



**15th Neelan Tiruchelvam Memorial Lecture**

**Stone and Flower:  
Truth as a Foundation for Community Learning  
and Reconciliation**



**by**

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**NEELAN TIRUCHELVAM TRUST**



## **Neelan Tiruchelvam**

31 January 1944 – 29 July 1999

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*We cannot glorify death, whether in the battlefield or otherwise.  
We, on the other hand, must celebrate life, and are  
fiercely committed to protecting and securing the sanctity of life,  
which is the most fundamental value  
without which all other rights and freedoms become meaningless.*  
– Neelan Tiruchelvam, in Parliament, 15 June 1999

Just over a month later, Neelan was killed. As the introduction to the Commemoration Programme held in 2000 stated: “On July 29th, 1999 life seemed to stop and we were left with darkness, until darkness could be no more. And Neelan challenged us, in death as he had in life, to tread beyond the shadows cast by hatred, fear, anger and desolation.”

The commemoration programme in 2000 included the launching of the Neelan Tiruchelvam Trust (NTT), which was inspired by the support and encouragement of numerous friends and admirers and driven by key individuals including Neelan’s wife Sithie, who would become NTT’s founding chairperson.

As the programme note states, NTT was established “to ensure that Neelan’s work, memory and vision continue to thrive and inspire... The project we know is an ambitious one... We feel that just as Neelan dreamed impossible dreams and made them reality, so must we.”

Some fourteen years later NTT, as an indigenous grant making organisation continues to work in this spirit of attempting to further the ideals of democracy, human rights, peace, pluralism and justice as Neelan envisioned.

On this occasion, as we mark the 15<sup>th</sup> death and 70<sup>th</sup> birth anniversaries of Dr. Neelan we share with you tributes by his

friends and colleagues who, fifteen years ago, recalled aspects of his life, personality, achievements and contributions, which we commemorate and celebrate today.

**Kethesh Loganathan** - Yet another voice of reason and sanity has been silenced by the forces of nihilism. Neelan Tiruchelvam, short in height, but standing straight and tall in the midst of a fast decaying polity and a disintegrating society, is no more. His demise is a stunning blow to the peace constituency as well as to the secular, democratic forces in Sri Lanka committed to restoring peace with equality and justice in the face of jingoism, intolerance and the cult of violence. *The Sunday Times*, 15 Aug 1999.

**Wole Soyinka** – The extinction of any flame that is lit to relieve the darkness of our world, in any corner of human habitation, is always a setback for the humanistic endeavour everywhere. The assassination of Dr. Neelan Tiruchelvam in July 1999 was however a singular eclipse, such was the stature and dynamic commitment of this scholar and humanist in the cause of peace, the harmonisation of races, and the defence of human dignity. Still, it is clear that, for Sri Lanka especially, there is a powerful resolve that such an eclipse will prove merely partial, and that Neelan Tiruchelvam's legacy will endure, which however makes me particularly also sad that I cannot be present at the commemoration of his passage among us, and pay tribute to the example that his life has been.

The travails of Sri Lanka are very much part of the season of unreason into which our world is plunged from one edge of the globe to the other. I add my hopes and prayers to those of all who struggle to nurture and fulfill a vision of a global society from which has been banished, permanently, the spectre of violence and dehumanisation, a vision that will move to realisation on the foundations of a true humane community.

**Stanley Tambiah** - Neelan was keenly sensitive and empathetic to the need to reestablish trust and interpersonal links among Sri Lankans who had become alienated. He knew that constitutional reform, though necessary, was not sufficient. It has to be accompanied by the healing and restoration of interethnic relationships, and this cannot be legislated by Parliament. *Harvard Law School Memorial*, 17 Sept 1999.

**Roberto Unger** - Neelan Tiruchelvam had an idea and a passion. His idea was that we are all connected. His passion was love. Neelan's genius was to imagine the otherness of other people. His craft was to strike the compromises and to build the institutions that would reconcile people's claims to develop, collectively, the otherness they have and want. He understood, intuitively and from the outset, what it has taken me so long to appreciate: that all such plans come to nothing unless we achieve them on the ground of human reconciliation. To do this work Neelan had to fight - to fight, if he could, without hurting. It was fighting untainted by zealotry and self-deception, because it was informed by love. *Harvard Law School Memorial*, 17 Sept 1999.

**Jayadeva Uyangoda** - Neelan is irreplaceable because, to my knowledge, he is the only contemporary Sri Lankan Tamil politician who had the capacity and commitment to re-conceptualize Tamil politics in democratic emancipatory terms within the framework of a pluralist Sri Lanka. *Daily News* 6 Aug 1999.

**Surya Wickremasinghe** - Among Neelan Tiruchelvam's rare characteristics was his extraordinary generosity of mind and spirit. Where others would be indignant, Neelan would be sad. Where another would react with anger, Neelan would be sad. Neelan's response would be pain. Deeply sensitive, and never one to hold forth about himself and his feelings, his pain was all the more acute for being borne in private. Neelan always looked

to the good in people and found it distasteful to dwell on the bad. Where we would not overlook unsavory things in a person's past, Neelan would seek out positive elements in their present role. *Daily News*, 18 Aug 1999.

**Cat's Eye** - Those who work with him recall fondly that he had ten ideas a day and that the institutions he built could only implement three or four. His boundless energy and his constant attention to the voices of young people made him an inspiration to many, He pushed their energies to the edge and made all of them feel that they could reform the world, all that was needed was will power and hard work. *The Island*, 4 Aug 1999.

*This moment in history must be grasped.  
We can bring an end to bloodshed and human suffering.  
We can transcend the bitter legacy of distrust and  
destitution and form a future that is positive and ennobling.  
The journey will be a difficult one, and there would  
be inevitable setbacks. But if one's resolve is firm,  
we can ensure that the "spirit of man can transcend  
the flaws of human nature."*

– Neelan Tiruchelvam, 6 September 1994

# **Stone and Flower: Truth as a Foundation for Community Learning and Reconciliation**

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## **1. The Right to Truth**

Sumilah is a 60-year-old woman, who sells satay and curry near the Prambanan temple in Jogjakarta, Indonesia. In 1965, when she was only 14 years old, she was detained and tortured along with many others. The rise of the New Order unleashed a spree of violence, killing some five hundred thousand to one million throughout Indonesia. Another one million were detained for more than a decade, without trial. After the fall of Soeharto in 1998, victims began to speak about what happened to them. Today, we continue to struggle to fulfill victims' right to truth. A promise for a truth commission, made by the upper house of parliament during the heyday of reformation in 2000, remains unfulfilled.

Last month, Sumilah came to Jakarta, to speak before a crowd of 100 people gathered to hear the testimonies of torture survivors. She broke down in tears before she could read out her own words, carefully scribbled the night before:

*“I hope that our (distorted) history will be straightened, so that my children and grandchildren will know the truth.”*



This demand for truth is echoed by hundreds and thousands of victims throughout Indonesia. It is an innate drive, expressed by victims in various ways, after many decades of being silenced and excluded. Like a small burning flame, the demand to uphold the truth could not be extinguished. The winds of reformation and political opening further fed this fire. However, not all elements in our society desired this truth. Some continue to fight for a collective forgetting. In 2004, for a brief moment, the parliament passed a law establishing a truth commission, but later this law was annulled. And now, 16 years into our reformasi, we continue to fight a fierce battle for the truth, as clearly reflected in our recent presidential elections in Indonesia.

So what is this right to truth?

In 2009, two grandmothers visited us in Jakarta. Lydia Taty Almeida and Aurora Morea are members of Madres Plaza de Mayo, from Argentina. They told us about their own personal struggles “holding on to the memory (as a) way to fight remains of past regimes which want the whole story of the disappeared to vanish.” Lydia and Aurora, along with the other mothers (and grandmothers) have gathered in the city plaza since 1977. Their presence and determination pushed for an articulation of this right, pressuring authorities to disclose information about the whereabouts of those abducted by the previous regime. Three decades later, the right to truth is an emerging principal of international law, obliging states to provide and preserve information about human rights violations, for the benefit of victims, their family members and society.<sup>1</sup> The foundations of this right to truth exist as part of the foundations of human

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1 The international community must “endeavor to recognize the right of victims of gross violations of human rights and their families and society as a whole to know the truth to the fullest extent practicable.” General Assembly Resolution 9/11 on the Right to Truth, 2009. The right to truth is also found in the Convention against Enforced Disappearances (2007) and as part of the Principles to Combat Impunity (2005.)

rights enshrined in conventions and covenants that have become part of international and domestic laws. Like a prism, the right to truth is formed by different facets of this right, including, the right to know and freedom of information and expression. In its development the right to truth is an autonomous right, not dependent on the decisions of courts.

And yet, the truth may be difficult, unpopular, hard to swallow, thorny and intricate, in shades of grey. We may see ourselves in it, complicit in acts of cowardice and brutality. Truth is a word that weighs heavy on our shoulders. American poet Gwendolyn Brooks penned a poem entitled “truth.” She writes:

And if sun comes  
How shall we greet him?  
Shall we not dread him,  
Shall we not fear him  
After so lengthy a  
Session with shade?

Though we have wept for him,  
Though we have prayed  
All through the night-years—  
What if we wake one shimmering morning to  
Hear the fierce hammering  
Of his firm knuckles  
Hard on the door?

Shall we not shudder?—  
Shall we not flee  
Into the shelter, the dear thick shelter  
Of the familiar  
Propitious haze?

Sweet is it, sweet is it  
To sleep in the coolness  
Of snug unawareness.

The dark hangs heavily  
Over the eyes.

This “snug unawareness” is a comforting choice, an easier path, and at face value, a seemingly hopeful sentiment. Why would we dwell on stories of atrocities, stories of pain and loss, why unravel the root cause of hate?

Like you in Sri Lanka, the tsunami of 2004 exacted a heavy toll in Indonesia. A few years after the tsunami in Aceh we asked a group of victims whether and why we should remember the violations they experienced. The tsunami killed two hundred thousand people in fifteen minutes, whereas a popular estimation claims that the conflict has caused some twenty thousand deaths.

This is Darni. She is a torture survivor from Aceh. She was detained during the military operations in 2004. She was released a day before the tsunami hit Aceh, while her friends perished in prison from the encroaching water. She said:

*I don't think I have justice yet, there is a debt that hasn't been paid. The government should look after victims. Do not close your eyes.*

On another occasion, Acehnese victims said:

*We cannot accept the violence, we cannot forget the victims of the conflict because they were killed in front of our own eyes. We can accept the tsunami because that was God's will, but this . . . killed in front of my own eyes. We will never forget until Judgment Day.*

*So this never happens again to our children,  
therefore we must remember.<sup>2</sup>*

For victims, it is the very act of remembering that seals the commitment not to repeat these violations. We have heard this idea, from the Holocaust, Hiroshima to South Africa and Peru. For the last couple of decades I have been involved in collecting these stories in Indonesia and Timor-Leste, not because of some kind of morbid fascination of stories of torture, killings, rape, stories of loss, but because I truly believe that these difficult truths hold the key to our common future.

Tonight I want to share with you two stories: one is the work of a truth commission in Timor-Leste, the second is a civil society initiative in Indonesia that we call our “Year of Truth.” The two stories are like mirror images of each other, as both nations struggle to deal with the legacies of our shared bloody past.

## **2. Eight Thousand Voices: Timor-Leste’s Truth Commission**

Some countries have created a special space for people to talk about the violations they experienced. There have been more than 40 ‘truth commissions’ globally.<sup>3</sup> These are official bodies established by law or decree that are tasked to stare down these difficult truths, to hear each excruciating detail of the evil that we are capable of inflicting on each other. Establishing a truth commission is one way (but not the only way) to account for atrocities, understand not only what happened, but also begin the slow excavation of the why and how. In principle,

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2 Clarke, Wandita, Samsidar, “Considering Victims: The Aceh Peace Process from a Transitional Justice Perspective,” ICTJ, 2008.

3 Hayner, Priscilla, “Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions” 2<sup>nd</sup> Edition, Routledge, 2011.

truth commissions do not take the place of trials needed to prosecute those most responsible, but provide a different and complementary way to confront the legacy of massive abuse. Out of some forty truth commissions, only the South African commission offered amnesty in exchange for truth. Decades later, our friends in South Africa question the benefits of such an unequal trade off. Most truth commissions, such as in Sierra Leone, Peru, Timor-Leste, contribute a body of knowledge to investigations by prosecutors. Truth commissions sometimes are used to get to some kind of justice, when courts are still too weak or compromised at the beginning of a transition from war or authoritarian rule.

Forty years since the first truth commission in Uganda (1974), these mechanisms have been adopted and adapted for different contexts, and not only countries in transition. The Canadian truth is looking at abuses committed against its first people in the name of education and assimilation under its “Residential Schools” policies<sup>4</sup>. A court in Colombia established a truth commission, within its body, to examine an attack on the court by a militia-group more than 25 years ago.<sup>5</sup> In Aceh (Indonesia), the local parliament has passed a local law under its special autonomy powers to establish a local truth commission. We also know of important truth inquiries established by civil society, such as Guatemala’s REHMI project, the Cambodian documentation initiative (DC-Cam), and Indonesia’s Year of Truth. These initiatives are part of a growing movement to uphold the right to truth.

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4 See <http://www.trc.ca/websites/trcinstitution/index.php?p=3>

5 ‘The Truth Commission the Siege of the Palace of Justice’ was established in 2005 to investigate civilian deaths and disappearances around the battle to re-take control of judicial buildings seized by armed groups in Bogota in 1985, see <http://www.verdadpalacio.org.co>

In 2002-2005 I worked as the Deputy Director of Timor-Leste's Truth and Reconciliation Commission, CAVR.<sup>6</sup> After many years working with survivors and civil society during the conflict in East Timor (when it was still part of Indonesia), I was humbled and honored to be appointed by the seven Timorese Commissioners to be part of the senior management of this Commission. When describing our work, I always say that if the South African truth commission is the "rolls-royce" model, ours was the "tuk-tuk" truth commission. In comparison, our budget, our human resources and our capacities reflected the realities of a territory gutted by twenty-four years of war.

Our Commission was a gutsy one, dreamed up at the heels of war. In October 1999, East Timor was just a one big smoky pile of rubble. The retreating Indonesian army and Timorese militia groups under its control had looted everything in sight, and burned what they could not take. Everywhere we looked, buildings and homes were burned to black little squares, marking the foundations of where a house stood. There were some poles still remaining, but roofs were systematically dismantled from most buildings and carried across the border to Indonesia's West Timor. There was not a single vehicle left in the territory. However, by then UN Peacekeepers had secured the territory. People were beginning to make their way back from the hills, looking shell-shocked, worn and hungry, walking in a daze under the hot sun.

Eager to understand the extent of the destruction, we hitched a ride on a UN helicopter going to Suai, one of the districts bordering West Timor. I found myself standing in front of a church, where only a few weeks ago, we had brought food and medicine to thousands of refugees who sought safety at the church compound in the border town of Suai. Then, the church

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6 [www.cavr-timorleste.org](http://www.cavr-timorleste.org)

was packed with humanity – children playing, babies crying, mothers busy trying to cook a meager meal out of the bits of food gathered from around the compound, men talking politics and digging emergency latrines. Some young people were marching to and fro, as if practicing how to walk in lines had something to do with safeguarding themselves from the malicious militia outside. Now, the church was completely still, like death itself. In front of the buildings there were charred human remains where the militias and soldiers had tried to destroy the evidence of the carnage that had taken place. I walked around in a daze: How did this happen? Why did this happen?

Those two questions kept haunting many of us, even during those long days and nights of trying to provide humanitarian relief to thousands of returning refugees. In this fragile peace enforced by the arrival of international forces, we began to collect stories of women and children who were victims or witness to acts of violence. Step by step, we (a group of women activists) rebuilt a women's shelter that was burned and gutted by the militia, first moving to a temporary location, an abandoned church near the airport, and later returning to our original house. The rooms were filling up quickly, with women who endured acts of the depraved and cowardly. As they told us what happened to them, we started writing these stories down. We intuitively knew that we needed to preserve these stories as some kind of historical record, and as a way to preserve our own humanity. Somehow, by listening and recording we were asserting that these acts were wrong. It was a lifeline in a quicksand of evil enveloping us, clogging our pores, and suffocating us from hope.

Months later, when we started to talk about setting up this, the embers of war were still glistening hot. The idea of a truth commission was first discussed in a meeting held by a coalition of the resistance, CNRT (*Conselho Nacional da Resistencia*

*Timorese* – the National Council of East Timorese Resistance) led then by Xanana Gusmao. By then the UN was in place as the interim government tasked to prepare Timor for full-fledged independence. The challenges were plenty. There were still two hundred thousand refugees across the border, living in camps controlled by those who were leaders in militia groups. UNHCR had estimated that at least sixty thousand homes were burned. Food and clean water were scarce. There was no steady supply of electricity, and the very basic services provided by the Indonesian government prior to 1999 were completely stalled. After the CNRT conference articulated the need to establish a truth and reconciliation commission, a steering committee, made up of UN personnel and representatives from Timorese groups, began working on how a truth commission for Timor-Leste would look.

Some thought we were mad, to try to do this then. A Portuguese academic wrote a paper sub-titled ‘a disaster foretold,’ an Australian clergy wrote to the UN chief in Timor-Leste, Sergio de Mello, arguing that this was an initiative that had come too early in the first steps of nation-building. But we proved them wrong. The little half island of Timor surprised the world by running a solid truth commission that not only allowed for thousands of victims to speak about the pain and trauma they experienced, but also distilled the lessons from the years of conflict.

We were lucky that by then there were some examples around the world to look at as truth commissions were also taking place in Sierra Leone and Peru at the same time. But at the end, no looking over your shoulders can provide you with the answers needed to solve the puzzle right in front of you. We had so many questions. How will we make sure people understand the work of the commission? How can we get people to trust us with their stories, when their experience has been one of betrayal



and treachery? How do we get women to speak out after decades of violence by the state and also violence at home? How do we unravel hate? To the even more practical questions of: how do we take statements from victims and witnesses? How do we code and store them in a way that could help us understand what happened? How do we run a public hearing? Write a final report? With more questions than answers, we embarked on a journey to, as they say in the field, “seek the truth.”

After a consultation process,<sup>7</sup> the CAVR (*Comissão de Acolhimento, Verdade e Reconciliação* or Commission for Reception, Truth and Reconciliation) was established in July 2001 with three main aims: to uncover the truth about human rights violations that took place from 1974 to 1999 committed by all sides; support the reintegration of those who committed “minor criminal offences and other harmful acts”<sup>8</sup> through a community-based reconciliation process; and assist victims in restoring their dignity. At the end of its mandate, the CAVR was required to produce a final report with findings and recommendations that would help “to prevent the repetition of human rights violations and to respond to the needs of victims of human rights violations”.<sup>9</sup>

What I want to share here is a view from the kitchen, as I was not one of the Commissioners who sat at the front of the table, chaired the hearings and steered the work of the Commission. I was in the over-heated kitchen, working together with a band of brothers and sisters, committed to seeing this project through.

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7 After endorsement from the CNRT Congress, the UN facilitated a national consultation to inform the drafting of the law establishing the CAVR that included visits to 13 districts and to the refugee camps in West Timor (Indonesia). These consultations were repeated in the selection of national and regional commissioners. See CAVR Final Report, Chapter 1 ‘Introduction’ (2005)

8 UNTAET Regulation 2001/10, Section 3.1.

9 *ibid*

The executive director, Lucio dos Santos, and I, as his right hand woman, deputy director and program manager, cobbled together a team of some 250 people, working in Dili and spread across the country. We set out how the Commission would work, especially in the early days of the Commission - designing a strategic plan and dreaming up how the Commission would implement its three different mandates (truth, reconciliation, and victim support) and somehow produce a tome that would capture twenty-four years of oppression. When we started we didn't know what we were doing, by the time we finished we finally understood what it was all about.

By 2005, we collected eight thousand stories during the life of Timor-Leste's Truth Commission. Examined and analyzed each of them. Sometimes the task felt overwhelming, leafing through story after story of atrocities, one after another. Somehow we had to objectively classify this as a kind of human right violation, neatly boxed into different categories, entered into a database, and spat back out in graphs and tables. It is as if we were trying to make some sense of the madness, grasping onto straws to try to bring some semblance of rational thought into a wilderness of debauchery. We worked for 18 months collecting these stories, then we gave ourselves six months to write a 'final report.' At the end we needed two more extensions granted by parliament. It took as just as long to write the final report as it did to take all the testimonies and organize a dozen hearings and more than a hundred community reconciliation meetings. The report we put together tried to capture the voices of eight thousand victims and witnesses who brought their stories to the Commission.

By the end of the three-year period, we were proud of what we had achieved. We were able to create a micro-cosmos of the new society envisioned and articulated in the recommendations of the CAVR report. We felt confident that we had, to the best of our

abilities, created a transformative mechanism. We took to heart the words of Aniceto Guterres Lopes, the chair of the CAVR when he said,

*“The very essence of the Commission’s work is to assist transformation. The fabric of our social relationships has been destroyed – our work is to transform our experience of the dark of yesterday into a positive tomorrow”*<sup>10</sup>

In retrospect, I want to extract five key lessons that I believe were the strengths of this Commission:

**2.1) Participation and consultation in all phases of the Commission’s life:** An important feature in establishing the CAVR was the time and effort we took to discuss the design of the Commission with key stakeholders and the general public. A steering committee was established to conduct consultations across the territory, including also refugees and militia groups across the border in Indonesia’s West Timor. The steering committee was made up of representatives of all sides of the conflict, including those who represented the pro-autonomy (i.e pro-Indonesia groups), political prisoners, women’s groups, human rights groups, and the United Nations (then administering the territory.) Timorese members of this steering committee played a key role in explaining the role of a truth commission, shaping its mandate. A selection panel was also established to conduct consultations to select members of the commission. Later on, when Timor-Leste voted in a constitutional assembly, members of the steering committee and selection panel also successfully convinced the assembly to include the CAVR in the new nation’s constitution.

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10 Aniceto Guterres Lopes, CAVR Chair, at the opening of the CAVR office (CAVR Update, March 2003).

Besides input from civil society in drafting the law to establish the CAVR and the selection of commissioners, the CAVR engaged civil society in a number of activities. We knew that the work of the Commission was only as strong as its partnership with civil society. In 2002, it partnered with women's NGOs to form a research team on women and conflict that conducted interviews with women victims and other informants. As part of its outreach to the estimated eighty thousand refugees still living in West Timor (Indonesia), in 2003 the CAVR launched another partnership with civil society – this time with Indonesian NGOs based in West Timor. In a series of workshops towards the end of its mandate, the CAVR invited civil society and other stakeholders to formulate recommendations on the topics of reconciliation, health, education, security, children and justice.

Despite these efforts, the CAVR's relationship with civil society remained contentious. This can be partially understood in light of the dissatisfaction with the on-going serious crimes process, diminished funding for human rights NGOs after the emergency phase, and a healthy skepticism towards the truth Commission's work. Later on, civil society played an important role in pushing for the implementation of CAVR's recommendations.

**2.2) Putting Victims at the Heart of the Commission & Community-based Approaches:** One of the national commissioners' first policy decisions was to "put victims at the heart of the Commission's work".<sup>11</sup> We established a Victim Support Division and district teams conducted a consultation in each sub-district to list key human rights events. Results of these consultations helped form national and sub-district strategies for statement-taking and community reconciliation.

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11 Report of the Maubara Retreat 25-26 January 2002 (on file with author).

The CAVR developed a community-based approach where district teams<sup>12</sup> stayed in each sub-district for three months. These teams conducted a public meeting to explain its mandate and activities, facilitate a mapping of human rights violations that took place in local communities, take statements from victims and witnesses, and facilitated a reconciliation process (which I will speak about below). The three-month period was closed with a one-day event: a victim's hearing and a report-back by CAVR staff about all their activities in that sub-district. A special program of 'cultural celebrations' was provided to mark the end of each three-month process.

As mentioned, another CAVR innovation was to facilitate a participatory mapping to document human rights violations and their impact as experienced by local communities. Based on these discussions, a community profile on human rights violations was compiled comprising a detailed timeline of key human rights events that took place in the community, and sketch maps of the area marked with symbols signifying important places and events related to human rights violations.

[Fast-forward more than a decade later, we have adapted these participatory processes in our work with victims in Indonesia and Timor-Leste.] I think this is one of the most important take-aways from CAVR, the re-creation of new tools for grassroots participation in truth-seeking. I will share, later on, how this is important in contexts where impunity and denial are the dominant trends.

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12 A district team comprised one coordinator, four statement-takers (two men and two women), two victim support staff (one man and one woman), and two community reconciliation staff (one man and one woman), supported by one logistics officer.

### **2.3) Community reconciliation for perpetrators of lesser**

**crimes:** CAVR designed a process to deal with the thousands of returning militias, assisting them in their reintegration back into their communities. The process was unique because the community reconciliation process was designed to complement the court process. We provided an opportunity for perpetrators of lesser crimes (not rape, murder, or the organising of violence) to give CAVR a written statement, disclosing acts that had harmed the community. This meant that perpetrators who committed rape, murder, and were complicit in the organising of the violence were to be put on trial in the serious crimes process. After these statements were vetted by the Office of the Prosecutor General, the CAVR organised a community reconciliation hearing. The perpetrator faced his community, confessed his wrongdoings, asked for forgiveness and listened to the victims and members of the community. A panel comprising CAVR Regional Commissioners and community representatives mediated an agreement where the perpetrator agreed to certain acts of reconciliation. These included rebuilding houses, giving cattle to victims or merely promising never to repeat the offence. Once these promises were fulfilled, the reconciliation agreement was registered with the District Court that, in turn, granted the perpetrator a stay of immunity for the confessed and forgiven acts. CAVR facilitated 216 reconciliations involving more than 1300 perpetrators.

The reconciliation process received much attention internationally. It was considered an important innovation, a truth commission venturing into “security sector reform” territory. It also created a space where reconciliation could take place at a local level, in a very concrete way. As we were closing the doors of the Commission, many more approached us wanting to enter this process. Those who were lucky enough to be part of this local reconciliation process, reflected:

*Before I took part [in the hearing] ... we still felt hatred towards each other. We had not genuinely given ourselves to each other. We Timorese can hold our anger for a long time.*

*We attended two biti bot<sup>13</sup> meetings ... They were good because through reconciliation we could confess everything that we had done – fighting, burning houses ... Through the process we could apologise and they forgave us. We fixed the roof - it wasn't punishment but a sign of reconciliation. After reconciliation we felt better ... the case is closed.<sup>14</sup>*

For victims, the community reconciliation process was a mixed bag. One victim said: *I feel very happy with the process because now we can live in peace. Before I couldn't really talk to the [deponents]. I wanted them to declare what they did. I felt I said what I needed to say. Now I feel more free. I feel close to the deponents.<sup>15</sup>* Other victims were dissatisfied because of the poor performance of the serious crimes investigations and trials. *"We were just ordinary people. We were forced to join the militia. Why should we go through this process while the big people continue to be free?"<sup>16</sup>*

**2.4) Public Hearings – the power of stories:** Ever since the South African truth commission introduced public hearings into the mix of what truth commission do, organizing these events

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13 "Biti boot" means 'large mat' refers to traditional mediation meetings.

14 Statement by deponent, CAVR Final Report, Chapter 9 'Community Reconciliation Process' (2005) 34.

15 Statement by victim, CAVR Final Report, Chapter 9 'Community Reconciliation Process' (2005) 33.

16 Justice System Monitoring Programme, *Unfulfilled Expectations: Community Views on CAVR's Community Reconciliation Process*, Lia Kent, Dili, August 2004, p. 15. (available at [www.jsmp.minihub.org](http://www.jsmp.minihub.org).)

where victims and survivors can speak openly about what they experienced and their aspirations for the future has become an important landmark for truth commissions. Public hearings can be a measure of how open society is to acknowledging victims, who were previously invisible or denied importance.

Some of the most memorable moments at our hearings come to mind. Mize was a young woman who spoke at the hearing on torture. She said she wanted to represent her mother, who was no longer alive. Mize was only 5 years old when she and her mother were taken in by Indonesian soldiers and thrown behind bars in the feared military police prison in Dili, East Timor. As a young child, she watched her mother being tortured, interrogated by soldiers who somehow thought her mother would give them some kind of information on where the rebels were. To torment her mother, she was picked up by a gruff soldier and held by her ears outside the window on the second floor of a Chinese store, commandeered by the soldiers as a torture center. Mize broke down in tears when she told us how she was made to bring a bowl of red bean soup to her hungry mother, tied up in the middle of the prison courtyard, then made to pour the bowl of soup on her mother's head.

There were hundreds of heart-breaking stories, retold with the simplicity of truth. Some testimonies were stranger than fiction—a woman who pleaded with a military commander not to bury her husband alive; children who were forced to carry ammunition for Indonesian soldiers and later kidnapped in boxes and taken to other parts of Indonesia to be domestic slaves; unspeakable forms of torture. We also heard testimonies of atrocities committed by the resistance against Timorese thought to have betrayed the movement; make-shift prisons that held civilians who wanted to surrender to the Indonesian forces because they no longer could survive the famine they experienced in the forest.



These stories were like pearls of wisdom unstrung, passing through our fingers, scattered into a hundred dizzying directions. And yet, each story contained an oasis of clarity in a desert storm that had clogged our pores and blinded our eyes. For that moment, we were united in our witnessing of pain and violence, resolved never to let these atrocities take place again. A decade later, I long for that clarity. A challenge remains – how do we capture the strength of truth in those moments, and make sure that they remain available for the future?

**2.5) Listening to women’s voices:** The CAVR’s statute gave it power to create gender-aware policies and structures.<sup>17</sup> The appointment of women Commissioners and senior staff committed to this approach facilitated women’s participation. We recruited male and female statement-takers and victim support officers and created a 30% target for women’s statements. We also developed an urgent reparations program with special attention to women. But, even this intensive outreach only succeeded in prying open a relatively small window for women’s participation through statement-taking.<sup>18</sup> A team of five women researchers, seconded from a leading women’s NGO, worked intensely for six months, conducting about 200 interviews in-depth. Women

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17 Regulation 10/2001, Section 3.4 (c). The statute contained other references to gender: fair gender representation in the selection of national and regional commissioners [Sections 4.3 (g) and 11.4]; recruitment of staff with gender expertise and development of gender policies [Section 12.1]; consideration of sexual offences in truth-seeking, particularly in events around 1999 [Section 13.2 (a)]; fair gender representation in panels that mediate community reconciliation [Section 26.1]; principles of non-discrimination in performing all its functions [Section 35.1 (b)]; and special protection for witnesses and victims of gender-based violence [Section 36.1].

18 Counts of sexual violence were reported by men (252/853) and women (596/853). However, victims of rape and sexual slavery who reported their violations were exclusively women. A small number of men reported experiences of sexual torture.

also spoke to the CAVR about their experiences of detention and torture, displacement and hunger, and the destruction of property. Women also testified about the killings of loved ones.

This team was also responsible for organising the women’s public hearing, including identification and accompaniment of women victims who would later testify at the hearing. The women’s hearing was the first time in Timor-Leste’s history that women spoke about their experiences of rape and sexual slavery at an official national forum. All over the country, people were riveted to their televisions and radios, listening to women’s testimonies, and how, despite the frequent tears and pauses, “[the women] insisted that they wanted to continue speaking ... [for] the time for silence about this was over”.<sup>19</sup>

We were able to show that sexual violence occurred throughout the conflict, but peaked along with military offensives against the population. However, the number of cases reported to the CAVR was just the tip of the iceberg.

### **3. Ten Years Later: Was it Worth It?**

The CAVR was required to make recommendations “to prevent the repetition of human rights violations and to respond to the needs of victims of human rights violations”.<sup>20</sup> This meant that one of its core tasks was to articulate the lessons of the past and provide guidelines to restore the damages caused by these systematic violations. The CAVR made 204 recommendations. These included recommendations to the government of Timor-Leste for institutional protection of human rights, such as civilian oversight of security forces and a prohibition to arm civilian groups. Some recommendations were directed to foreign

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19 CAVR Update (April-May 2003).

20 CAVR Final Report, Chapter 11, ‘Recommendations’ (2005).

governments and international bodies like the UN because of their complicity in the violations. Other recommendations were aimed at the civil society to make a commitment to nonviolence.

Perhaps we were a victim of our own success. Creating a long list of recommendations proved to be a double-edged sword. On the one hand, we had on record a blue-print for comprehensive change, and the other hand, the list was debilitating.

When we handed in the report in 2005, senior government officials initially praised the report for the truth that it revealed. But later they criticized CAVR for its “grandiose idealism,” specifically its proposal that a reparations program is financed not only by the Timorese government but also by Indonesia and other countries that bear responsibility for the horrific crimes that took place.

A few months after the CAVR report was launched Timorese security forces opened fire on each other bringing the young nation into a new crisis. The crisis (2006-2008) brought Timor-Leste yet again to the brink of violence, with 40 deaths, burning of houses that led to thousands of displaced mostly in the capital city of Dili. Peace prevailed, after the UN beefed up its peacekeeping forces and a new government was sworn-in by 2008. Needless to say, the debate on the CAVR findings and recommendations was sidelined.

Another factor that impacted the momentum of the CAVR’s findings and recommendations was the establishment of a bilateral truth commission, created by the governments of Indonesia and Timor-Leste to focus on the 1999 crimes.<sup>21</sup> Three commissioners from the CAVR joined the Commission for Truth and Friendship (CTF), including the chairperson. In Timor-Leste, the President established a technical secretariat tasked

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21 See ICTJ reports on the Commission for Truth and Friendship.

to disseminate the CAVR report. However, it played a limited role in pushing the debate on the CAVR recommendations. At the end, the CTF and CAVR reports were debated by parliament in December 2009. Parliamentary Committee A was tasked to develop draft legislation to implement key recommendations of the CTF and CAVR, producing two draft laws on an institute of memory and another draft law on reparations. However, the draft laws were never passed.

Now, more than 15 years from the heady days of this long dirty war, and ten years since we handed over the final report to the President, my shoulders are still weighed down by the stories of the men, women and children that had to live through decades of total impunity. The eight thousand voices still occupy my head, and echo in my heart.

So was it worth it? My answer is a resounding “Yes.” The effort to build a clear picture about the patterns on abuse on both sides is critical (not only for Timor-Leste, but also for Indonesia and the world.) Through analyses of its database we could make a finding about the pattern of violations, what proportion was committed by the Indonesian forces and the militia under its control, and what proportion was committed by the resistance. We were able to show international complicity, how short-term political interests clouded diplomacy. But in hindsight, I think we should have also focused more on efforts to practically transform the lives of victims and their communities. Without immediate material and social support for victims as well as strong dissemination in their communities, this acknowledgement quickly left a bitter taste. I think we learned the hard way that truth cannot be separated from repair that must take place in a concrete manner.

A woman who spoke at the CAVR public hearing about her experience of sexual slavery expressed her deep disappointment. “It is as if I was found, but then lost again...” Although she gave

birth to two children out of these rapes, one who is disabled, she received almost no assistance since she spoke at the CAVR's hearing covered by national media. She has struggled on her own to raise her two daughters. Tragically, her disabled daughter became a victim of sexual assault by her teacher.

*“During that time they came to interview me, there was not any help for me at all. When my (disabled) child wanted to enter school, they said she was too young. Nobody wants to pay attention to this child. Once they gave her this wheelchair... Now her life is like mine.”<sup>22</sup>*

The CAVR only took testimonies from about 1% of the population. Many victims have yet to speak about what happened to them, and many more still live in a vicious cycle of poverty and discrimination, as a result of the violations they experienced. A truth commission can give a false sense of completion, closing the door to the past—when the past has not passed for many victims. The father of Sebastiaun Gomez, a young person whose murder inspired other young people to take to the streets on 12 November 1991 culminating in a massacre known as the Santa Cruz incident, was himself a political detainee at the infamous prison island of Atauro. He reflected on the life he and his wife lead.

*“Since (Sebastiaun’s) death and burial, the two of us are just like this, always sad. Sometimes, for a day or two I do not eat, just drink coffee. Now and into the future, the two of us just sit inside our house, (now falling apart). Other people eat and drink together, but their children are all alive. What can we do? ... No one dreams of us.”*

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22 “Remembering My Beloved, Healing My Pain,” AJAR, 2012.

Timor-Leste provided a hard-earned lesson on the need to address victim's needs at all stages of its transition, from the humanitarian emergency phase, to the time when transitional justice mechanisms are in place, and immediately after these mechanisms complete their mandate. In a situation where systematic violations have taken place for decades, we must work hard to integrate the right to truth and practical measures to improve the lives of victims and their communities, if we are serious about sustaining peace, development and democracy. Overcoming the deep and painful legacy of the past requires a multi-sectoral approach and a commitment to long-term development initiatives that are sensitive to the needs of victims. At the same time, transitional justice mechanisms need to better integrate the needs of victims into their core work, and ensure that alternative support is in place for victims when transitional justice processes are wound down.

#### **4. Indonesia: Official Truth Denied, Voices of Survivors**

Across the choppy oceans, over to Indonesia, the right to truth is not faring well. And unfortunately, truth in these two neighboring countries is inter-related. Like it or not, for better for worse, Indonesia and Timor-Leste's past, present and future are forever linked. We have a shared history, and a common border in an island divided in half by colonial rulers. The Cold War resulted in a blood bath in the two countries, albeit a decade apart. A powerful military, accountable to none, was allowed to commit massive crimes in the name of security and development for many decades, both in Indonesia and Timor-Leste. The fall of Soeharto in 1998 opened the possibility for political reform, and some important achievements were made, including a commitment to establish a truth commission. However, 16 years into *reformasi*, we are still far from upholding the right to truth.

Of course, Indonesia is not alone in keeping skeletons in our closet. Many countries have unspoken secrets, buried deep inside: stories of massacres, disappearances, secret units in the military, racist policies, taking children away from their families. Despite an initial push for truth during the early years of *reformasi*, a plethora of mechanisms established fall short of delivering an official truth. In other words, like the traffic in Jakarta, we have entered a situation of '*macet total*' or complete gridlock. Official acknowledgment relies on a political will that faded quickly. Looking back on these 16 years, we can see 4 distinct phases:

**4.1) Momentous Change (1998-2000):** During the fall of Soeharto, a fierce struggle between advocates for reformation and forces clinging to the status quo led to the eruption of violence in Jakarta (and other big cities), but also East Timor, Maluku, Poso and Aceh. This period heralded critical changes, including the amendment of the constitution to include a bill of rights, and resolutions by the upper house (MPR) acknowledging the nation's dark past, calling for a just solution for long-term conflicts, and the establishment of a national truth and reconciliation commission. Perhaps, one of the more daring acts was the passing of legislation with the intent to prosecute serious crimes, which included giving the National Human Rights Commission (Komnas HAM) the power to investigate allegations of serious crimes, and the power to refer cases to the attorney general for immediate action.

This momentum for real change did not last long. Later we will find that the human rights courts (permanent and ad hoc) were never given a real chance to succeed. Without official and public acknowledgement of the truth, the so-called human rights trials (on cases from a massacre in North Jakarta, East Timor, and Papua) were allowed to run as a sham.

However, in the spirit of reform, there were small bites of truth: official **'truth-seeking inquiries'** took place during this period of momentous change, including fact-finding teams to various incidences of violence (1998, Aceh, and East Timor).

**4.2) Compromised Mechanisms (2001-2006):** This period is book-ended by two important (but flawed) excursions into truth: the human rights trials produced a 100% acquittal rate and the Commission for Truth and Friendship (CTF) provided a national stage for perpetrators to defend their actions. This period was also marked by the return of political killings of Papuan leader Theys Aluay (2001) and human rights lawyer Munir (2004). On the right to truth, a law establishing a national truth commission was passed by parliament in 2004, and annulled by a decision by the constitutional court to annul the National Truth and Reconciliation Commission (TRC) law.

An important lesson from Indonesia: After many years of lobbying and drafting, a TRC law was passed. The law was imperfect. It provided for reparations to victims if victims forgave their perpetrators, a condition that was practically and morally problematic. A group of victims and advocates brought a case to the Constitutional Court, arguing to amend these offending articles. The Constitutional Court granted this case, but instead of ordering to change the articles, struck down the law in its entirety. I think one lesson from this string of events is that we cannot wait for the perfect vehicle for truth. Truth can come in bite sizes, and in our context where decision-making bodies reflect the political realities, we need to be creative with the imperfect spaces for a little bit of truth.

This was reflected in some significant achievements made in the area of truth. The Women's Commission (Komnas Perempuan), established in 1998 in response to the rapes of ethnic Chinese women during the May violence, has steadily produced reports on



gender-based violence, including significant inquiries on Aceh, Papua, Poso, and the impact of 1998 on victims 10 years later, as well as an integrated report.<sup>23</sup> However, other inquiries during this period (Maluku, Poso, Theys, Munir, and to a certain extent CTF) resulted in flawed findings, weak recommendations or their implementation, and their reports not widely disseminated.

**4.3) Stalled Reform (2007-2014):** This period began with presidential elections with new parties and candidates linked to former military strongmen. The total failure of the justice system was marked by the continuing failure of the AGO to follow-up referrals by Komnas HAM and the final acquittal of the last remaining persons convicted for crimes against humanity. Torture continued to be wide-spread in the conflict area of Papua. Although the parliament made a recommendation to establish

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23 See “Sebagai Korban dan Juga Survivor” (2006), <http://www.komnas-perempuan.or.id/2010/08/pelaporan-khusus-untuk-aceh-sebagai-korban-juga-survivor/sebagai-korban-juga-survivor-english-2/>; *Kondisi Tahanan Perempuan di Nanggroe Aceh Darussalam (Conditions of Women Prisoners in Nanggroe Aceh Darussalam)* (2009), <http://www.komnas-perempuan.or.id/2010/09/kondisi-tahanan-perempuan-di-nanggroe-aceh-darusalam/>; also a report based on testimonies of more than 120 women victims collected by civil society groups that found gender-based crimes against humanity took place in 1965: *Kejahatan Terhadap Kemanusiaan Berbasis Gender: Mendengarkan Suara Perempuan Korban Peristiwa 1965* (2007), <http://www.komnasperempuan.or.id/2010/08/mendengar-suara-perempuan-korban-peristiwa-1965-2/>; The commission also produced a report evaluating the situation of victims 10 years after the 1998 May riots: *Saatnya Meneguhkan Rasa Aman: Langkah Maju Pemenuhan Hak Perempuan Korban Kekerasan Seksual dalam Kerusuhan Mei 1998* (2008), <http://www.komnasperempuan.or.id/2010/09/saatnya-meneguhkan-rasa-aman/>; and a report on violence against indigenous women in Papua from 1963 to 2009: *Stop Sudah: Kesaksian Perempuan Papua Korban Kekerasan dan Pelanggaran HAM*, (2010), <http://www.komnas-perempuan.or.id/2010/10/stop-sudah-kesaksian-perempuan-papua-korban-kekerasan-dan-pelanggaran-ham-1963-2009/>.

an ad hoc human rights court for the case of the 13 disappeared pro-democracy activists in September 2009, the president did not establish it.

A striking pattern is the almost coordinated foot-dragging in the implementation of transitional justice measures that are already in place. There were no sanctions or public outrage when these malfunctioning systems are allowed to deadlock. The long periods of time between any kind of movement in a series of complicated steps has allowed efforts around justice to crumble unnoticed. Although on paper, Indonesia has enough laws to achieve justice for these crimes, there is simply no seriousness or political will to deliver justice. The obstacles in Indonesia's bureaucracy are multi-leveled: vague laws which allow endless debate on their interpretations, conformity to form with little space for procedural innovation, and a culture that tolerates impunity, mediocrity and frowns on those who take risks.

On the other hand, civil society continues to campaign for truth. Victims groups have not ceased from a weekly vigil to demand accountability and recognition. This is the main reason why accountability for these crimes remains to be a critical agenda.

**4.4) 2014 – a new era?** In the first week of July this year, Indonesia entered a historic presidential election. Two contenders: another former military strongman with a track record of violence and familial links to Soeharto vs a young reformer with a knack to rock the boat by stopping corruption and strengthening accountability. At the time of writing, the reformer has been declared as the winner, but the strongman has failed to concede. We are still at crossroads between returning to the past or choosing a more democratic future. However, we are full of hope.

## **5. Year of Truth—a civil society initiative**

*“I was 30 years old when this happened. I prayed to God to give me strength so that one day I can testify for the truth to be known...”*

These were the words of Grandma Net from Kupang, in West Timor. Grandma Net spoke of the horrific events of 1965 - of her imprisonment, of false accusations, of her struggle to free others, of family members ‘disappearing’, and of her long journey to uncover the truth in the face of the ensuing humiliation from friends and neighbors. Oma Net was one of more than thirty victims from across Indonesia who came to Jakarta to share their stories of pain and suffering before a public audience at the National Library in October 2013, during a five-day hearing organised by the Indonesian Coalition for Justice and Truth (KKPK, [kkpk.org](http://kkpk.org)). At the entrance of the National Library, an exhibition of photos and artifacts lined the pathway to the auditorium, a stark reminder of the horrors of the past, and a prelude for the members of the public for what they were about to hear.

This coalition is made up of 47 NGOs from Aceh to Papua, working to promote truth and justice in Indonesia. Our coalition was formed in 2008, when the Indonesian government claimed to be re-drafting the truth commission law. However, years later, a new draft law was still elusive and political support was diminishing. Our coalition then decided to conduct our own truth-seeking process, calling the year-long campaign “The Year of Truth” to establish the truth on violations committed between 1965-2005.

During this “Year of Truth” our coalition collected stories documented by our members, entering them into a collectively managed database. We developed working groups on truth,

advocacy, victim support and public campaign. We conducted public hearings in 6 cities. By October this year we hope to launch our final report, along with a video about this process. What is unique about this process is that it reflected the many facets of the New Order's legacy. For the first time, we are putting together the big picture, with information from groups working on conflict around natural resources, victims of 1965, women, Papua, Aceh, Timor-Leste and religious conflict.

The largest public hearing, held for 5 days in Jakarta, was entitled, "Speaking Truth, Breaking the Cycle of Violence." Victims testified before a "citizens' council", a committee of fifty-two prominent national figures and experts, who believe in the recognition of Indonesia's violent history as the keystone for the nation's transition to democracy. Many of the victims highlighted a common hope - that speaking out the truth would pressure the government to finally acknowledge their pain, and apologise to all those who have had to undergo years of injustice, discrimination, and trauma. The hearing reflected the multi-sectoral perspective of our coalition with testimonies of victims from 1965, Aceh, Papua, land conflict and religious persecution, as well as violence perpetrated against human rights defenders and violence against women.

A Papuan woman told of how she was forced to leave her husband and children because of the "shame" she brought to her family as a victim of sexual abuse by military personnel, following her arrest in 1998. Her voice trembled as she told her story. "We gave birth to children who have been slaughtered like cattle. Our wombs cannot bear children anymore. Where is justice?" she asked.

Linking to the CAVR, a former adviser for Timor-Leste CAVR, spoke on behalf of the eighty thousand people who died in the

famine of 1978-979. When Timorese refugees surrendered into Indonesian army-controlled territory, their access to food was severely blocked, causing tens of thousands to perish. He spoke alongside two survivors of torture from Timor-Leste, as well as a young woman who was taken from her family in Timor Leste when she was just 6 years old, forcibly adopted by a military family and transported by a naval ship with other East Timorese children.

Representatives from religious groups also spoke about their experiences of being forced to conform to Indonesia's five officially-endorsed religions. They spoke of being evicted from their homes for adhering to the "wrong" Islamic beliefs, of being humiliated in their communities, and of being denied basic administrative rights, such as birth and marriage certificates that would qualify them as citizens of Indonesia. A member of the indigenous Jawa Sunda religion told the audience how her community had fought for Indonesia's independence. "We welcomed outside religions into Indonesia, and now we are being betrayed, pushed out, and denied." Another Ahmadi follower said his family had been repeatedly evicted from their homes, and forced to live in a refugee camp for the last 8 years. "We are refugees in our own country," the 44-year-old said.

The testimonies from victims of land confiscation and natural resource conflict were equally heart-wrenching. Many spoke of unresolved disputes that began during the New Order, as well as continuing patterns of exploitation. One victim spoke of the loss of his land to a mining company in South Sulawesi. He said could never again sing the Indonesian national anthem. "Our national anthem, Indonesia Raya, speaks proudly of our home of land and water. I cannot sing this anymore - I have no land, and no water. I have nothing."

Perhaps the most repeated plea at the hearings was the call to break the chain of impunity, engrained into Indonesia's culture. This pattern of impunity enables violence and threats to those who dare to speak out. Citizens and human rights defenders alike - journalists, labor activists, poets, human rights activists and peace workers - were all targeted under the New Order. Marsini, sister of the murdered labor activist Marsinah, retold the story of her fatal kidnapping and torture in 1993. Her murderers have never been brought to justice, but her sister gave a message of hope. "I thought that we had been forgotten," said Marsini, "but I am hopeful that we can work towards obtaining truth and justice."

These testimonies were interjected by powerful performances by some of the survivors, including a reading from poet and former political prisoner, Putu Oka Sukanta, a performance from Nani Nurani, a 71-year old former palace dancer who was unlawfully imprisoned for seven years, and songs written by the Yogyakarta women survivors' group, Kiprah Perempuan Yogyakarta, who sang about their prison experience using tragedy and humor. "Ikipiyeikipiyeikipiyee [...]" began one tune - "What to make of this / all these repeated promises.." The son of Wiji Thukul, a pro-democracy activist who disappeared during the years leading to *reformasi*, sang a song on his guitar using the words of his father. "If only..." he sang. There was not a dry eye in the house.

The Year of Truth is still in progress. A month after the completion of our public hearing, a group of coalition representatives presented the findings and recommendations to the head of the Upper House of Parliament. We plan to complete our final report in October, and present it to the new President-elect. Our struggle to uphold the right to truth is still long. However, there are some key lessons emerging from the process:

- **Linking the present to the past, reaching a wider (and younger) audience:** The hearings and the final report of the Year of Truth outlined the legacy of impunity that we are still experiencing until today. We have also concluded that impunity leads to structural poverty, as the weak are unable to challenge corrupt practices of the powerful. We tried to show the link between gross violations of our civil and political rights and its long-term socio-economic impact, making the point that the victims of these violations are not only those who suffered directly. Our coalition consciously sought to reach groups out of our usual circles of comfort. We used social media, including twitter, facebook, video live-streaming, and internet-based radio to campaign on the Year of Truth, with a special intent to reach out to first-time voters.
- **Integrating information and violations from different sectors and conflict areas:** This feature of our work was critical, as we began to build bridges between groups that have worked in isolation from each other. We also made use of already published NGO reports and official truth reports/inquiries from official bodies that have been released to the public, creating a bigger picture of the systematic nature of violations, as well as the multitudes of perpetrators and those who benefitted from the draconian policies of the New Order.
- **Highlighting continuing religious-based violence:** Another element of KKKPK's work was to raise the right to religious freedom, as part of the systematic violations that took place in the past. For many in the audience, this was the first time they heard testimonies from indigenous religious groups and minority groups. Again, showing the link from policies created to "uniformize" and control

religious institutions during the Soeharto era to the current violations against religious minority groups by intolerant groups.

- **Engaging artists to extend cultural expression against these violations:** We asked a group of artists to produce an art installation for our main hearing in Jakarta and are also using infographics in our final report. These young artists are breathing a new life into the tired language of human rights. At the same time, some of the victims are also artists (poets, performers, singers) and we have incorporated their artistry in our expressions.

I feel very honored and humbled to be able to share my reflections on these two experiences. Again, no experience in another country can give you the answers for your context and your struggle. But perhaps my observations can be like a small candlelight that can help you read and draw your own map, and chose the path you will walk. If I may, I will leave with you with **three points.**

**1) Impunity may be contagious, but so is truth!** Looking at the two countries, we can see how the initial push for truth in Timor-Leste became watered down by the strong status-quo in Indonesia. Impunity seems to be contagious. However, the opposite is also true. Using methods we learned from Timor-Leste, we have organized our own civil society truth-seeking process. We have invited survivors to testify from Timor-Leste, and made use of the information collected by the CAVR. So truth is also contagious, and we can spread it around. We are also taking the hard lessons from Timor-Leste to heart. So as members of the Justice and Truth Coalition, we are reinventing how to do truth at a community level, and looking at community-learning as a way to facilitate repair.



**2) Truth is not an event, or a report.** Truth is like a seed that must take root and grow. Eventually, its shade and fruits must benefit many and generations to come. Truth can come out of official or civil society processes. Truth must be nurtured, continuously reinvented, through dialog, new research, and the seeking of new sources.

In contexts where impunity is long, we need new tools and processes that can be used for a long time. Truth commissions are ad-hoc in nature, created to focus efforts during a two to three year duration. It was time to think out of the box, and shift from mechanism to process. We could no longer rely on only legal-based methods of taking statements from victims, but needed to adapt and integrate participatory action research, trauma healing sensitive and feminist methods to the way we try to document and understand violence. The most perfect forms of impunity are social and cultural – where victims/survivors self-censor themselves from speaking out about the violence they experienced and deny themselves any hope for justice. So, in Indonesia and Timor-Leste we have developed tools for participatory action research such as (1) *timeline* and (2) *community mapping* to probe survivors to talk about their experience of violations, (3) *resource mapping* to identify the social economic impact of violations. We adapted a women’s health method (4) *body mapping* to encourage women to speak about sites of pain and happiness on their bodies. We also developed some new methods: (5) *photo stories* where researchers interview survivors while taking pictures of important items identified by the interviewee, (6) *memory box* where participants share the content of a box that they were asked to fill with items that were significant to them. And lastly, a method to reflect on transitional justice that we are calling (7) *stone and flower*. This is a way to invite victims and their communities to talk about their perceptions of justice, truth, healing and freedom from violence from a personal and family to community levels.

3) Lastly, **we need to adapt our definition of rehabilitation (as part of reparation) to include empowering victims to realize their life plan.** We must challenge ourselves to work harder to find creative and new ways to bring concrete change to victims in their daily lives even in difficult situations. First, by improving their access to basic services; finding ways to bring development projects; but also facilitating learning for victims and their communities. We have learned that we must be better equipped to deal with the root causes of conflict. This requires us to engage in long-term, inter-generational dialog that can bring changes in knowledge, attitudes and culture. Rehabilitative approaches should be integrated into all phases of working in conflict and post-conflict situations. It should not merely be seen as an outcome of a sequence of transitional justice mechanisms.

We are learning that reconciliation can only take place in the wake of truth. But this truth must be deeply rooted in ourselves and our communities. Inspired by Hegel's view that "history is the story of freedom becoming conscious of itself", I think *reconciliation is about ourselves becoming conscious of our stories of violence.* No longer seeing violence perpetrated between us vs. them, but seeing our own complicity in the commission of these systematic crimes as persons who took part, benefited from, or merely looked the other way.

## LIST OF PAST LECTURES

<b>Date</b>	<b>Topic</b>	<b>Speaker</b>	<b>Speaker Profile</b>
March 2000	Nationalism and self-Determination: Is There an Alternative to Violence?	Mr. Michael Ignatieff	Writer, Historian And Broadcaster
July 2000	Human Rights Political Conflict & Compromise	Mr. Ian Martin	Former Special Representative of the United Nations Secretary- General for East Timor and former Secretary-General, Amnesty International
July 2001	No Greater Sorrow (Times of joy Recalled in Wretchedness)	Prof. Amitav Ghosh	Novelist, Anthropologist, Professor of Comparative Literature, Queens College, City University of New York
July 2002	Truth and Reconciliation in Times of Conflict: The South African Model	Prof. Alexander L. Boraine	President, International Center for Transitional Justice
July 2003	Whose Face is That I See?: Remembering the Unfallen	Prof. E Valentine Daniel	Professor of Anthropology and Philosophy, Columbia University
October 2004	Justice and Human Rights for All: The Key to Peace and a Sustainable World	Ms Clare Short MP	British Labour Party Politician and Member of Parliament
July 2005	The Political Formation of Cultures: South Asian and Other Experiences	Prof. Narendra Subramanian	Associate Professor of Political Science McGill University, Montreal, Canada

July 2006	Terror and the Constitution: Notes from America since September 11	Mr. Steve Coll	Staff writer, The New Yorker, former Managing Editor, The Washington Post
July 2007	The Limits of State Sovereignty: The Responsibility to Protect in the 21 <sup>st</sup> Century	Prof. Gareth Evans	President, International Crisis Group
July 2008	Democracy & Development: Restoring Social Justice at the Core of Good Governance	Prof. Gowher Rizvi	Harvard University Kennedy School of Government
July 2009	Constitutional Utopias: A Conversation with Neelan Tiruchelvam	Prof. Upendra Baxi	Emeritus Professor of Law University of Warwick, UK
August 2010	Histories and Identities	Prof. Romila Thapar	Emeritus Professor of Ancient Indian History, Jawaharlal Nehru University, New Delhi
July 2011	Making South Asian Cities Habitable: A Perspective from the Past	Prof. Ramachandra Guha	Historian, Biographer, Columnist, Environmentalist and Cricket Writer
July 2012	Constitutional Design in Plural Societies: Integration or Accommodation?	Prof. Sujit Choudhry	Cecilia Goetz Professor of Law, Faculty Director, Centre for Constitutional Transitions, NYU School of Law
July 2013	“The law, this violent thing” dissident memory and democratic futures	Prof. Vasuki Nesiah	Associate Professor of Practice New York University





**The Neelan Tiruchelvam Trust (NTT)** is an indigenous philanthropic organisation that supports social justice, peace and reconciliation. It was founded in 2001, two years after the assassination of Dr. Neelan Tiruchelvam. NTT is devoted to sustaining his intellectual legacy as a peacemaker, legislator, constitutional lawyer and institution builder.

### **Our Vision**

The establishment and protection of a just, equitable and peaceful society.

### **Our Mission**

To collectively promote peace, reconciliation and human rights, sharing responsibility, resources and risks through strategic partnerships with civil society, public sector, business community, diaspora, academia and donors.

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