SAME CONDITION

CAMBODIA 1999 INT. WANT LEGITIMATION INTERNATIONAL SUPPORTING THE TRIBUNAL COMMUNITY 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

WHAT TO LOOK OUT IN THE TRIBUNAL PROCESS?

CREDIBLE INTEGRITY FOR VICTIMS

THE MECHANISM IS NOT CLEAR ACCOUNTABLE TO WHAT?

MONEY & ENERGY

DON'T SPEND EVERYTHING WHEN IT STARTED, EAST TIMOR CAMBODIA TOWARDS NOT MONITORED OR EVALUATED

ECC GOOD START GOES BAD

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

The Extraordinary Chambers of Cambodia

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

DO ADVOCACY, CIVIL SOCIETY CAN CONDUCT THE PROCESS

WHAT SO MECHANISMS CAN BE SET UP
INTERNATIONAL CRIMINAL COURT

ICC
**ICC: The International Criminal Court**

- **ICC Created by the Rome Statute:** Treaty adopted in 1998, Force in 2002
- **ICC Crimes:**
  - Crimes against Humanity
  - Genocide
  - War Crimes
  - Aggression
- **CRIMES Location Time:**
  - (123) Countries
  - Prosecutor of ICC is a woman Fatou Bensouda
- **CCR RELIES ON STATES ONLY GOVERNMENT CAN ARREST SUSPECTS**
- **Treaty Adopted in 1998, Force in 2002**
  - **Prosecuting Criminals**
    - Complementarity of ICC
    - The state is willing or able, or does not genuinely investigate
    - To the same potential suspects for the same potential conduct
- **Complementarity of ICC if:**
  - ICC NOT REPLACING DOMESTIC COURT
  - IF THE COUNTRY NOT WILLING TO DO IT, ICC WILL DO THE WORK
- **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
- **ICC Current Situation:**
  - No Trial at the Moment
  - ONLY INVESTIGATION
- **ICC CAN PROSECUTE MEMBERS OF GOVERNMENTS HEADS OF STATE**
  - **Suspects:**
    - Individual
    - >18yo
    - Bear the greatest responsibility
- **ICC Trust Fund:**
  - For Victims
  - Creating a system while ICC is doing the case
  - Have the mandate to reparations
- **Katanga & Lubanga (2003):**
  - **TJ is a Holistic Framework**
    - Can be adapted to different context
  - **Child Soldiers:**
    - Victims themselves
    - Money for reparations from donors
  - **Collect Evidence Bring Case Request Arrest Warrant Can Be Public / Secret**
  - **Reparation Implementation Plan:**
    - Submit to the Judges for approval
    - Judges give general repartition
  - **Collective Reparations:**
    - Education Psychosocial Income generating activities
  - **Ordered By:**
    - Judges linked to a case
    - Symbolic programs, not only financial compensation
  - **Trust Funds ICC:**
    - Provide system in the country
  - **Laetitia Bonnet Ajar**
  - Victims participation have the right to participate
- **Initiating ICC Proceedings:**
  - State Parties
  - Non-State Parties
  - Declaration
  - Can Call for Referral
- **Lobby your Government**
  - Prosecutor under Diana Initiative
  - State Party Acceptance
  - Referendum by UN Security Council

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**The International Criminal Court**

- **TRYING INTERNATIONAL CRIMINALS**
  - 
- **CRIMES LOCATION TIME**
  - (123) Countries
  - Prosecutor of ICC is a woman Fatou Bensouda
- **PROSECUTOR OF ICC IS A WOMAN FATOU BENSOUDA**
- **CC RELIANT ON STATES ONLY GOVERNMENT CAN ARREST SUSPECTS**
- **ICCC CANNOT ARREST**

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**Complementarity of ICC if:**

- The state is unwilling or unable, or does not genuinely investigate
- To the same potential suspects for the same potential conduct

**ICC IN CASE: KATANGA & LUBANGA**

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ICC FOR MYANMAR / BANGLADESH

**Timeline**

- **April '18**
  - Prosecutor asked judges on ICC jurisdiction
  - ICC has jurisdiction over those crimes

- **September '18**
  - "YES!"
  - ICC judges made a decision

- **4 July '19**
  - Prosecutor asked the judges to authorise an investigation into the crimes that occurred since 1 October 2016
  - Including future crime as long as it is committed in Bangladesh territory

- **14 November '19**
  - The judges authorised the investigation

**INVESTIGATION**

- Collect evidence
- Requesting arrest warrant
- Question victims & witness
- Arrest warrant might be public or secret (under seal)

**Next Step**

- Public/Secret?
- Evidence?
- Enough evidence?
- Pre Trial - Trial
- Arrest warrant
- Investigation
- Arrest
- ICC cannot conduct trial in absence
- If nobody arrest & hand them to ICC, there will be no trial

**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
- Knock, knock
- Lobby ICC departments to do outreach
- Public information for all communities
- Lobby ICC Trust Funds for victims to start assistance programs for Rohingya victims

**Laetitia Bonnet Ajar**
MEMORIALISATION & PRESERVING MEMORY
MEMORIALISATION & PRESERVING MEMORY
BANGLADESH EXPERIENCE

Mofidul Hoque
Liberation War Museum

The Story of Bangladesh

- Genocide by Army for 9 months
- 1971
- 3 million dead

1972 Political change
- Killing of the Founding Father Sheikh Mujib

Memorialisation

- Sculpture in public place
- New historical narrative
- Denial of history distortion
- Sculpture society engaged to tell their story

Memorialisation at Savar by Government

Memorialisation is a key concept in T

Rohingya Genocide
Many Memorialisation

Liberation War Museum

- Est'96
- Citizen's effort to memorialise
- Activities starting from communities
- Oral history collection
- Museum
- Memorial site

Killing Field
- Memorial site

New Museum
- 2017
- Despository of documents & facts
- Educational reform is also important

Institutional Reform
- Very difficult without it

Past

Memories should be alive and not forgotten

Present

Focus on people's stories

Experience can change perspective

People's narrative through students

Educate younger generation to celebrate history with their own ways

Memorial in communities is important even though people lost their battle at the national level

Tribunal established in 2010
- Youth in support of trial
- Demonstration
- Healing the wound
- Keep the flame alive
- Path to justice

Memorialisation creates opportunity for activism

Atrocity was widespread
- Local initiative to memorialise also widespread

Film

THEatre

TV Drama

Literature

Media

Activities starting from communities

Educational reform is also important

This museum is the strength of society

Demand of justice became strong

Younger people involved in the museum

Inter-generational

"Ask your grandmother what happened"

Encourage women to tell their stories

Personal narrative in Philippines
MEMORIALISATION IN SOUTH KOREA
MAY 18 MEMORIAL FOUNDATION

1979 - BUSMA UPRISING FOR DEMOCRACY, Bisan & Masan
Assassination of pro-democracy teachers and students

1981 - HUNGER STRIKE

1984 - CEREMONIES STARTED
CATHOLIC CHURCH STARTED MASS FOR VICTIMS

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

1986 - VIDEO OF UPRISING

1987 - JUNE UPRISING
Suppression and protests became fiercer

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

1990 - MAY 18 COMPENSATION ACT ENACTED

1991 - MAY 18 FOUNDATION

1993 - CEMETARY AS HOLY SPOT
13 ASKING FOR THE TRUTH

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 REN ROH ARRESTED
CHUN SENTENCED TO LIFE

1998 - MAY 18 MEMORIAL CEREMONY NATIONAL DAY

2000 - MAY 18 CEREMONY NATIONAL DAY

2007 - TEXT BOOK RECOGNIZING UPRISING

2011 - UNESCO ACKNOWLEDGEMENT

2013 - COMMITTEE TO Cope WITH DISTORTING THE HISTORY UNIFORMED

PROJECTS

BEGINNING
Honoring victims, political protest

TOURIST ATTRACTION
Demanding compensation added

CONFERENCE BOOK

EVOLVED

2014 - MAY 18 CANDLE LIGHT REVOLUTION

2015 - MAY 18 ARCHIVES OPENED

GOVERNMENT

MAY 18 DEMOCRATIC UPRISING TRUTH COMMISSION
FINANCIAL SUPPORT

Cultural Attraction

Sacred City

Remember May 18 Movement

People Culture & May Culture

Contemporary Cultural Movement

Art & Culture Will Bring Young Generation's Attention

Tax Driver

The song should be accessible

As National Memorial Day

May 18 Democratic Uprising Truth Commission
Yearly National Level Memorial Service

Ajjar & Tjan Tool for Civil Society
INSTITUTIONAL REFORM & GUARANTEE OF NON RECURRENCE
GUARANTEES OF NON RECURRENT & INSTITUTIONAL REFORM

4 PILLAR OF TJ
- TRUTH SEEKING
- PROSECUTION
- REPARATION
- NON-RECURRANCE & INSTITUTIONAL REFORM

INSTITUTIONAL REFORM

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

INSTIUTIONAL REFORM CAN BE A CONFLICT OR HELPING

HUMAN RIGHTS ACTIVIST SHOULD FIND THEIR ROLE IN TJ

EG: RELIGIOUS LEADERS

INSTITUTIONAL REFORM TO ABOLISH VIOLENCE HAPPENING

CONSTITUTION REFORM

PROTESTS EVERYDAY FROM STUDENTS
- RESIGNATION
- CONSTITUTIONAL CHANGES WITH REPRESENTATIVES
- REFORM THE MONARCHY

EDUCATION REFORM

MEMORIZATION PAST HISTORY

6 OCT 1979
EXHIBITION CLOSED
ELITE ANNOYED

LEGAL REFORM

CRIMINALIZING TORTURE & ENFORCED DISAPPEARANCES COINCIDING AFTER THE COMMANDER

ELECTION REFORM

INDEPENDENT OF ELECTION COMMISSION
SENATOR BY ELECTION

ROLE OF PARLIAMENTARY SIGHT

- SECURITY SECTOR
- POLICE REFORM
- STRENGTHEN PARLIAMENTARY ROLES
- DEDICATED PARLIAMENTARIAN

REFORM OF THAI MONARCHY

1ST TIME WILL LAST FOR A WHILE
HOW THAI MONARCHY SHOULD BE?
FIGHTING THROUGH SOCIAL MEDIA

POLICE ARE NOW MORE POLITIZING

MILITARY REFORM

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

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 PUBIC
HISTORY WAS RECORDED BY OTHER PEOPLE OTHER THAN GOVERNMENT

PRISON REFORM EXPERIENCE
RECOGNISE THEY NEED A REFORM

BEFORE → AFTER
INHUMANE → INTERNAL REFORM

INTERNATIONAL RECOGNITION & SUPPORT

FREEDOM OF EXPRESSIONS ARE STILL OKAY!

NOW IS THE MOST DEMOCRATIC ERA IN THAILAND
INSTITUTIONAL REFORM IN TIMOR LESTE

INSTITUTIONAL REFORM TO PREVENT WHAT HAPPENED IN THE PAST

12 YEARS TO ESTABLISH FOR THE GOVERNMENT TO REALISE IT TAKES A LONG TIME

CENTRO NACIONAL CHEGA

2016

2009-2017 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

HUGO M
FERNANDES
CENTRO NACIONAL CHEGA

THINGS THAT HAPPENED IN THE PAST SHOULD NOT HAPPEN AGAIN

PARTNERSHIP FOR CHANGES

CHANGE!

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

BEST PRACTICES FROM OTHER COUNTRIES

MINISTRY OF INTERIOR

INTEGRATING CHEGA! CONTENTS REMENDATION 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 AT SCHOOL

CHEGA Y TÕ IN UNIVERSITIES

FORMAL EDUCATION
INTERACTIVE EDUCATION

RESEARCH FELLOWSHIP/ FEE

COMMUNITY ONE HISTORY

WHAT HAPPENED?

TRANSMISSION OF MEMORIES

SUPPORT SYSTEM (TJAN)

FROM THE REGION, COUNTRIES, THE WORLD

SHARING EXPERIENCE

TRUST, CONVINCED

INTEGRATED MEMORIALIZATION PROGRAMS

20 COMMEMORATIONS

VICTIMS PUBLICLY RECOGNISED

TALK IN DIALOGUE

DOCUMENTED

SEXUAL VIOLENCE NOT RECORDED

ADAR, AKRIF HELPED VICTIMS WITH THEIR EXPERIENCE

VICTIMS STARTED THE HEALING PROCESS START TO TALK IN PUBLIC

5 YEARS PROGRAM WITH THE CURRENT GOVERNMENT

MENTIONED FOR IMPLEMENTATION FOR MINISTRY OF EDUCATION

INTEGRATED MEMORIALIZATION PROGRAMS

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TRUST, CONVINCED
RIGHT TO REPARATION & SUPPORT FOR VICTIMS
REPARATIONS

CONCEPT & PRACTICE

LEGAL BASIS OF RIGHT TO REPARATION

CAT (Convention Against Torture)
REGIONAL HUMAN RIGHTS MECHANISM
2005 UN BASIC PRINCIPLES & GUIDELINES
INTERNATIONAL CRIMINAL LAW (ROME STATUTE)

STATE RESPONSIBILITY & FORMS OF REPARATIONS

COMPENSATION
GOVERNMENTS ARE SCARED OF MONEY MAY BECOME A PROBLEM IN THE SOCIETY

RESTITUTION
RESTORE VICTIM TO ORIGINAL SITUATION TRANSFORMATIONAL 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

STATE RESPONSIBILITY

CONVENTION AGAINST TORTURE
RIGHT TO FAIR & ADEQUATE COMPENSATION

CONSTITUTION OF THE ICC
ROMA STATUTE ART 75
ESTABLISH PRINCIPLES, DETERMINE THE SCOPE REPARATION TO 100 PEOPLE IT'S NOT EFFICIENT

ROLE OF CIVIL SOCIETY

• CRITICAL IN ENDURING IMPUNITY • MODELING • FINDING BALANCE

UN SPECIAL RAPPORTEUR ON VAW
REPARATIONS & STRUCTURAL TRANSFORMATION

MATERIAL SUPPORT
PSYCHOLOGICAL REHABILITATION
COMMUNITY REINTEGRATION

UNIVERSE OF VICTIMS

RETURN TO SERVICES
TRUST FUND FOR VICTIM ICC

CHALLENGES IN ASIA:
STATE NEGLIGENCE • DENIAL PERPETRATORS WANTING CORRUPTION COMPENSATION TO BUY PEACE VIOLATIONS & DISCRIMINATION

1984 PORT JAKARTA ISLAM
STOLEN CHILDREN OF TIMOR LESTE
NINA
180 CHILDREN FOUND

1999 LAGUNA JOURNEY HOME

REPARATIONS

IN INDONESIA:
CIVIL SOCIETY TRUTH SEEKING PROCESS VICTIMS SEEN AS VULNERABLE GROUPS RIGHT NOW IN ACEH:
VICTIM'S STRATEGIC TOOL

REHABILITATION
COMMUNITY OR COLLECTIVE REPARATION AS AGROUPE 1 POLICY/MECHANISM • ACKNOWLEDGMENT 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

REPARATIONS NOT ONLY CASH HANDOUTS
MATERIAL
SYMBOLIC
HEALTHCARE SCHOLARSHIP MEMORIAL APOLOGIES
INDIVIDUAL OR COLLECTIVE

MARI YANTITA

HELPING VICTIMS TO CONTINUE LIVE THEIR LIFE

CONCRETE STEP TO MAKE IT HAPPEN

REPARATIONS SEEMS LIKE A CHOCOLATE CAKE THAT YOU CAN’T HAVE

REPAIRING WHAT CANNOT BE REPAIRED

PART OF TJ

BUT WE MUST

GINA WANDITA

THEME:

REPARATIONS
**Reparation in the Philippines**

**Human Rights**
- Framework (1965-1986)
- Marcos aware on human rights
- Social order until Feb 1986

**1972 Proclamation of Martial Law**

**Tools of Martial Law**
- Constitutional authoritarianism
- Cronyism & plunder
- Massive militarization
- Damaged the law
- Hidden cost of "saving democracy" [Discipline is necessary]

**Human Rights Victims Claims Board**

**Atty. Glenda T. Litong**

**Martial Law**
- Form
- Submission
- Pre-evaluation
- Documentation
- Preliminary list
- Determination of monetary award per claim
- Final list
- Distribution

**Forms of Remedy**
- Monetary
  - Checking evidence including bank accounts
  - Checking evidence including accounts
  - Checking evidence
- Recognition
  - Acknowledgment from the state of violations
  - HRV
  - Human rights violations victim
- Memorization
  - History book should preserve the memory of human rights violations
  - Healing aspects in communities will give a closure as a group

**Reparations**
- Permanent
  - Checking evidence including accounts
  - Checking evidence

**Never Again Martial Law**

**Declaration of Policy**
- Value & respect human rights
- Acknowledges moral & legal obligation to provide reparations

**Right to Truth is Important**

**Civil Society Rights**

**10 Billion for Compensation**
- Human rights victim with documentations

**Extra Judicial Law Using International Law**
- Law: Human Rights Violation
  - 1972-1980 Violation
  - Has to be considered on basis of consideration needed.

**Points System Provided by the Law**
- Points system provided by the law

**Lessons Learned**
- TJ is not easy!

**People Rights to Know on TJ**
- Measures that would cater to the sense of justice has been carried over time and has deeper effect
- TJ must look into measures to prevent recurrences

**Framing**
- State obligations & acknowledgment
  - Non-discrimination
  - Social accessibility should appear
CHALLENGE OF TRANSITIONAL JUSTICE IN ASIA
HUMAN RIGHTS DURING PANDEMIC

PATRICK BURGEES
PRESIDENT OF AJAR

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

ATTENTION ONLY ON THEMSELVES
HUMAN RIGHTS NEGLECTED DURING PANDEMIC
NO SIGHT ON HUMAN RIGHTS

HUMAN RIGHTS WORK IS NOT TOUGH.
IT'S A RICH OPPORTUNITY

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HUMAN RIGHTS VIOLATIONS HAPPENING IN MILITARY RULED COUNTRIES

FOUR Pillars of TJ

1. Truth Identification
2. Rebuilding Lives
3. Design Programs

The return of authoritarianism with the kick of pandemic
It leads nowhere good

Minimal donors
Shrinking help from the civil society

Collaboration needed

The cycle: VIOLENCE

Use social distancing law

Making sure it won't lead to authoritarian regime

Developing democracy

Violence has increased during pandemic

Who is going to help?

Role of civil society

Crucial at this time!!

Who is going to help?

IN U.N. PERIOD

Mass budget used by past actors

Minimal access to hospitals or doctors

The world is looking elsewhere

Lack of watch, report, and monitoring are criminalised

TJ and Pandemic

Emergency Power

With TJ framework we know what is happening

Nobody can stand up to the military regime

The unbalance power creates violence and brings injustice

4 Pillars of TJ

Should be shared

4 Pillars of TJ

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

4 Pillars of TJ

Should be shared

TJ Framework

Holistic view happening everywhere around the world

Not only for mass crimes; useful even if there's no mechanism

Use TJ Framework

Decades of violations

Impunity as roots of mass violations

Allows us to look at issues long term

Attention only on themselves

Human rights neglected during pandemic

No sight on human rights

Violence as patterns of human violations that have been happening for decades

We can see the patterns of human violations that have been happening for decades

The cycle: violence
THAILAND NOW

SOMCHAI HOMLAOR
PRESIDENT OF CROSS CULTURAL FOUNDATION, THAILAND

CURRENT CONDITION IN THAILAND:
- RESIGN NOW!
  - NEW CONSTITUTION, DEMOCRATIC
  - ACCUSED OF SEPARATISM
- PROTESTS BY YOUNG PEOPLE
- REFORM MONARCH, GENUINE UNDER THE CONSTITUTION
- MILITARY REFORMING MILITARY
- RESTRUCTURING FREEDOM IN OTHER COUNTRIES

MANY THAI ACTIVISTS RUN TO CAMBODIA
PEOPLE CRITICISING THE GOVERNMENT GONE MISSING
8 PEOPLE WERE ABducted

DIGITAL TECHNOLOGY
- GOVERNMENT CANNOT RESTRICT FREEDOM OF SP & ASSOCIATION
  - SET UP THEIR OWN
- USING POWER FOR MOVEMENT IN DIGITAL TECHNOLOGY
  - NEW DIMENSION FROM YOUNG GENERATION FOR THEIR FUTURE

THAILAND APPLING FOR DEMOCRACY
- MANY LAWYERS USE LITIGATION TO FIGHT BACK THE GOVERNMENT POLICE & MILITARY

VIOLENCE HAPPENED EVERY 10 YEARS

RESTRICTING FREEDOM OF ASSOCIATION
- 13 COUP BY THE MILITARY SINCE 190 YEARS AGO
  - TORN CONSTITUTION, NO FREEDOM, RESTRICTIONS
- 22 CONSTITUTION IN THAILAND

CHALLENGE REFORMATION OF THE MONARCHY
- MONARCHY GIVING SUPPORT TO MILITARY
-多くの人殺害、負傷
- MANY OFFICERS BROUGHT TO PROSECUTIONS

USING 4 PILLARS OF TJ IN THAILAND
- Applicable for single case
- Strong Civil Society is important for local level & national level

JUDICIAL INDEPENDENCE IS IMPORTANT
- MANY PEOPLE KILLED & INJURED BY MILITARY

STRONG CIVIL SOCIETY IS NEEDED
- NO OFFICERS BROUGHT TO PROSECUTIONS
- YOUNG GENERATION HAND IN HAND TO FIGHT FOR DEMOCRACY

USE THE LAW TO HARRASS THE OPPOSITION
- JUDICIARY MUST BE INDEPENDENT

STONG SUPPORT FROM INTERNATIONAL COMMUNITY
- Since 2014
INTERNALLY DISPLACED PERSONS

CECILIA JIMENEZ-DAMARY
UN SPECIAL RAPPOUETEUR ON
INTERNALLY DISPLACED PERSON

INTERNALLY DISPLACED
PERSON (IDP)

FORCED TO LEAVE THEIR HOME

JURISDICTION IN BORDER

IDP CAN BE ANYWHERE
IDP VICTIMS ARE HUMAN
RIGHTS ABSTRACTLY DISPLACEMENT

VIOLENCE & INJUSTICE
A CYCLE

IDP ARE AFRAID TO SPEAK UP
THE IMPACT OF
AUTHORITARIANISM
NGO HELPS VICTIMS TO SPEAK UP

SAFETY & SECURITY IS THE PROBLEM

ORGANISATIONS &
CIVIL SOCIETY ARE IMPORTANT

.ensure THE RIGHTS OF IDP

IDP ARE AFRAID TO SPEAK UP

HOW TJ APPLIED TO THE IDP?
LOOK AT THE FRAMEWORK
APPLIED IN YOUR COUNTRY

NEEDS TO BE HEARD

IDP PROCESS ARE DIFFICULT TO ACCESS

TJ PROCESS ARE DIFFICULT TO ACCESS

GENDER MINORITY APPROACH
DIVERSE GROUP OF IDP
PRACTITIONERS

COLLECTIVE REPARATION IN TJ FRAMEWORK

LOOK AT THE FRAMEWORK
APPLIED IN YOUR COUNTRY

COUNTRY SHOULD TAKE PRIORITIES

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

COLOMBIA TREATING IDP
& HR VIOLATION

LIKE COLOMBIA

VICTIMS OF INTERNALED DISPLACEMENT

A LONG PATH TO ENSURE TJ APPLIED TO IDP

PEACE BUILDING & TJ IS NEEDED
PEACE JUSTICE RECONCILIATION

HUMAN RIGHTS SHOULD BE UNIVERSAL & INDIVISIBLE

IDP INCREASED OVER THE PAST 2 DECADES
800,000 NEW IDPs DURING PANDEMIC

IDP HAS NO
TIME LIMIT

FACT FINDING
HR DURING IDP SOLUTIONS

3

CHANGING COMMUNITIES
HR ACTIVIST WORKING

GO TO THE ROOT CAUSES
WHY THIS VIOLATION IS HAPPENING

50 MILLION OF IDP IN THE WORLD NOW

AUTHORITARIANISM & MILITARITY RISES INCIDENTS & IDP?

MANY FAMILY MEMBERS KILLED IN ARMED CONFLICT

VOLUNTARY DISPLACEMENT

MARGINALISED VULNERABLE DISCRIMINATION

STEPS SHOULD BE TAKEN IN RESTITUTION

EXPENDING VIOLATION OF
RIGHTS & STRUGGLE PROPERTY RIGHTS

LOCAL & CULTURAL RECONCILIATIONS

PEACE
JUSTICE
RECONCILIATION

PEACE BUILDING
& TJ IS NEEDED

JUSTICE
RECONCILIATION
GENDER JUSTICE & TRANSITIONAL JUSTICE
CONCEPT & DEVELOPMENT OF GENDER JUSTICE

SRI LANKA

WHO DECIDES?
- Office of Missing Persons Commissioners takes years to set up
- Female Women Commissioners Victims of Survivors

CURRENT CABINET
- OF MINISTERS NO GENDER EQUALITY

WHOSE RIGHTS?
- Intersectional Marginalisations of Race/Ethnicity
- Different Groups Have Different Story
- African Constitution
- Inclusive Justice

WHAT KIND OF RIGHTS?

WHAT ARE THE CONTRACTS?
- In Fighting: Should not put eggs in one basket
- It’s along journey & should be sustained

- 1. Maintain individual spaces for women survivors
- 2. Give good support
- Vulnerable for political agenda

GENDER JUSTICE FRAMING

- Universal Principle: Live in balance how we human being should live
- Absence of Discrimination: Are we ensuring no discrimination
- Rights in Development Process: Economic & Political Development

To ensure gender justice

Everyday Life

- Are we willing to look at gender discrimination from to public space
- Are we ready to challenge patriarchy?

Everyday Legal Practice

1. Cultural Practices Should make people see
2. Start the understanding within the community with men & boys

Socio-Cultural Rights

- Rights in Development Process

- Inclusive Citizenships
- Local Truth Seeking Process
- Matrilineal Land Rights, Traditional Rights

- In Family: Marriage - Sexual Contract
- Market: Economic Contract

Social Contracts

- Not political contract
- Not discriminatory
- Culturally valid
- Non discriminatory

Home

Public
GENDER JUSTICE IN TIMOR LESTE

**Road to Gender Justice**
- FOKUPERS est. 1997
- Emergency programs
- Trauma Healing
- Shelter facilitation
- Documentation GBV

**Impact of Violence**
- Stolen children
- Missing people believed as dead families creating graves & praying constantly for their spirit
- Data gathering of stolen children
- 80/100 stolen children reunited

**Special Panel for Serious Crimes in Timor Leste 2000-2005**
- Victims difficult to talk
- Hybrid court established in 2000
- Many perpetrators run to Indonesia
- Lolo Toe case as serious crimes-rape case

**Commission for Reception, Truth & Reconciliation in Timor Leste (CAVR) 2002-2005**
- Revealing the truth on HR violations from 1974-1999
- Community based reconciliation

**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

**Research & Public Hearings**
- 8000 statements
- Separated children from families to orphanages in Indonesia
- 853 sexual violence cases
- Bullying or discrimination of TNI children

**Government Effort**
- Pensions
- Stolen children
- 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**
- Strengthening women, victims & survivors
- Social health economic empowerment
- 2013-2019 501 women documented
- 234 cases of rape, sex slavery, forced marriage
- Stone & Flower
- Linking women survivors
- Creating dialogue
- No continuation of support

**History**
- 1500-1600 Portuguese
- 1945 Japanese
- 1974 Carnation Revolution in Portugal
- 1975 Indonesian invasion
- 1999
- 1400 killed
- 250 displaced
- 60,000 independence preparation
"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

AJAR
ASIA JUSTICE AND RIGHTS