



TIME TO FACE THE PAST

**JUSTICE FOR PAST
ABUSES IN INDONESIA'S
ACEH PROVINCE**

EXECUTIVE SUMMARY

**AMNESTY
INTERNATIONAL**



Amnesty International Publications

First published in 2013 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

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Index: ASA 21/007/2013
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

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CONTENTS

This Executive Summary is based on Amnesty International, "Time to Face the Past: Justice for past abuses in Indonesia's Aceh province" (Index: ASA 21/001/2013), April 2013, to which reference should be made for a more detailed discussion.

EXECUTIVE SUMMARY	5
1. General overview.....	6
2. Timid steps to establish the truth	8
3. Justice for past human rights abuses	9
3.1 A flawed legal framework to prosecute crimes.....	9
3.2 Limited and inadequate past investigations and prosecutions.....	10
4. Reparation: A patchy and inadequate framework	12
5. Recommendations	13

EXECUTIVE SUMMARY

“[We] want to know why until now the government of Indonesia has not acknowledged that we suffered human rights abuses. As victims... we do not feel revenge, however they must address our feelings. [The government] cannot say there is already peace. Because for us peace is justice for victims... I know the agreement on 15 August 2005 between the Government of Indonesia and the Free Aceh Movement brought peace in Aceh. [But] in the Helsinki MOU they also mentioned about human rights and the creation of a Human Rights Court and a TRC [Truth and Reconciliation Commission] in Aceh. My dream has not been fulfilled yet. We are still fighting, not against the government, but for the government to remember what happened to us. They do not have the right to forget.”

The former head of a victims' association in Aceh, 8 May 2012.

On 15 August 2005, the Indonesian government and the armed pro-independence movement, the Free Aceh Movement (*Gerakan Aceh Merdeka*, hereafter referred to as GAM) signed a Memorandum of Understanding (MOU) under the auspice of the Crisis Management Initiative (CMI) headed by former Finnish president Martti Ahtisaari signalling the end of years of violence. The Aceh conflict had a devastating impact on the civilian population, in particular between 1989 and 2004 when military operations were conducted by the Indonesian authorities to suppress claims for separatism. Between 10,000 and 30,000 people were killed during the conflict, many of them civilians.

Amnesty International and other bodies documented a range of violations committed by members of the security forces and their auxiliaries, including unlawful killings, enforced disappearances, torture, forcible displacement of civilians, arbitrary arrest and detention of those suspected of supporting GAM. Human rights abuses committed by GAM, including hostage-taking and the targeted killing of suspected informers, government officials and civil servants, were also reported. Amnesty International along with others has also highlighted the extent of violence against women during the conflict and stressed in its 2004 report *Indonesia: New military operations, old patterns of human rights abuses in Aceh* that there was a “long-established pattern of rape and other sexual crimes against women” in the province.

Although rarely labelled as such, many of the human rights abuses committed during the Aceh conflict constitute crimes under international law. Many of the violations and abuses committed by both sides in the context of the non-international armed conflict that existed between 1989 and 2005 may amount to war crimes. Many of the violations directed by Indonesia's forces and their auxiliaries against civilians as part of the policy of suppressing the independence movement appear to have formed part of a widespread or systematic attack and may amount to crimes against humanity. These and other crimes under international law, including torture, extrajudicial execution and enforced disappearance must be investigated and, where sufficient admissible evidence exists, those suspected of criminal responsibility

should be prosecuted in fair trials in accordance with international law and standards without recourse to the death penalty. Victims also have a right to an effective remedy, including truth, justice and full and effective reparation.

However, as illustrated by the quote above, most victims and their relatives have long been denied truth, justice and reparation in violation of Indonesia's obligation under international law. They are still waiting for local and national Indonesian authorities to acknowledge and remedy what happened to them and their loved ones during the conflict. During a visit to Aceh in May 2012, Amnesty International spoke with various groups and individuals, including non-governmental organizations (NGOs), community organizations, lawyers, parliamentarians, local government officials, journalists, and over thirty victims and their representatives about the current situation in Aceh and the lack of measures to provide truth, justice and reparation for crimes committed during the conflict. Victims and their relatives told Amnesty International that they welcome the current peace process and the improved security situation in Aceh; however, they do not understand why commitments contained in the 2005 MOU to set-up a Human Rights Court for Aceh and an Aceh Truth and Reconciliation Commission have yet to be implemented. They also explained that, although some post-MOU programmes have provided some forms of financial support to many victims, these measures have lacked consistency and they were not specifically related to an acknowledgement of past human rights abuses.

At the time of the peace agreement in 2005, the topic of addressing crimes committed during the conflict was perceived by some as a threat to the peace process. However, seven years on, it is time for the central and local Indonesian authorities to face the past and take long overdue measures to implement victims' rights to truth, justice and reparation. Not only would it contribute to healing the open wounds of the civilian population, it would help strengthen the rule of law in the country and secure the peace process in the long-term. Addressing past crimes and acknowledging that serious human rights abuses were committed during the Aceh conflict would also send a strong signal to other victims of human rights abuses and their families in Indonesia, who are waiting for measures of truth, justice and reparation to address crimes committed in other situations.

1. GENERAL OVERVIEW

The Aceh conflict between GAM and Indonesian security forces dates back to the mid-1970s when, on 4 December 1976, the Free Aceh Movement unilaterally declared independence. Support for independence in Aceh is rooted in a long tradition of resistance to outside domination, including against the former Dutch colonial power. The unequal benefits of economic development, the perceived lack of respect for cultural and religious traditions, and the appalling record of human rights violations by Indonesian security forces all contributed to fuelling the resentment of many Acehnese against the Indonesian government. The 1976 insurgency was quickly crushed by the Indonesian security forces. However, following a series of attacks on police and military installations in the late 1980s, the violence resumed and Indonesian security forces embarked on counter-insurgency operations. Aceh became a "Military Operations Zone" (*Darurat Operasi Militer*, DOM).

Amnesty International's report "*Shock Therapy: Restoring Order in Aceh, 1989-1993*" estimated that two thousand civilians, including children and the very elderly, were unlawfully killed, some in public executions and others while in military custody, during counter-insurgency operations between 1989 and 1993. According to official Indonesian sources and local media reports, GAM members were also responsible for human rights abuses during this period, including the targeted killing of some government officials; the burning of schools and other public buildings; the destruction of vehicles and other property owned by commercial enterprises and the intimidation, ill-treatment and killing of dozens of civilians, including suspected informers and non-Acehnese residents of "transmigration villages". By the time the DOM status was lifted in 1998, many hundreds and possibly thousands more civilians had been killed.

Following the fall of President Suharto's rule in 1998, some senior military officials and government officials publicly acknowledged some of the military wrong doings during the DOM period. In August 1998, General Wiranto, the then head of the Indonesian military apologized "*for the behaviour of a handful of the soldiers which led to the emergence of various excesses that have been detrimental to the people*". However it brought only brief respite. In January 1999, the first of a series of new military operations was launched following attacks on the security forces, allegedly by GAM. The human rights violations and general hardships for the civilian population that accompanied them led to increased support among the general population for GAM, or at least its declared goal of independence. During this period, GAM was also accused of human rights abuses, including abduction, harassment and killings of civilians, and arbitrary detention. In 1999, locally-based human rights groups estimated that over 421 people had been unlawfully killed in Aceh. By 2001 the figure had more than doubled to 1,014 and in 2002 it increased again to 1,307.

After some brief and unsuccessful efforts to seek a political solution to resolve the situation, a six-month military emergency was declared on 18 May 2003. In May 2004 it was downgraded to the status of civil emergency and authority was transferred back to the provincial civilian administration under the Aceh Governor. Amnesty International's report *Indonesia: New military operations, old patterns of human rights abuses in Aceh* documented a pattern of grave abuses of human rights during the 2003 military operations that closely match both the pattern and the intensity of the human rights abuses committed during the height of the DOM period. Indeed, many of those interviewed by Amnesty International described the new military operations as "DOM 2".

As in previous military campaigns against GAM, the security of the civilian population was paid scant regard. The security forces forcibly displaced civilians from their homes and villages, carried out armed raids and house-to-house searches and destroyed houses and other property. The Indonesian military failed to distinguish between combatants and non-combatants. Young men were frequently suspected by the security forces of GAM membership and were particularly at risk of human rights violations, including unlawful killing, torture and other ill-treatment, and arbitrary detention. Women and girls were subjected to rape and other forms of sexual violence. Civilians, including children, were forced to support military operations. During the renewed military operations Amnesty International and official Indonesian sources also documented human rights abuses by GAM including hostage-taking, killings and recruitment of child soldiers.

2. TIMID STEPS TO ESTABLISH THE TRUTH

Victims' groups and local Acehnese NGOs have called for the Indonesian authorities to establish the truth about crimes committed during the conflict, in particular to find out what happened to disappeared and missing persons. During Amnesty International's visit to Aceh in May 2012, many victims and family members explained that they still do not know what happened to their loved ones. Presuming they have been killed, they wanted to know why and where their bodies are. Some hoped that, if the truth could be established, it would counter the culture of impunity that exists and lead to criminal justice and reparation.

Amnesty International calls for truth commissions to uphold the right of all victims of past human rights abuses to obtain truth, justice and reparation without discrimination and in compliance with international law. To this end, truth commissions are not intended to act as substitutes for the civil, administrative or criminal courts. They should not bar criminal justice or reparation by granting measures, such as immunity from prosecution for participants, for crimes under international law or other measures to maintain impunity.

There have been a number of initiatives by the authorities and the National Human Rights Commission (Komnas HAM) to investigate human rights abuses committed at different stages in the conflict and specific incidents. Although many of these investigations have been important in documenting the many human rights abuses committed during the conflict, they provide only a piecemeal approach to establishing the truth and fail to provide a comprehensive record of the abuses committed by both sides between 1976 and 2005. Furthermore, some of the investigations are preliminary and do not look deeper into the causes of the abuses or identify what happened to victims of enforced disappearance. All of the final reports are yet to be made available to the public and many of their recommendations to ensure prompt prosecutions into some of the crimes identified have yet to be implemented.

There are currently two initiatives to establish truth commissions that would cover crimes committed in the Aceh conflict. However they have been stalled for many years.

In 2004, a law to establish a national Truth and Reconciliation Commission (Law No. 27/2004) was adopted in Indonesia with powers to receive complaints; investigate gross human rights abuses which occurred in the past; and make recommendations for compensation and/or rehabilitation for victims. However, the Indonesian Constitutional Court struck down the Law on a National Truth and Reconciliation Commission in 2006, on the basis that the provision requiring that amnesty be granted to perpetrators of gross human rights abuses before victims can receive compensation and rehabilitation was unconstitutional. A new draft national truth and reconciliation law which does not provide for amnesties has been submitted to Parliament, and is scheduled for debate between 2011 and 2014. However, at the time of writing, it has yet to be tabled for discussion, and it is unclear whether there is sufficient political will to pass the draft law.

Both the 2005 peace agreement and the subsequent 2006 Law on Governing Aceh (Law No. 11/2006, LoGA) contain provisions for the establishment of a Commission for Truth and Reconciliation in Aceh. The MOU provides that a "*Commission for Truth and Reconciliation*

will be established for Aceh by the Indonesian Commission of Truth and Reconciliation with the task of formulating and determining reconciliation measures" (Article 2.3). Further, the LoGA provides that the Aceh Truth and Reconciliation Commission in Aceh "shall constitute an inseparable part of the [national] Truth and Reconciliation Commission" (Article 229), and that it shall become effective no later than one year following the enactment of the LoGA (Article 260). However, with the annulment of the 2004 truth and reconciliation law and the subsequent delays in setting up the national Truth and Reconciliation Commission, it remains unclear when the Truth and Reconciliation Commission in Aceh will proceed.

Some organizations and members of the Aceh House of Representatives (*Dewan Perwakilan Rakyat Aceh*, DPRA) have argued that there is no need for a national truth commission to be set up first for the Aceh Truth and Reconciliation Commission to function. NGOs have submitted a draft *Qanun* (bylaw) to the Aceh House of representatives for consideration. However, on 11 September 2012, a member of Commission A of the Aceh House of Representatives, Abdullah Saleh, stated that the parliament would have to wait for the passing of the national Truth and Reconciliation Commission law before setting up a commission for Aceh. In January 2013 the draft Aceh Truth and Reconciliation Commission *Qanun* was nonetheless included in a list of priority bylaws to be debated in 2013.

3. JUSTICE FOR PAST HUMAN RIGHTS ABUSES

Most perpetrators of crimes under international law have never been brought before an independent civilian court of law in Indonesia. Many victims and their families know the names of those who abused them. However they find that they have no access to the courts. For those who do not know the exact circumstances of what happened to their relatives, there are real challenges in terms of access to information and verification of testimonies. Many victims of past human rights violations also told Amnesty International in May 2012 that they feel scared ("*rasa ketakutan*") to bring up past issues. Some victims' representatives have even received threats due to their work on impunity for past crimes. Such a climate of fear, trauma and revenge underpins the prevailing impunity and threatens efforts to establish a long-term meaningful peace. Criminal justice is a vital part of victims' right to an effective remedy.

Where crimes were committed in Aceh or elsewhere in Indonesia, national authorities must ensure that they are investigated and, if sufficient admissible evidence exists, those suspected of criminal responsibility should be prosecuted in proceedings which meet international fair trial standards. Further as many of the abuses amount to crimes under international law, all states should exercise universal jurisdiction over responsibility for the crimes on behalf of the international community by exercising universal jurisdiction and co-operating with such efforts.

3.1 A FLAWED LEGAL FRAMEWORK TO PROSECUTE CRIMES

There are a number of judicial mechanisms which could be used to deal with ordinary crimes and crimes under international law committed in Aceh by members of the security forces and their auxiliaries, and GAM. However, many flaws and barriers in the legal framework and a lack of political will to develop effective mechanisms and strategies to investigate and prosecute crimes in Aceh – and elsewhere in Indonesia – have entrenched impunity.

Crimes under international law – that is crimes against humanity, war crimes, torture, extrajudicial executions and enforced disappearances - are currently not defined in the Criminal Code (*Kitab Undang-Undang Hukum Pidana*, KUHP) making it very difficult for victims to seek justice before ordinary criminal courts in Indonesia. Crimes under international law should be prosecuted as such, not as other offences under the Indonesian Criminal Code which may not reflect the seriousness of the crimes or be consistent with the definitions under international law. Amnesty International has also long expressed concerns about inadequate definition of ordinary crimes, such as the definition of rape, regardless of whether or not they constitute crimes under international law.

The Law on Human Rights Courts (Law No. 26/2000) provides two opportunities to ensure justice for victims. Firstly, it establishes a Human Rights Court in Medan which has jurisdiction over crimes committed in Aceh since the law was enacted in 2000. In other words, jurisdiction over crimes committed in the last five years of the conflict. However, the court has not considered or ruled on any cases. Secondly, the Law on the Human Rights Courts provides a legal framework to deal with crimes against humanity prior to 2000. An *ad hoc* human rights court for Aceh could have jurisdiction over crimes committed in the Aceh conflict before 2000. However, such an *ad hoc* Human Rights Court has not been set up. Even if the *ad hoc* Human Rights Court was established or the Medan court addressed crimes in Aceh during the conflict, the law establishing the Human Rights Courts currently limits their jurisdiction to “gross human rights violations and abuses” (“*pelanggaran hak asasi manusia yang berat*”), which it defines as genocide and crimes against humanity. The definition excludes other crimes under international law without any basis, including: war crimes, torture, extrajudicial execution and enforced disappearance. Although in some circumstances, torture, extrajudicial execution and enforced disappearance can amount to genocide or crimes against humanity, they are also crimes under international law and national courts should have jurisdiction over them.

A year after the Helsinki Peace Agreement, the House of People's Representatives adopted the Law on Governing Aceh which also provided for a Human Rights Court for Aceh. The Law, however, interpreted the provision on the Human Rights Court in the Peace Agreement restrictively and provided that it would only have authority to “*investigate, prosecute, rule on, and resolve cases of human rights violations that take place subsequent to the enactment of this Law [LoGA]*” (Article 228). Although the scope of the crimes it can prosecute appears to be broader than the “gross human rights violations or abuses” in Law No. 26/2000 on Human Rights Courts, by limiting its jurisdiction to crimes committed post-2006, it precludes this court from prosecuting crimes committed during the conflict.

3.2 LIMITED AND INADEQUATE PAST INVESTIGATIONS AND PROSECUTIONS

There have been a range of fact-finding investigations since 1998. However, very few of them have led to trials of those responsible for past crimes. The very few trials into criminal offences which amount to human rights violations by members of the security forces have either been conducted by military or joint military-civilian courts (*koneksitas*). These courts have lacked transparency with verdicts not disclosed to the public, thus making it nearly impossible to verify whether the sentences had been carried out.

In 1999, the Independent Commission for the Investigation of Violence in Aceh set up by President Habibie recommended that five cases be brought to trial immediately. Although it

represented a step forward in addressing enduring impunity, the cases recommended for prosecution only consisted of a small fraction of past abuses. Only two incidents which happened during the DOM period were selected: the rape of a woman in West Aceh, and the cases of kidnapping, torture and extrajudicial executions at *Rumoh Geudong*, Pidie district between 1997 and 1998. No cases which occurred during earlier periods of DOM were selected. The remaining cases which were recommended for prosecution occurred during the "humanitarian pause" (1999-2002). Of the DOM period, none of the cases which were recommended for criminal prosecution led to trials before civilian courts. Of the remaining cases, only one case out of three led to criminal prosecutions, however not before a civilian court.

Following Law No.26/2000 on Human Rights Courts, Komnas HAM was granted the power to conduct *pro-justicia* inquiries into crimes against humanity and genocide. If Komnas HAM considers that there is sufficient evidence that a gross abuse of human rights has occurred, a summary of the findings shall be submitted to the Attorney General's Office for investigation. In this context, the Komnas HAM plenary decided to establish inquiries into two cases of past abuses in Aceh: in relation to the RATA killings in December 2000, and following the Bumi Flora killings in August 2001. However neither of these planned inquiries led to criminal prosecutions.

Thousands of alleged GAM members and supporters were arrested, tried before civilian courts and imprisoned during the period of the conflict. However many of these detentions and trials are believed to have manifestly contravened international fair trial standards, including because suspects were denied access to legal representation and were forced to confess guilt under torture. Further, the 2005 peace agreement provided that the Government of Indonesia would grant amnesty to all persons who had participated in GAM activities. As a result an estimated 2,000 people who were in detention were released. Amnesty International is concerned that the amnesty failed to provide any exception for persons suspected of committing crimes under international law and establishes a barrier to the investigation and prosecution of such crimes by GAM forces. The amnesty violates Indonesia's obligations under international law to prosecute these crimes and denies victims their right to justice.

The need to bring perpetrators of crimes under international law to justice has not been part of the government's priorities in addressing the conflict in Aceh. There is a lack of political will from all parties to put in place the necessary mechanisms to ensure justice for victims. No new cases regarding crimes under international law during the Aceh conflict have been prosecuted since the 2005 peace agreement. In many cases, Komnas HAM and the Attorney General have failed to follow-up on investigations and the recommendations of inquiries. The situation of almost complete impunity has fuelled a general mistrust in the administration of justice by the Acehnese, a situation mirrored in many other parts of the country where serious human rights violations have occurred.

Those suspected of crimes under international law remain in powerful positions where they could repeat such violations, and some have risen to the apex of the political system. Meanwhile Amnesty International continues to document human rights violations by members of the security forces. The poor record so far damages public confidence in public institutions central to the democratic transition process which began in 1998, as well as the prospect for achieving genuine and sustainable human rights improvements for all in Indonesia.

4. REPARATION: A PATCHY AND INADEQUATE FRAMEWORK

Although some measures to compensate people for their loss or to assist children whose parents were killed during the conflict were taken during and shortly after the Aceh conflict, most survivors do not trust the justice system as an avenue to seek reparation, and there has yet to be a comprehensive reparation programme specifically aimed at victims of crimes under international law in Aceh and their families.

Laws and regulations in Indonesia related to reparation for victims of human rights abuses remain inadequate and inconsistent with international law and standards. Victims face serious obstacles in seeking reparation before national courts both in law and practice. There are no provisions under the Criminal Code which would allow victims and their relatives to obtain reparation for some of the crimes under international law which occurred during the Aceh conflict. Although the Indonesian Civil Code (*Kitab Undang-undang Hukum Perdata*) provides for compensation for "an illegal act which causes damage to another party" (Article 1365), there is minimal precedent for successful claims.

Law No. 26/2000 on Human Rights Courts provides that "[e]very victim of a gross human rights violation or abuse [*"pelanggaran hak asasi manusia yang berat"*], and/or his/her beneficiaries, shall receive compensation, restitution, and rehabilitation" (Article 35.1) and that a Human Rights Court may grant such measures in their ruling. However most victims of human rights abuses in Indonesia are unable to access these courts because their jurisdiction is limited to crimes against humanity and genocide. Further, even where abuses may meet such thresholds, to date there is no Human Rights Court (permanent or *ad hoc*), which has dealt with crimes committed during the Aceh conflict. Past experiences of human rights courts rulings in Indonesia have also been disappointing for victims and their families as up to now all the trials before the human rights courts in Indonesia have resulted in convictions which have been overturned on appeal leaving potential perpetrators at large.

Amnesty International acknowledges that the Indonesian government has taken measures to provide financial and other material assistance to victims of the Aceh conflict, in particular via the Aceh Reintegration Agency (*Badan Reintegrasi Aceh*, BRA) assistance programme. However, during interviews in May 2012 NGO workers, victims' representatives and others complained that the programme fell short of directly linking the assistance provided to an acknowledgement of the human rights abuses they had suffered. Further some victims who received BRA assistance expressed concerns about the unclear and difficult process in place for "conflict victims" to access the BRA assistance scheme. "Conflict victims" were not well defined and the requirements for accessing the scheme generated other practical difficulties. Firstly, some victims/survivors did not feel brave enough to report to the local authorities what had happened to them as required to claim access to the scheme. For others it was difficult to show proof of what had happened to them. In particular, it was difficult for torture victims to be recognized as such if their injuries were not physically visible. Lastly, some victims stressed that it was particularly challenging for those who were not located near certain local authorities and for those living in isolated communities to access the scheme.

Although some NGOs have attempted to broaden the category of "people suffering from an ongoing disability as a result of the conflict" (*korban cacat*) to victims/survivors of sexual

violence, many survivors of sexual violence were unable to receive any financial or medical assistance as part of the BRA scheme. One of the main challenges they faced was proving the sexual violence committed against them during the conflict. An expert on violence against women in Aceh told Amnesty International that the level of proof required by local officials to enable survivors of sexual violence to access the scheme was the same as that required under the Criminal Procedure Code. Under the Criminal Procedure Code two elements of proof (“*bukti menguatkan*”) are required which may be very difficult to obtain in practice for this type of crime.

According to some of those interviewed, the lack of consistency in providing assistance to people in Aceh following the 2005 peace agreement is fuelling conflict between those who accessed the BRA scheme and benefited from it and those who did not. This feeling of injustice among some victims and relatives of the Aceh conflict, who may not have received as much assistance as others, appears to have been fuelled also by the fact that some people in Aceh had access to compensation schemes from the Aceh Rehabilitation and Reconstruction body (*Badan Rehabilitasi dan Rekonstruksi*, BRR) because they were also affected by the December 2004 earthquake and tsunami.

There have been a number of community-sponsored events and structures created to address some of the past suffering. These have been positive measures to remember the past such as commemoration monuments and ceremonies. Many victims' groups and NGOs however have been disappointed with the very limited support so far from the authorities for these initiatives, in stark contrast with support to commemorate the 2004 tsunami and earthquake. Some initiatives have encountered marked opposition from the authorities, including from the military.

5. RECOMMENDATIONS

In order to strengthen the rule of law in Indonesia and ensure that victims and their relatives have access to truth, justice and reparation for crimes committed during the Aceh conflict, Amnesty International recommends that local and central authorities undertake the following steps as a matter of priority:

- Acknowledge that serious human rights violations and abuses, including crimes under international law, were committed during the Aceh conflict;
- Ensure that the findings of all investigations/inquiries of human rights abuses during the Aceh conflict are made available to the public, and implement all recommendations made in past reports which are aimed at ensuring truth, justice and reparation and which are in line with international human rights law and standards;
- Set up immediately a truth commission in line with international standards to ensure that victims, their families and affected communities are provided with full disclosure about what happened during the Aceh conflict;
- Ensure that specific measures are taken to reveal the fate and whereabouts of victims of enforced disappearances;
- Take effective measures (including law reform) to investigate and, where there is sufficient admissible evidence, prosecute those responsible for crimes under international

law, including possible war crimes and crimes against humanity, torture, extrajudicial executions and enforced disappearances committed during the conflict, and ensure that those who may have perpetrated crimes under international law are not granted amnesties or other measures to maintain impunity; and

- Establish a programme to provide full and effective reparation including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition to all victims of human rights violations and abuses in Aceh. The programme should be devised in consultation with victims and should take into account the different experiences and needs of women and men who experience conflict differently, as well as any other relevant groups.

Further Amnesty International recommends that the House of People's Representatives:

- Revise the Criminal Code and the Criminal Procedure Code in compliance with Indonesia's obligations under international human rights law and standards, and as a priority define all crimes under international law and principles of criminal responsibility in accordance with international law and standards. The revised Criminal Code should include a definition of torture consistent with the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and a definition of rape consistent with the Elements of Crimes of the Rome Statute of the International Criminal Court;

- Amend the Law on Human Rights Courts (Law No. 26/2000), and among other things, ensure that its jurisdiction is expanded to other crimes under international law, including war crimes, torture, extrajudicial executions and enforced disappearance; and

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance at the earliest opportunity, the Rome Statute of the International Criminal Court and the Agreement on Privileges and Immunities of the International Criminal Court, incorporate their provisions in to domestic law and implement them in policy and practice.

Considering some of the crimes which occurred during the Aceh conflict constitute crimes under international law, other states including EU and ASEAN member states, should:

- Exercise jurisdiction, including, where necessary and where there is sufficient admissible evidence, universal jurisdiction, over persons suspected of crimes under international law, including possible war crimes and crimes against humanity, committed during the Aceh conflict; and
- Call for the full implementation of the MOU between the Indonesian government and the former Free Aceh Movement without further delay, including its commitment to establish a truth commission.

Amnesty International also recommends that donor countries:

- Provide necessary funding and support to NGOs, including women's groups and other civil society actors working on truth, justice and reparation for victims of the Aceh conflict; and
- Provide technical assistance to support reforms of the security sector and the criminal justice system in Indonesia.

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