

Indonesian rights commission won't join government's integrated team to 'resolve' rights violations

Saturday 11 August 2018, by [DIMAS Jarot Bayu](#), [PUTRI Budiarti Utami](#) (Date first published: 5 August 2018).

The National Human Rights Commission (Komnas HAM) is reluctant to take part in the integrated team to investigate past gross human rights violations which is being touted by Coordinating Minister for Security, Politics and Legal Affairs, Mr Wiranto. The government plans to form an integrated team to resolve cases of past human rights violations. The government promised that it will dissect the various obstacles and find a solution to resolve the cases. Komnas HAM insists instead on access to justice for victims and prosecution of human rights violators in independent and credible courts

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The National Human Rights Commission (Komnas HAM) is reluctant to take part in the integrated team to investigate past gross human rights violations which is being touted by Coordinating Minister for Security, Politics and Legal Affairs (Menkopolhukam) Wiranto.

Komnas HAM commissioner Beka Ulung Hapsara believes that the plan to establish the integrated team is not in accordance with the core principles of Komnas HAM or its authority in resolving past cease of human rights violations.

"Komnas' main principle is when talking about resolving past gross human rights violations that it is to be through judicial means", said Hapsara at the Komnas HAM offices in Central Jakarta on Monday August 6.

Hapsara said that the judicial process has three implications. First that the public understand the construction of the incident that actually happened. Second, to find the perpetrators who carried out the act and bear command responsibility for humanitarian crimes.

And third, obtaining clarity on the matter of compensation for victims. "[So] it's clear that we go through a judicial process which is tested in court", he said.

Hapsara said that it is a judicial mechanism that is mandated by Law Number 26/2000 on Human Rights Courts. If the government is envisaging a non-judicial mechanism, said Hapsara, then Komnas HAM does not have the authority to take part in such an endeavor. "Komnas is not in a position to join the team", said Hapsara.

Earlier, following a meeting at the Ministry for Security, Politics and Legal Affairs on July 31, Wiranto said that they are considering a non-judicial mechanism to resolve past gross human rights violations.

Wiranto claimed that the meeting was attended by representatives from the Department of Home

Affairs, the Attorney General's Office and Komnas HAM. He said that the integrated team would investigate and find evidence on past gross human rights violations.

Komnas HAM chairperson Ahmad Taufan Damanik said that during a meeting with President Joko "Jokowi" Widodo on June 8 they explained Komnas HAM's position on the matter.

At the time, he said, Komnas HAM handed over a position paper to the president the contents of which called for judicial measures to be taken to resolve past rights violations. "We asked Bapak [Mr] President to pursue the steps that we had earlier discussed", said Damanik.

Today's statement meanwhile, said Damanik, is a clarification on the earlier claim by the Menkopolhukam that Komnas HAM would be involved in the integrated team.

"We have studied the matter. And on this occasion want to clarify this to the concerned parties, particularly the victims, because in moral terms Komnas HAM acts under the advice of the victims", said Damanik.

[Translated by James Balowski for the Indoleft News Service. The original title of the article was "Komnas HAM Enggan Bergabung ke Tim Terpadu yang Digagas Wiranto".]

Source:

<https://nasional.tempo.co/read/1114397/komnas-ham-enggan-bergabung-ke-tim-terpadu-yang-digagas-wiranto>

[1]

By Dimas Jarot Bayu — (5 August 2018) The government plans to form an integrated team to resolve cases of past human rights violations. The team will be formed to dissect the various obstacles and find a solution to resolve the cases.

Coordinating Minister for Security, Politics and Legal Affairs (Polhukam) Wiranto said that the team would be established from several stakeholders from related government ministries and institutions as well as the National Human Rights Commission (Komnas HAM). Other non-profit organisations will also be invited to hold discussions with the team.

"We will dissect them one by one [to find] where the obstacles are. Perhaps pro-justice or perhaps non-judicial. [If it's] non-judicial how will it be done", said Wiranto at his office in Jakarta on Monday July 30.

Wiranto said that the government has still not resolved cases of alleged past human rights violations because of it has been hampered by many obstacles.

One of the obstacles is proving the case in the eyes of the law. Although there has indeed been investigations by Komnas HAM into cases of alleged past human rights violations, the results failed to meet the requirements to be investigated by the Attorney General's Office (AGO).

If another investigation is carried out, Wiranto believes that this would be difficult because the incidents happened a long time ago. "It's very difficult to find out who is guilty and liable", said Wiranto.

Furthermore, he believes that another obstacle is because no Ad Hoc Human Rights Court exists. According to Wiranto, Komnas HAM should not have handed the results of the investigations directly

to the AGO.

Wiranto believes that the investigation results should be given to the House of Representatives (DPR) so they can be discussed first. This is so the DPR can later make a recommendation to the president to form an Ad Hoc Human Rights Court.

Meanwhile Wiranto believes that right now efforts to resolve alleged past human rights violations non-judicially would be difficult to do because it would conflict with Law Number 20/2000 on the Human Rights Court. The other problem is that no institutions exists which can resolve the cases without going through the courts.

“Before there was the KKR (Truth and Reconciliation Commission), but it has already been disbanded because it wasn’t in accordance with legislation. So there must be something to accommodate this”, he said.

In 2015 the government raised the issue of forming a team to investigate past human rights cases. There were at least seven cases that have been prioritised, namely the 1965 anti-communist purge, the Talangsari massacre in 1989, the Wamena killing in 2003, the Wasior killings in 2001, the abduction of activists in 1997-98, the mysterious shootings in 1983 and 1985 and the May riots in Jakarta in 1998.

So far there have been no concrete steps taken to resolve these human rights cases.

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P.S.

In 2003 Wiranto was indicted on charges of crimes against humanity by a UN-backed court for his role in the Indonesian military violence during East Timor’s 1999 independence referendum. He was also implicated in the anti-Chinese riots in 1998 in a 2003 report by Komnas HAM and is alleged to have been involved in the Trisakti, Semanggi I and Semanggi II shooting in Jakarta in 1998.

In 2009 the DPR issued four recommendations to follow up an investigations concluded by Komnas HAM which were submitted to the AGO in 2006. The four recommendations were for the president to establish an Ad Hoc Human Rights Court to examine the 1997-98 abductions and find the missing activists, for the government to provide compensation and restitution to the victims and for the Government to ratify the International Convention on the Protection of All Persons from Enforced Disappearance. None of these recommendations have been acted upon.

[Translated by James Balowski for the Indoleft News Service. The original title of the article was “Pemerintah Akan Bentuk Tim Gabungan Kasus Pelanggaran HAM Masa Lalu”.]

Source:

<https://katadata.co.id/berita/2018/07/30/pemerintah-akan-bentuk-tim-gabungan-kasus-pelanggaran-ham-masa-lalu>

Footnotes

[1] Government to form integrated team to resolve 'alleged' past human rights violations