



Permanent Mission  
of the Republic of Indonesia to the  
UN, WTO, and Other International  
Organizations  
in Geneva

Geneva, 8 March 2024

No: 52/POL-II/III/2024

Dear Madame and Sirs,

I have the honor to transmit herewith my Government's response to your Joint Communication Ref.: AL IDN 8/2023, dated 15 December 2023, regarding our Government's policy on non-judicial settlement of past gross human rights violations.

It is our earnest hope that this submission will foster a thorough understanding of Indonesia's proactive and significant measures to rectify past human rights violations. I wish to emphasize that this initiative is designed to complement, rather than replaces, the judicial process. Its purpose is to swiftly and effectively deliver justice and reparations to the victims and their families, affirming our commitment to accountability and the eradication of impunity for criminal acts within our jurisdiction.

I strongly emphasize that the Government of Indonesia maintains a steadfast dedication to transparency, accountability, and engagement in this process. The establishment of the Non-Judicial Settlement of Past Gross Human Rights Violations Team (Tim PPHAM), led by ■■■■■■■■■■, and the subsequent formation of Tim PKPHAM under Presidential Decrees No. 17/2022 and No. 4/2023, respectively, signify Indonesia's unwavering commitment to addressing these violations through diverse and victim-centered approaches. Our efforts have been guided by international legal standards, ensuring full and effective reparation for the victims.

The President's public acknowledgment of 12 significant cases of human rights violations and the ongoing work of Tim PKPHAM underscore our resolve to restore the dignity of victims, provide remedies, and prevent future occurrences. Indonesia values the constructive dialogue with international bodies and remains committed to the protection and promotion of human rights, guided by both national priorities and international obligations

Please accept madame and sirs, the assurances of my highest consideration.

Yours sincerely,

Febrian A. Ruddyard  
Ambassador/ Permanent Representatives

Fabian Salvioli, **Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**  
Aua Baldé, **Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances**  
Morris Tidbal-Binz, **Special Rapporteur on extrajudicial, summary or arbitrary executions**

**Reply of the Government of Indonesia  
to the Joint Communication of the Special Procedures Mandate Holders  
Ref.: AL IDN 8/2023 of 15 December 2023**

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In response to the concerns raised by the Special Procedures Mandate Holders in the Joint Communication regarding the Government's policy on the non-judicial settlement of past gross human rights violations in Indonesia, we would like to begin by underlining **that the non-judicial settlement program does not neglect nor replace the ongoing judicial process**; it was enacted as a **complimentary mechanism to the legal process**.

The Joint Communication regrettably fails to clearly distinguish between the non-judicial settlement and the judicial process, which are two separate mechanisms concurrently pursued by the Government. The non-judicial settlement program is implemented in parallel with the judicial process, which may take longer to reach the victims and their families more directly and immediately. Nonetheless, it remains the Government's responsibility to ensure that there is **no room for impunity for criminal offenses** in Indonesia.

The non-judicial process represents an unprecedented and historic milestone for Indonesia in addressing the issue of past gross human rights violations. It is a testament to the Government's strong commitment to ensuring progress through diverse channels.

In this regard, the President of Indonesia issued a Presidential Decree No. 17/2022 to establish the Non-Judicial Settlement of Past Gross Human Rights Violations Team (Tim PPHAM) mandated to disclose the cases and formulate recommendations for the Government to address past gross human rights violations through non-judicial measures. Tim PPHAM consists of 12 human rights experts, led by [REDACTED], [REDACTED]. This team submitted their Report of Findings and Recommendations to the President on 31 December 2022.

Subsequent to submitting this Report, the President of Indonesia issued a public statement in January 2023 to acknowledge and regret 12 cases of past gross human rights violations in Indonesia. Two legal frameworks, Presidential Decree No. 4/2023 and Presidential Instruction No. 2/2023, were later issued to establish Tim PKPHAM, a national team mandated to implement the recommendations of Tim PPHAM. It comprises 50 members from 22 Ministries/Agencies and independent human rights experts under the purview of the Coordinating Ministry of Political, Legal, and Security Affairs. Tim PKPHAM identifies non-judicial settlement measures for victims and their families tailored to their individual needs, including but not limited to rehabilitation, social assistance, health insurance, scholarship, Visa, Stay Permit, and Indonesian nationality for victims residing abroad.

In identifying remedies for the victims and their families, Tim PKPHAM was guided by the principles and standards delineated in international law, including the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*. The team operates at the government's utmost level of capacity, considering the national legal

frameworks and fiscal feasibility. It is imperative to underscore that a victim-centered approach is consistently implemented throughout the process.

#### **A. Presidential Statement on the 12 Cases of Past Gross Human Rights Violations in Indonesia**

As mentioned earlier, on 11 January 2023, the President of Indonesia delivered an official statement **acknowledging and expressing regret** for the 12 incidents of human rights violations in the past. The statement clearly underscores the Government's unwavering commitment **to restore the rights of the victims and ensure non-recurrence** in the future.

The cases being acknowledged are listed as follows:

1. The 1965-1966 incident;
2. Mysterious Shooting incident, 1982-1985;
3. Talangsari incident, Lampung, 1989;
4. Rumoh Geudong and Sattis Post incidents, Aceh, 1989;
5. Enforced Disappearances of Persons, 1997-1998;
6. May 1998 riots;
7. Trisakti and Semanggi I and II incidents, 1998 and 1999;
8. Shaman Murders, 1998-1999;
9. KKA Intersection incident, Aceh, 1999;
10. Wasior incident, Papua, 2001-2002;
11. Wamena incident, Papua, 2003; and
12. Jambo Keupok incident, Aceh, 2003.

Those cases were based on the investigations conducted by the Indonesian National Commission on Human Rights (Komnas HAM) over the years. Komnas HAM stands as the sole institution in Indonesia which has the authority to conduct formal investigations and determine cases of gross human rights violations in accordance to the Law No. 39/1999 on Human Rights.

The Report explicitly states that Tim PPHAM based its Recommendations upon the six foundational Basic Principles of remedy, namely: 1) compensation, 2) restitution, 3) rehabilitation, 4) satisfaction, 5) revelation of truth, and 6) guarantee of non-recurrence.

These fundamental principles, integral to the formulation of the Recommendations, adhere to international standards, including the definition of "full and effective reparation" as outlined in the Basic Principles and Guidelines on the Right to a Remedy and Reparation (General Assembly Resolution 60/147).

In this context, it is stated in the Basic Principles and Guidelines that *"In accordance with domestic law and international law, and taking account of individual circumstances, victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with **full and effective reparation**, as laid out in principles 19 to 23, which include the following forms: **restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.**"*

Furthermore, it is stipulated that “**Satisfaction** should include, where applicable, **any or all of the following**:

- a) *Effective measures aimed at the cessation of continuing violations;*
- b) *Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim’s relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;*
- c) *The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification, and reburial of the bodies by the expressed or presumed wish of the victims, or the cultural practices of the families and communities;*
- d) *An **official declaration** or a judicial decision **restoring the dignity, reputation, and rights of the victim** and of persons closely connected with the victim;*
- e) *Public apology, including **acknowledgment of the facts and acceptance of responsibility**;*
- f) *Judicial and administrative sanctions against persons liable for the violations;*
- g) *Commemorations and tributes to the victims;*
- h) *An accurate account of the violations that occurred in international human rights law and international humanitarian law training and educational material at all levels should be included.”*

While acknowledging the flexibility afforded by the Basic Principles and Guidelines for Governments to select applicable measures, the Government of Indonesia has incorporated all of the measures listed above to effectively fulfill the principle of “satisfaction” in the Presidential statement and the subsequent initiatives that ensued. **The statement** itself is an official declaration that **entails an acknowledgment of facts of gross human rights violations** in the past, an **acceptance of the responsibility of the Government** to restore the dignity, reputation, and rights of the victims and their families, as well as a commitment to ensure non-recurrence of such violations in the future.

## **B. Providing Remedies to the Victims and Their Families and More**

Tim PKPHAM has put its utmost efforts into ensuring that the process of providing the remedies aligns with international standards and national laws, prioritizing the best interest of the victims and their families. A victim-centered approach was implemented throughout the process, wherein the remedies for the victims and their families were tailored to their individual needs and preferences through intensive discussions and consultations.

On 27 June 2023, an inaugural event in *Rumoh Geudong*, Aceh, led by the President of Indonesia, marked the official commencement of the non-judicial settlement process. Select victims and their families attended the event and received remedies directly from the President. These remedies encompassed various forms of assistance, among others, financial assistance, health insurance, scholarship, and house renovation. Virtual attendance was also facilitated for other victims and their families.

It is essential to clarify that the Government did not demolish the remnants of houses in *Rumoh Geudong* for this inaugural event. The local community had destroyed the remnants of houses

since 1998, leaving only some ruins of stairs and a small part of the well walls when the Government surveyed the location for the inaugural event. These preserved ruins of stairs and well walls are integral elements in the planned design of a future memorial to be built around the area.

Following the inaugural event, the Government continues to extend assistance and provide remedies to victims and their families residing throughout various regions of Indonesia and abroad. At the end of 2023, remedies have been afforded to 306 victims and/or their families.

The victims and their families could make requests for various forms of redress, including financial assistance, health insurance, scholarships, house renovation, vehicles, agricultural equipment, livestock, etc. Specifically, for the victims residing abroad, the government has implemented a policy of zero-tariff visas and temporary stay permits (KITAS) to facilitate their return to Indonesia and is committed to supporting those seeking to reclaim their Indonesian nationality. The Government will continue to reach victims of other incidents to ensure that remedies are provided according to their needs.

Regarding Tim PPHAM's recommendation for a historical clarification, to ensure the impartiality and objectivity of the construction process, the Government encourages scholars, academics, universities, and civil society organizations to take the lead. The Government remains open to all national stakeholders for further discussions.

### **C. The Data Collection and Verification Process of the Victims and Their Families**

It is important to note that the Ministry of Home Affairs's **role is limited to conducting on-site verification** of the administrative data of the individuals identified as victims and their families by the National Human Rights Commission (Komnas HAM). This verification includes national ID numbers, current addresses, and family relations. This is necessary to ensure that the remedies provided by the Government accurately reach the intended recipients: the victims and their families.

Therefore, Komnas HAM remains responsible for compiling the records of victims and their families, adhering to the stipulations outlined in Law No. 39/1999 on Human Rights and Law No. 26/2000 on Human Rights Court.

### **D. Accessible Public Information**

Tim PPHAM's primary responsibility lies in presenting a comprehensive Report of Findings and Recommendations to the President, guiding the government in addressing past gross violations of human rights through non-judicial channels. Demonstrating its commitment to transparency and engagement, efforts by Tim PKPHAM in executing these recommendations are communicated to the public through various government websites. Ministries and Agencies consistently updating the progress of delivering remedies to the victims on their website, ensuring transparency and accountability to all stakeholders.

## **E. Conclusion**

The non-judicial settlement of past gross human rights violations program in Indonesia was instituted as a complementary mechanism to the ongoing judicial process. Its implementation adheres to the international standards of remedy while operating within the confines of national laws and regulations, in the full capabilities of the Government. This undertaking is propelled by a commitment to safeguard the best interests of victims and their families and to prevent the recurrence of such incidents in the future.

Given the unprecedented nature of this ongoing historical milestone, challenges may persist, particularly in aspects such as the data collection and verification process. Nevertheless, the Government of Indonesia remains steadfast in its dedication to addressing these challenges and continuing the effective implementation of the non-judicial settlement program, ensuring comprehensive remedies for the victims and their families.

In closing, Indonesia expresses its appreciation for the constructive engagement and support extended by the Special Procedures Mandate Holders in this unprecedented initiative of the Government on the issue of past gross human rights violations. We are deeply committed to engaging in discussions, dialogues, and communication with the UN human rights mechanisms to advance the fulfillment, protection, and promotion of human rights in Indonesia and at the global level.