COVER

Documentation Report:
Special Rapporteur Of National Commission on Violence Against Women Regarding Sexual Violence in May 1998 Riot And Its Impacts

Time to Settle the Sense of Security

A Step Toward the Fulfillment of Right for Women Victim of Sexual Violence in May 1998 Riot

NATIONAL COMMISSION ON VIOLENCE AGAINST WOMEN
KOMNAS PEREMPUAN
KOMISI NASIONAL ANTI KEKERASAN TERHADAP PEREMPUAN

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Executive Summary

In order to fulfill the ethical responsibility of Komnas Perempuan and to commemorate the tenth anniversary of the May 1998 Tragedy, Komnas Perempuan has formed a Special Rapporteur on Sexual Violence in May 1998 Riot and Its Impacts.[1] Special Rapporteur documented on how far the women sexual violence victims rights to the truth, justice, and recovery are fulfilled after ten years, also how far the State has completed it's responsibility in fulfilling their rights. This documentation was meant to complete the previous credible investigations findings on May 1998, moreover giving recommendation to the advance of rights fulfillment violence victims in general, and women sexual violence victims of May-1998 Riot in particular.

The Special Rapporteur findings in the documentation reinstate the existence of women sexual violence victims, including rape in a series of Riots in May 1998 in Jakarta and some other big cities in Indonesia. The victims were mainly Indonesian Chinese ethnic women with age ranged from 5 to 50 years old, and with any marital status. Rape also happened in the form of gang rape or grouped rape, further not limited to the penis penetration but also by forcefully put things into vagina, and these all happened whether in their own house or even in the public areas. This reinstatement has become the important key to end the endless controversies upon the existence of sexual violence in the Riot-which all this time merely left unsolved among the society.

The documentation has found that even after ten years, those sexual violence victims in May 1998 Riot still choose to be silent. Be silent in a sense of their unwillingness to be acknowledged as victim, cutting acquaintance with their past, hence refused to recall their memories back related to the May 1998. All the victims contacted by counselors reject to recall upon the violence experienced or have decided not to be in touch with their counselors. With this situation, the Special Rapporteur was only able to meet two survivors. Special Rapporteur never put forward demands to meet those survivors in order to testify on their sexual violence experience nor their conditions for the late ten years. This was done by holding the principal on giving assurance to fulfillment of victims' rights to be free from re-victimization. However, the story of victims delivered through counselor's voice- is able to be documented.

This documentation has found seven reasons why the women sexual violence victims choose to keep silent after May 1998 tragedy. These seven factors are related each other, they are factor of personal, family, culture, society attitude, history, law, and the state. The distrust upon State's willingness to resolve May

1 This is the third Special Rapporteur formed by National Commission on Violence Against Women. Prior to this there are Special Rapporteur on Aceh and Special Rapporteur on Poso. Unlike the previous two which focused the work on geographical area, this Special Rapporteur focused the work on the sexual violence issue, and to be specific, the fulfillment of sexual violence women victims in May 1998 Riot.

1998 Riot case, especially sexual violence May 1998 case, has enhanced their reason to choose in silent as their way to have a feeling of security and so they can move forward. As part of this, their change their residences based on their consent or being moved by their family out of town or even abroad. Some of them changing their identity and asked the counselors to stop contacting them. Even until the very moment, the healing process of those survivors mainly done by the effort of the victims and their families. Yet, the counselors still assist victims who are still under the hospital care and also those who are being left by their families.

This documentation also unveils the importance of care for caregivers due to the trauma experienced by the counselors due to their counseling activities. Apparently not all of the counselors have the opportunity to get support in managing the trauma they feel, while on the other side they were asked to appear firm and strong person for the victims. Similar needs are important for counselors working in armed conflicts' areas. Care for caregivers should be an inseparable mechanism exists in the protection and supporting system of Human Rights Defenders.

In the effort to establish their secure feeling and to support the victims' healing process, conducive surroundings is needed. For that reason, Special Rapporteur recommended several things;

- State should acknowledged the existence of sexual violence happened in the May 1998 tragedy and stop all the demand for the victims to be testified publicly as the only way to fulfill State's responsibility in addressing the victims' rights for the truth, justice, and recovery; establish a gender-sensitive Witnesses and Victims Protection Institution; accelerating the revision process of Criminal Code and also Criminal Procedures Code by developing a clear legal definition with further investigation measures on rape case which meet the international standards, while ensure the protection and support to the work of human rights defenders, including for those who defend and counsel the women sexual violence victims.
- National Commission on Violence against Women continues the efforts to increase collective awareness that sexual violence commonly happened in the conflict context and rape is a crimes against humanity. Included to ensure the integration of sexual violence cases revealing in every case investigation in order to uphold Human Rights.

Jakarta, 24 June 2008

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Foreword

On 8th May 2007, Komnas Perempuan formed a Special Rapporteur team, the third one since the establishment of the mechanism in 2005.[1] Named "Special Rapporteur on Sexual Violence during the May 1998 Riot and its impact", the Special Rapporteur becomes means for Komnas Perempuan in obtaining updates on women survivors ten years after the atrocious assaults that they experienced during the May 1998 Riot. Founded as actualization of Indonesia's response against the sexual assaults that happened during the Riot, Komnas Perempuan bears the moral responsibility of fulfilling their rights to obtain truth, justice and recovery. After ten years of works in creating conducive environment for eradication of all kinds of violence against women, Komnas Perempuan deems that it is urgent to take special measures, especially considering the impasse in verifying the May 1998 riot for human rights violation. Definitely, first step to this end must be based on a thorough comprehension on updated information about the very victims of sexual violence.

Komnas Perempuan is certainly honored to have cordial agreement with Prof. DR. Saparinah Sadli as the Special Rapporteur investigating for updates on victims of the May 1998 Riot. When the Riot occurred, Ms. Sadli was the Deputy of the National Commission on Human Rights. She was then assigned as a member of the Joint Fact-Finding Team that President B. J. Habibie convened to conduct investigations on the Riot. During the milestones of Komnas Perempuan, Ms. Sadli assumed the frontier role of a pioneer in dialogues and negotiations with the President of the Republic of Indonesia. She held the position as Head of Komnas Perempuan since the Commission was founded in 1998 to 2003. Equally important in her long track record of the investigations on the Riot, is the fact that Ms. Sadli is a professor of psychology whose special sensitivity and preserved devotion have contributed to the healing process of the survivors. As a result, she is now a prominent figure whose professional competence and commitment are beyond question, to whom survivors and counselors can trust. In performing the tasks and responsibilities entrusted as the Special Rapporteur on Sexual Violence during May 1998 Riot and its Impacts, Ms. Sadli is assisted by Andy Yentriyani.

Findings that the Special Rapporteur collects update on female survivors of sexual violence during the May 1998 Riot. They will be used as factual bases for Komnas Perempuan to determine further measures, those ones that may promote fulfillment of survivor's rights to obtain truth, justice and recovery, and that serve as integral part an integral part of national responsibility in

2 The First Special Rapporteur of Komnas Perempuan was assigned to collect documents about human rights condition of women in Aceh, while the Second one was tasked with similar responsibility in Poso, Central Sulawesi.

providing impartial fulfillment of human rights for all citizens of Indonesia. In a wider context, Komnas Perempuan hopes that this very report of the Special Rapporteur on your hands could be a resourceful basis for any Government and Public institutions to contribute firm and active participation.

Jakarta, 13th May 2008

Kamala Chandrakirana

Special Rapporteur Preface

When Komnas Perempuan gave me their mandate to be a special rapporteur on Sexual Violence in May 1998 Riot and Its Impact, my first concern was on how to not revictimized the women who were sexually abused back on May 1998 on the documentation process. We discussed about these concerns to some people who put their sympathy upon the victims on May 1998 Riot. Those people are teachers, doctors, academicians, human rights activists, whether men or women, who directly involved in the counseling process toward the sexual abuse victims and also their families shortly after the Riot. At that time, we collected suggestions and inputs which lead us further to document the latest condition of women as the May 1998 sexual violence victims. The details can be perused through this report.

During the documentation process, we faced the fact that even after ten years suffered from sexual abuse, the victims (which are women) and their family still reluctant to be reminded of and talk about the horrendous memory. Family certainly played an important role in deciding on the next step should be taken, since the victims who are seen by the family as the one that should be getting special protection in particular on her sexuality, Furthermore, most of the victims are *Tionghoa* (ethnic chinese), who historically were victims of discriminations and violence without clear explanation back in the past. Plus the value adopted in our society that put stigma upon the woman, daughter and wive if they were raped. Maybe this fact is something that is meant by the counselor who said that counseling the victim of May 1998 sexual abuse are different, there is 'something special' in it. Moreover, there might be a relation that the 'stranger rape' happened in May Riot caused a particular trauma. It is something that reminds us to Pak Haji's story who witnessed the May 1998 Riot and the sexual abuse toward Chinese women nearby his house. It was an incident that he could never possibly forget and making him opposing any kind of violence with any reason till this particular moment.

In this documenting process, we carried it without 'hunt' either the victims or the family for two reasons. First, since the beginning we respect the victims' and families' will on their silent. Secondly, we trust the counsellors, who were willing to share their experience and giving inputs for the sake of documentation process without 'false memories', without breaking the victims' trust. Some counselors declined to be an interviewee because the interviewees did not want to be reminded on May 1998 Riot. While those who were willing to share their experiences, were having mixed emotions when they retold us about the stories. The emotions of the counselors (anger, cold, and shivered, and also how their heart beats so fast every day when it closed to May), which appear when they retold the stories about the women victims of May 1998 Riot and their family conditions ten years ago, have strengthened our heart that it is inhumane to force the women victims of sexual abuse or their family to speak up for the sake of this documentation.

That this documentation itself only records the voices of the counselors and not the victims nor their families, but we realized that it becomes the weakness and limitation of this documentation result. It has been a critique upon this documentation result but we would like to take it positively. This documentation is an attempt to document controversial issues, such as the latest conditions of women sexual abuse victims of May Riot, 1998. The fact is that these victims are still facing this current political condition that is not giving them a secure feeling as woman victim of May 1998 tragedy. Even with its limitations, we consider the result of this documentation still has a clear position in the middle of vagueness related to sexual abuse issues in May 1998 Riot.

I wrote this preface after the launching of report in Komnas Perempuan's office on May 15, 2008. By looking at the number and the variant of guests, we may conclude that there are many people care and want to know about the conditions of women sexual abuse victims' ten years after the tragedy. Their responses after listening to the report that morning were various. There is a Chinese Woman said that they, as a Chinese women, are not alone dealing with the impact of May 1998 Riot by looking at everything that Komnas Perempuan has done. Since before she felt alone and should deal with the past memories related to the women abuses back in May 1998. There were other responses from several decision makers related to documentations made and also reactions on sexual abuse issue of May 1998 Riot. They stood still on their own belief and opinion that May 1998 Riot is just 'an assumption' or just 'a speculation'. Such a positivist approach, in which there has to be a clear legal evidence, which still not shifted even though the Joint Fact Finding Team (TGPF) of May 1998 Riot and the UN Special Rapporteur about violence against women have officially reported their findings and decided that there was sexual abuse on May 1998 Riot. The decision makers for the past ten years has firmly stood to the needs of evidence, for instance the women victims should appear before the public. They insist the victims to testimony so that what had happened to them could be proceed based on the *positive law*; unfortunately, it does not sided to the victims. In this social political condition, the victims' needs upon their secure feelings certainly not exist, although the state has officially acknowledged that violence against women is a violation to the Human Rights; and sexual abuse is a crime to humanity.

In the midst of controversies, we highly expected that this recommendation provided as a documentation result concerning the latest condition of the victims and their family can be taken seriously and became the foundation of an equal cooperation between Komnas Perempuan, state apparatus, and the communities of May 1998 Riot victims. Furthermore, we do hope that the fortification on the Secure Feelings of May 1998 Sexual Abuse Victims and their Families can be created together by Government and our society. Further, Women's Human Rights is Human Rights (Law no. 39/1999 article 45 about Human Rights) could be a reality in the nation life.

Gratitude to every person that have orally and written provided their time to discuss preliminary findings up to the writing process so that this documentation could be finished timely. The content of this report will be responsibility of Special Rapporteur team.

Jakarta, May 23rd 2008

Saparinah Sadli

Part 1

Documentation on May 1998 Sexual Violence and Its Impact

"...even those experiencing direct impacts are getting reluctant comemmorating the Riot. I personally never took part in any commemoration events for two reasons: I do not know where such events take place, and what for? I may sound like a pessimist, doubting the Government commitment in keeping on investigating and following up this case. Thus I wonder about the objectives of this documentation. Is it for the sake of curiosity?" (K1, survivor from rape attemption)

1.1. Background

On mid-May 1998, Jakarta and some big cities were paralyzed by series of riot. Tens of buildings, houses and malls were damaged and burnt. Eyewitnesses told that hordes pushed and looted anything that their hands could grab without any security officer to stop them. Others reported[3] that the three-day Riot in Jakarta caused more than one thousand people hurt and also casualties, many of whom are found totally burnt and thus could not be identified neither by face nor other physical features.

There are also reports in which include information on mass rapes and other kinds of sexual violence took place during the Riot, aiming at certain women, i. e. those from ethnic Chinese. They are issued by two competent institutions working under initiative of the Government: the Joint Fact-Finding Team on the 13-15 May 1998 Riot (the JFF Team) and the United Nations through reports of its Special Rapporteur on Violence against Women on Indonesia and East Timor (now Timor Leste). The JFF Team Report was concluded based on victims' statement and reports issued by the Indonesian Doctors Association (*Ikatan Dokter Indonesia*); while the UN Special Rapporteur's Report was composed based on information that the JFF Team found and interviewed the women sexual violence victims.

Nevertheless, since the first public disclosure of such reports in 1998 up to this moment, there are still doubts raised on whether sexual violence against women during the Riot really took place. For example, as quoted from an official's wife upon reading an article about sexual assaults during the Riot, "*if indeed there were so many women who survived sexual violence, then why no one speak their experiences up?"*. Another example is a visit paid by a female police officer

3 Among others is the report prepared by the Human Rights Watch, ie **"Indonesia: The Damaging Debate on Rapes of Ethnic Chinese Women"** (downloaded on 31 January 2008 at 11.45 am from http://www.hrw.org/reports98/indonesia3/index.htm).

to an organization considered having information on survivor whereabouts. She asked, "*as requested by my commander, can you make just one victim come and file her case to a Police Office so that we can have a evidence that violence against women really happened [during the Riot]?"*. And take this question asked by a young entrepreneur who founded a group providing trainings and funds to homeless victims, as well as loans for them to start small business. Upon reading a book on the May 1998 Riot commemorating the fifth year of the Riot, published by Komnas Perempuan, the young entrepreneur was in doubt, asking "*is it true that rape really happened during the May 1998 Riot?"*.

Public behavior of doubting the existence of sexual violence during the Riot reflects no less than two points. The first is that the public and officials are still in doubt whether or not sexual assaults, especially rape, took place during the Riot, regardless that mass rape and other kinds of sexual violence are confirmed to take place through the reports by two competent institutions working upon the auspices of the Government. They are prepared by the JFF Team and the UN Special Rapporteur on Violence against Women during her visit to Indonesia and East Timor (now Timor Leste) on November 1998.

Secondly, differently expressed, both the public and officials are generally expecting victims to speak up, serving as live evidence that such sexual violence did happen. They do not realize that their expectation could possibly caused those women survivors further re-victimized, taking sole responsibility to convince the public of their dreadful experience. This public attitude made survivors feel threatened and resort to permanent silence.

Amidst such public attitude of doubting and of demanding expectation, Komnas Perempuan continuously puts efforts in fulfilling women's rights with a consistent ethical responsibility. It is the first national institution founded during the early reformation era upon urging calls from women's activists to the Government in order to immediately resolve the case of mass rape and other kinds of sexual violence during the Riot. The Commission took a strategic step by facilitating a session for victims of the Riot, as well as sexual violence victims in Aceh, East Timor (now Timor Leste) and Papua to meet the UN Special Rapporteur on Violence against Women during her visit in Indonesia.

Commemorating the tenth year of the Riot, in line with its mandate, Komnas Perempuan decided to compile documents on levels of fulfillment of victims rights to obtain truth, justice and recovery within the period of ten years after the Riot, and levels of Government's accomplishment in fulfilling their relevant responsibilities. Thus, on May 2007, Komnas Perempuan convened the team of *Special Rapporteur on Sexual Violence during the May 1998 Riot and Its Impacts* and assigned Prof. Dr. Saparinah Sadli as the Special Rapporteur from the period May 2007 to June 2008.

1.2. Objectives and Scope of Documentation

In the efforts of fulfilling victims' rights, *the Special Rapporteur of National Commission on Violence Against Women Regarding Sexual Violence in May 1998 Riot and Its Impacts* (the Special Rapporteur) publicizes reports for the purpose of:

- Providing means for women victims of the tragic Riot to use their right to speak up; opening opportunities for women survivors to articulate their opinions on their own conditions and efforts of fulfilling their rights to truth, justice and recovery;
- Ensuring that the victims are not re-victimized; counter-promoting the spirit against the call to forget such victims and abandoning the demand to speak up in public aimed at victims; and
- Developing wider collective awareness of the fact that violence against women during the Riot is crime against humanity, and that traumatic memory of the victims should be seen more as a constructive power rather than destructive melancholy (repressed as a threat to victim's secure feeling), all of which being public's responsibility of providing consolation to the victims of the Riot and truth to the public.

This documentation is focused on updates about women survivors of sexual violence during the Riot, their families and also their counselors. It is, thus, not aimed at specifying the exact number of sexual-violence victims during the Riot, as such objective shall only serve as a controversial one deemed unconstructive and irrelevant to works in promoting human rights. It is neither intended to repeat the process of fact finding that had been already submitted before some credible investigation series on the Riot, but rather to complement those findings.

Specifically, documentation that the Special Rapporteur of National Commission on Violence Against Women has prepared shall answer the following questions:

1. Right to obtain truth
    a) How far have social, political and cultural aspects of national current affairs influenced the survivors of the Riot sexual violence to keep silence?
    b) What are lessons learned from the complex process of investigations and documentations on the Riot sexual violence cases, both conducted independently and by the Government, in the context of future efforts in revealing truth behind similar cases?
2. Right to obtain justice
    a) Ten years after the Riot, do survivors feel that justice has been served? If they do, what is the form of justice and which party is

considered to give more contribution? How do they define justice?

b) How far have recommendations included in investigation documents by the JFF Team and the UN Special Rapporteur on the May 1998 Riot been implemented? Which institutions have implemented such recommendations, and what are the results? Which points of recommendations are left and why? What are the impacts of such implementation to the women survivors and other victims?

3. Rights to obtain recovery

a) Ten years after sexual assaults that they experienced, how far have the survivors been recovered to normal in terms of physical, mental and sexual? Who have played leading role in their recovery?

b) What do survivors need to fully recover? Have survivors already in their finest position to fulfill their needs? Does this state of position apply to all women survivors?

c) What kinds of difficulties should counselors, doctors, activists and relatives overcome?

In short, documentation that Komnas Perempuan compiled along with the public should provide accurate updates on:

- Levels of fulfillment of rights that women survivors of sexual violence during the Riot are entitled to;
- Efforts by the Government in performing its responsibility of providing victims' rights, including reparation;
- Measures that governmental institutions and the public should take in venturing for comprehensive, systematized and sustainable resolution in the framework of fulfilling victims' rights, including preventive efforts.

1.3. Principal and Process

"There are only several reporters who could trace victims as close as I did. Thus I would go upset if reporters conclude that 'there are no such rape victims. If they never met [victims], then it means there are no victims at all? Even if they did meet reporters, it might happen that victims did not tell anything to them." (I3, reporter, male)

The Special Rapporteur understood that since the May 1998 Riot, most sexual-violence victims have shown reluctance in speaking up in public or resorted to silence, as decided both by themselves and their families. Decision to keep silent reflects victims' effort to forget their bitter experience and agony amidst a society who keep on doubting and even denying the sexual violence as a fact.

In dealing with such silence, the Special Rapporteur began the process of documentation by building communication ties with counselors in order to obtain initial updates on victims and their families. To these counselors, she expressed her wish to meet survivors. This method was intentionally chosen to ensure that running recovery program shall not disturb with this documentation process. She respects victims' right of not to retell by themselves their condition and pain as sexual-violence victims. Thus, she never asked counselors to bring the victims in. Hindsight, this documentation process is never meant to collect quantitative data on victims, but rather to collate information that lead to comprehensive updates on victims of sexual violence during the May 1998 Riot, their families and counselors.

This is not an easy method because most counselors have also resorted to silence because they do not want to endanger the victims whom they ever attended. Some counselors are finally open to meetings by using the method of a rolling snowball. Since September 2007 to March 2008, the Special Rapporteur and her team have interviewed 25 sources, i. e.:

- Two women, victims of sexual violence, one of which is a victim of rape attempt, while the other is a victim of sexual harassment during the Riot;
- Twelve counselors directly attending the survivors of the Riot;
- Eleven informants who know the victims' whereabouts but indirectly acted as victims' counselors.

In addition to meeting two victims, counselors and informants, the Special Rapporteur also met victims of various competence, ie three doctors, three clerics, three teachers/lecturers, eight volunteers/social workers, three journalists, and two friends of the victims of victims' families, with their own religious background, ethnicity and age maturity. All sources in this document are named in initials in accordance to the codes of witnesses and victims protection. Victims are named in aliases and types of sexual violence that they had experienced. Sources other than victims are mentioned after their professions and roles in counseling scheme in order to give a more comprehensive picture on the counselors and their efforts for the survivors.

To obtain accurate information on the Government's political will to provide for victims rights, the Special Rapporteur also develop written communication with some governmental institutions whose authority includes following up any JFF team's finding, i.e. the State Attorney, the Highest Commander of Indonesia's National Army, the Head of National Police Force, the Minister for Internal Affairs, the Minister for Law and Human Rights Affairs, and the Minister for Woman Empowerment. The institutions are all state-owned and governmental in nature as well as co-signing a joint decision in the establishment of the JFF Team. The Special Rapporteur also worked with the National Commission on Human Rights hereafter Komnas HAM whose authority includes investigations on human right violation as mandated by the Law 39 Year

1999 and the Law no. 26 Year 2000. In written communications, the Special Rapporteur expressed her wish to obtain information on (a) measures that already have been and/or will be taken in following up the JFF Team's recommendations and findings, especially on sexual violence against women and (b) achievement and obstacles in implementing the measures. Replies of her inquiries became materials to determine levels of implementation of the national commitment to the promotion of human rights of the women sexual violence victims during the Riot.

The Special Rapporteur also worked in consultation with academics, activists of Chinese-born community, and social workers who have been actively involved in disclosing the case of the May 1998 Riot in general, and also some previous members of the JFF Team. This discussion was held at the beginning of the process in order to build guidelines of this documentation as well as to deepen the analysis later, after all information is obtained through interviews.

All findings, analysis results and recommendations were being elaborated into a report submitted to Komnas Perempuan to be published in commemoration the 10 year of the May 1998 tragedy

Part 2

Findings:
Sexual Violences during the May 1998 DO Exist

> *"I treated at least 62 women suffering from sexual violence. Some of them were victims of Riot in Solo. During early stages of treatment, I focused on physical recovery, though all victims also suffered from horrifying psychological trauma. Some victims even fell into deep depression so much so that it led to mental disorder and others were moved out of town, as arranged by their families. They were devastated by severe sexual violence such as nipples bitten off and vaginas heavily wounded." (P2, doctor, male)*

As testified by the counselors, this documentation concludes in confirmation that sexual violence, including a series of rapes, indeed occurred during the May 1998 Riot. Though it has not yet been defined, the exact number of victims is likely to exceed the sum of victims ever reported, including the report of the JFF Team in which they identify 85 women victims. Indeed, any attempt to uncover the exact number of victims is not seen as the main priority as it is contextually problematic to do so. The barriers mostly include patterns of behavior exhibited by many victims of sexual violence, especially rape, chose to remain silent about their traumatic experiences. Furthermore, there are a number of psycho-social barriers the victims faced, including shameful feeling, sinful feeling, obeying family's proscription as well as general fear and trauma related to the riot itself. It is also important to consider the unwillingness that victims often feel in trusting others as well as seeking supports from others. This tendency, however, is seen as a normal pattern of behavior, since sexual violence is an extreme human rights violation, it has the ability to destroy someone's trust to even a close family, friends and other supportive networks. More to the point, victims are often blamed, resulting in excessive fear and shame that consequently stimulated those victims to remain silent.

The sexual assaults that occurred during the national series of May 1998 Riot are specified into:

- Sexual harassment, including threats of rape;
- Attempted rape; and
- Rape, including gang rape. Rape is not only limited to any form of penis penetration to the vagina, but also forced oral sex and sexual torture such as inflicting pain or injury to the vagina with foreign objects.

> *"On the day of graduation announcement, a man cried upon receiving his daughter's diploma. He told me that his house was robbed and burned. After completing senior high school, her daughter was evacuated to China. He then kept on crying without*

saying anything further. I knew that his other daughter who was still in junior high school attended her class here for some time before she and the entire family were also evacuated somewhere. The next day, I was called by someone who was apparently a relative of a former student of this school. She had graduated from university and worked in a bank. During the Riot, she was raped in a taxicab. Her parents took her to a doctor for a pregnancy test. For two weeks, she remained idle and silent. She was finally relieved to discover that she was not pregnant. I continued accompanying her as a counselor until she decided to leave Indonesia." (P4, teacher & clergy, female)

The sexual assault and rape were reported happened around victims' homes and in public spaces, such as—the aforementioned account—inside a taxicab. Sources also revealed that assaults and violence were at times carried out by more than one perpetrators. This is reinforces the notes about the occurrence of gang rape or rape by a group of people alternately at one time.

In the aftermath of the riot, stories about targeted rapes caused great fears amongst women. The fear of **possibly being objects of targeted rapes** has been similarly overwhelming as that caused by real rapes. One example of such fear was a woman who was in an extremely panic condition after hearing of the riot and chose to jump from the building where she lived, stating it was a greater risk remaining indoors and risking possible rape.

"A victim whom I attended was a ethnic chinese woman about 40 years old. When the riot happened, she was in her home, a building with several floors that functions as a residence and a shop. A group of men broke in and chased after her to the second floor. She had heard that some etnhic chinese women were raped. Thinking that she was possibly targeted, she jumped from the second floor. Her backbone broke and she could not walk for some period of time." (P5, volunteer-teacher & clergy, female)

2.1. Who are Victims of the May 1998 Riot Sexual Violence?

From anecdotal information via counselors, victims of sexual violence during the riot were women[4] ranging in ages from 5 to 50 years old, both single and married. They included students, employees, and housewives.

The majority of victims were identified as women from ethnic chinese group. This is not a coincidence. Merely not only because that looting and unrest occurred mainly in Chinese-populated areas and Chinese run businesses. But also the fact that the victims were chosen on purpose based on her ethnicity. The realities have lead to a conclusion that such sexual violence was a further impact on the violence against ethnic Chinese community as the target of the May 1998 Riot.

4 As told by Counselors, there are three male victims of sexual violence during the Riot. Not intending to diminish what these male victims experienced, Komnas Perempuan determines that the focus of its documentation is on women victims

One victim of attempted rape testified that victims were indeed targeted by their ethnicity, and believed that she was avoided to be assaulted further merely because of the statement given by her mother who is local indigenous, and verified her ethnicity. Similar statement was made by a victim of sexual harassment. In that statement, she recounted that a group of men were trying to rape her but soon stopped after the girl yelled in *Bugis*, an traditional language of native *Sulawesi*.

> *"My Father is Chinese-born; my Mother is a mix born of Palembang, Bangka and Padang. Our home was a residence-shop building in North Jakarta, located right in the middle of 50 similar buildings in one row. When the Riot happened, our neighborhood was burned from both ends. There was only Mother and me inside our home. Mother screamed when she began to see fire began to set inside our home. She panicked when she saw some men brake in and then tried to rape me. Maybe, if my Mother looked like unlike an indigenous Indonesian, I would have been raped. I never filed a report on the attempted rape. At home, we hardly talked about it. Now, you see from where you sit, I can afford telling you this experience. But if you touch my hands, you can feel that they are so cold." (K1, victim of rape attempt)*

Though not direct victims, witnesses of sexual violence also suffered traumatic experiences. In the case of the attempted rape (mentioned above), the mother of the victim is still trying to overcome her trauma and constantly worried that her daughter will be assaulted if she travels alone out of town. Another example is a witness of sexual harassment who feels threatened and fearful of the risk of being raped. Ever since the Riot, she states she feels terrified to see men in groups. Furthermore, a young girl recounted witnessing her cousin being raped by a group of men in their home. The child had experienced not only great trauma as a witness but also was faced with fear of events recurring as well as dealing with feelings of guilt and shame at being unable to stop the initial rape from occurring. These experiences reflected on how deep psychological impact that a witness of sexual violence can have; and it can be deemed appropriate to as well classify them as victims of sexual violence. Counselors expressed their concerns over young witnesses at facing extreme difficulties in the recovery process:

> *"Another victim whom I attended was a mother of two children. She was taken in a taxicab. Naked, she managed to get out from the taxicab, get some clothes from residents in a nearby house, and then return home. I could only attend her during lunch because she was working during office hours. She decided to go back to work even though all she did the whole day was having blank mind and crying. She also could not perform other daily tasks, such as shopping for food but unable to cook. Initially, her husband could not accept such fact and it took quite a long time and some sessions of counseling for him to finally accept her condition. As to their children, they did not understand exactly what happened. She and her husband decided to move from Indonesia, changed identities, and cut contacts with their counselors." (P4, teacher & clergy, female)*

For the families of victims it is often hard to accept it as a fact. In some families, such feelings often develop into a source of tension in families.

As a counselor recounted, contention was created so deep within a pair of parents' marriage that it eventually led to divorce, as each party blamed each other for not being able to protect their daughter against the rape. Another example case is that a husband could not accept his wife who was in terrible shock after experiencing rape. As experienced by counselors, direct and indirect victims, both witnesses and victims' families, needed almost similar amounts of consolation. As indirect victims, many families have been found to suffer depression and fear upon seeing the victims' pain, fear and other post-traumatic symptoms. Their suffering results in an entire network of people found to be affected by the violence, creating continual barriers in responding to the needs of victims. The consequences of sexual violence on victims pain and fright, and also family tension has made victims' family, who should have been victims's hope and strength for their recovery, became victims as well.

2.2. Victims Keep Silence[5] to Forget

> *"I was a volunteer in a call center convened as a quick response of the May 1998 Riot. We received phone call reports: Three of which were about sexual violence, and two of which were about rape. It was their parents who made the phone calls, asking me to pray for their children and to provide guidance to continue on living. After two or three phone calls, victims and their families disappeared. My efforts contacting them back by phone were fruitless as their telephone number no longer appeared fixed. They never disclosed their addresses, perhaps worried of people tracing them back, which indeed some people tried to meet parents who dialed the call center." (P5, volunteer-teacher & clergy, female)*

Sexual assault victims specially rape victims, are lost their self esteem and their trust to other people. Victims also lost trust to them self. The sexual abuse, experienced by the victims have hurt not only physically and sexually, but also impacted upon their mental health and self esteem. It often occurs that victims blame themselves, fearing they have sinned, experience deep shame imparted by rejection and lack of support and understanding from family. Many victims also reported to feel great fears over further implications of sexual assault, including sexually transmitted diseases and possible pregnancy. Victims undergo mixed feelings and fears that are difficult to share, and believe it is best kept to themselves.

Suppressing memories of the trauma that they experience was a similar pattern shown in almost all victims of the Riot. They often reconcile their mixed feelings and fears by either denying that such sexual violence ever occurred or dissociating completely from the trauma.

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5 Silence is a term used by victims and counselors in defining victims' choice of not telling their horrific experience. In this context, silence retains similar definition of keeping quiet, also often used to describe female victims' tendency in not disclosing anything about such violence. Thus, in this report, both silence and keeping quiet are used with similar meaning

Diagram 1(one) shows that the strongest and the most influential support network for a victim is her family, some of whom even witnessed the sexual violence. Second sphere is counselors identified as providing key direct support. These counselors were often non-professional; they assisted victims in their emotional struggle to recover and encouraged victims to fight for their rights to truth and justice. The outer sphere of this system is deemed as broader society. This is problematic as members of society are divided: Some believe and support the victims; some doubt if such sexual violence ever occurred; others are undecided about what to think and do; and some appear altogether un-concerned if such acts ever took place. The extent to which and majority of people still in doubt has been influenced by the Government that has failed to resolve the doubt among the people on the occurrence of sexual violence during the May 1998 Riot.

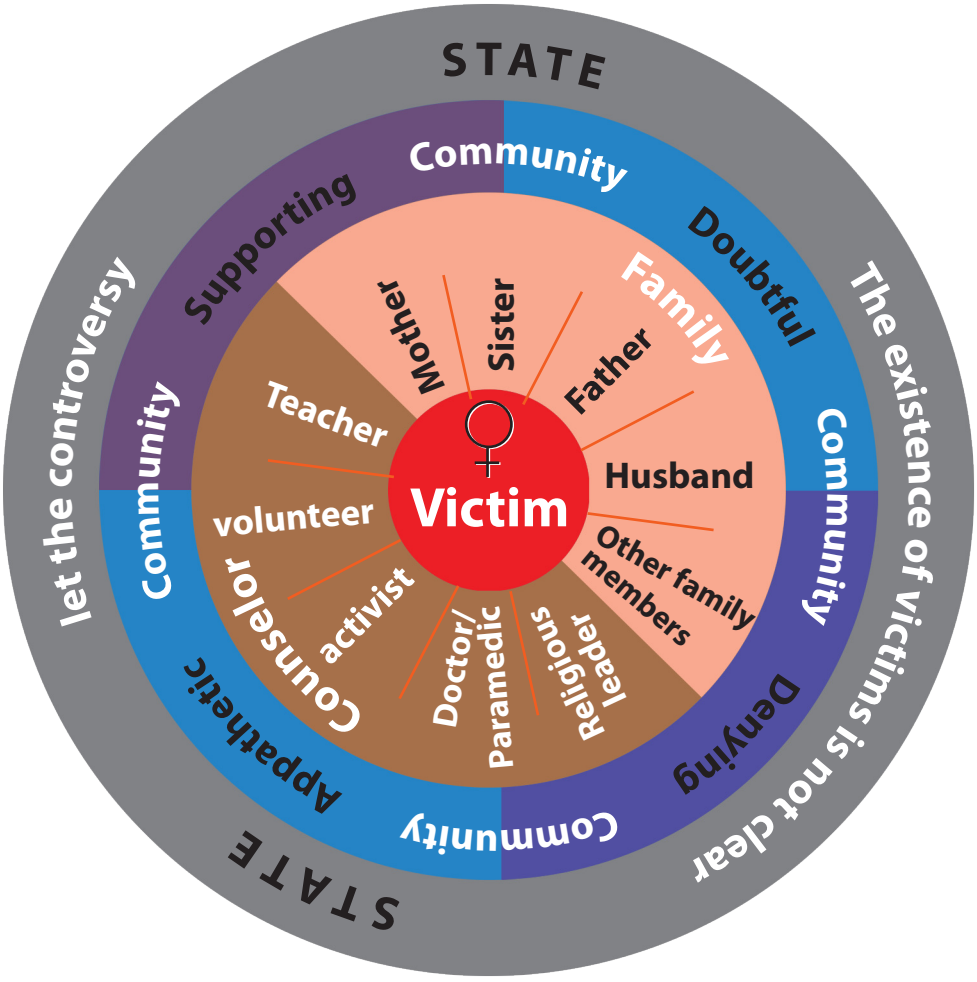


Diagram 1
Circles of the Social and Political Environment impacting Victims of Sexual Violence during the May 1998 Riot.

Within such a contentious social environment, survivors understandably have difficulty in dealing with the impacts of the sexual violence that they experienced. There have been seven key issues identified as to the majority of victim responses (diagram 2). These reasons are all inter-related and cause victims decide to keep silent and refuse to tell their experience as victims in the May 1998 sexual violence. They include the following:

1. *Personal reasons,* encompassing a victim's personal biological (physical), psychological and social condition after the Riot;
2. *Family reasons,* including one's family who are involved in deciding for the victims on how to respond, after experiencing sexual violence;
3. *Legal reasons,* related to legal avenues to legal processes which viability of gaining justice is something uncertain;
4. *Politically related reasons,* reflecting the Government's failure to decide a firm standpoint on events which is inextricably linked to fueling the public's perception of events;
5. *Historical reasons,* involving Indonesia's history in failing to resolve investigations on previous Riot targeting at ethnic-Chinese people, as well as other cases of sexual violence in armed-conflict areas;
6. *Social reasons,* reflecting the dichotomy of public opinion as to sexual violence did or did not occur during the May 1998 Riot; and
7. *Cultural reasons,* being the beliefs that the victims of the May 1998 Riot and/or their families have been living in historically and socially in a patriarchal environment where certain issues about women's positions in a family and violence against women could be undermined.

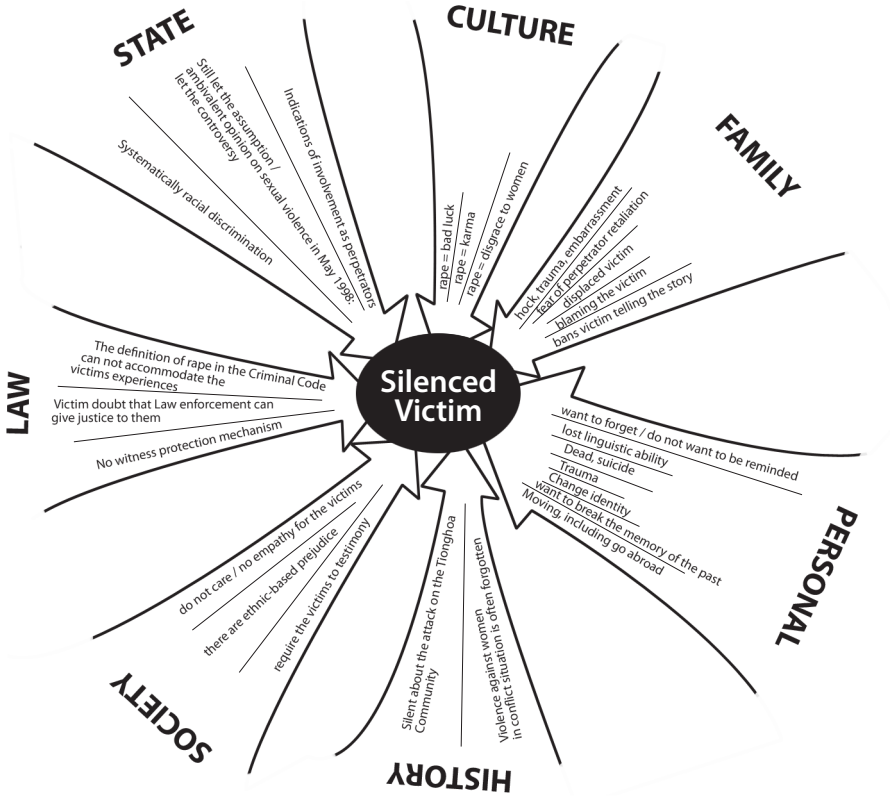


Diagram 2
Seven Reasons explaining decisions made by Victims

Survivors of the Riot sexual violence tend to refuse recalling her bitter past, as well as lose her confidence over others and her personal self esteem. The impacts of trauma, shock and fear after such events can extend to every aspect of a victim's health, including physically, emotionally and psychologically.

Some victims lost their linguistic ability—they ceased talking all together; some failed performing their normal routines and attending social functions and some of these effects have manifested into mental health disorders. As informed by one counselor, there were victims who committed suicide because they could not find the ability to cope. The rest of survivors resorted to silence, deliberately refusing to tell their bitter experience and cutting any connection to their past by changing identity, and moving to a new place, even went abroad.

It is important to comprehend a victim's decision to remain silent not only because of the victims' condition but also because of various external factors. Women victims are not living in a separated area. She is living in a family structures, norms and values. What has been chosen by the victims were frequently made by the family and the society where she (they) belong. Since victims are women, which in many social structures in Indonesia, women are considered to be given more protection and guidance in ways of coping with problems. This is totally opposite to male who are expected to cope with such issues on their own accord. Thus, victims' choices in how best to deal with their trauma are heavily influenced by their family and in some cases decisions are made solely by their family. Sometimes, their parents even prescribe and proscribe what victims could and could not do.

> *"The fear and trauma have extended from the victims to the entire family. Deciding for their two victim daughters, the parents separated the daughters to different places abroad to help them forget the incident. Now that the girls moved, and the student introducing me to both victims graduated, I lost contact with them." (P3, teacher, female)*

In this case, the decision to remain silent by the victims is endorsed by their families. As previously mentioned, many sexual assaults, specially gang rape occurred within the homes of targeted ethnic-Chinese people during a series of looting, destroying, and burning acts aimed at them. In addition to suffer in a deep trauma, many victims' families were worried that revenge attacks would ensue if the victims' identity was revealed to the public and or police. As a result, many families decided to conceal the identity and whereabouts of the victim. There are further reports of victims and their family members threatened via anonymous phone calls and letters. Furthermore, as there is no legal protection for witnesses and victims provided, many parents took the responsibility on protecting their victim daughters by themselves.

In the efforts of providing protection to their daughters after experiencing sexual violence during the Riot, some parents forbade their daughters from communicating with counselors and hinder counselors from meeting their daughters. Some parents prevented a counselor from meeting with the doctor who gave treatment their daughter. As disclosed to the counselor, medical reports of the girl indicated that she was raped and possibly sexually hurt with sharp objects, excluding details on the parts of the doctor's identity and

the issuing hospital. As told by her parents, the only information about the doctor was that he was the victim's uncle. The counselor understood that this was a method of maintaining confidentiality of their daughter's identity. Furthermore, there were also parents who asked a counselor to conceal information on medical status of their daughter who was hospitalized due to severe hemorrhage after the riot. These parents were worried of their daughter being focused by the media. A husband immediately evacuate his wife from the hospital where she had been treated, hearing some news that officials would search for victims of sexual violence in hospitals.

Another way of protecting survivors is to evacuate victims to another towns or abroad. This method is arranged by victims' family or by counselors. The media captured the phenomena of exodus of ethnic Chinese citizens after the riot to avoid the risk of possible further targeted assault. Ensuring a secure and easy process of recovery, victims changed their identity, or further moved to a new place. Their family stopped contacting their counselors in order to avoid the victim from remembering their bitter past.

Safety concerns are said to originate from the public's distrust of the Government, specifically to law enforcement institutions, processes and powers. Many victims and their family did not know what legal rights they were entitled to, the process and what outcomes they could expect to achieve. Difficulty in pursuing legal protection was furthered by the lack of support or information extended to victims. Cases of sexual violence were not filed to any law enforcement institutions due to distrust against the law enforcement mechanism in bringing forth justice. Furthermore, cases that were initially filed were often withdrawn because there was no guarantee to witnessess and victims protection. Furthermore, the media exploited victims' statements as salacious news items and disregarded the fear felt by victims and their family.

> *"Another victim who I had been attending to was a girl. On the way exiting the airport, she was stopped but soon released because the men thought she was a boy, as she had short hair and wore a hat. Then, another man realized that she was a girl. I was sure she would have been raped if only Pak Haji—a Muslim man already performed pilgrimage to Makkah identified by his white cap—did not save her. She testified before the National Commission on Human Rights. Unintentionally, her face was disclosed on TV, causing her chased after by reporters. I never thought that the reporters would immediately chase her to her home. Consequently, she escaped abroad. Her family was very angry at me, having their daughter's identity revealed." (P7, clergy, male)*

It is important to also highlight the definition of rape itself, that has been very limited only to penis penetration to vagina- according to the Criminal Codes. In fact, women victims of sexual violations in this Riot, rape also happened by using foreign objects which lead damages toward the victims' reproduction system and organs. Furthermore, fact finding to reveal rape cases as guided in the Criminal Prosedur Codes, are deemed to inflict burden

to the victims (also family members or close supporters), since the Codes itself has not been sensitive to the victim conditions. At present, collecting physical evidence including collecting semen traces, are very difficult to obtain if it is not done promptly by a doctor right after the incident. In the case of Riot, it was virtually impossible because the immediate thing victims did was to clean themselves, instead to file the report the police. Victims' statement at the time was also considered insufficient in evidence or information because their trauma and fear prevented them in articulating the events and or perpetrators.

"At that time, the media urged people to disclose victim's identities. I told them that if such victims ever agreed to speak up, I would not ask them to come, especially in the presence of so many reporters—we were not idiots. A lot of victims were lying helpless in hospitals. Others who could afford showing up to the public still suffering from depression. This condition was seen as a lie, rather than a fact. They could not believe, for example, why a victim lost her ability to speak in Indonesian and used only Chinese. She was not considered as a reliable witness, since they assumed that she was mad. Of course, if sane, she would never testify." (P7, clergy, male)

The victims' and counselors' distrust the existing regulations and law enforcement bodies, in particular, was because there were some indications that there are some state apparatus involved in the Riot- as reported by the JFF Team. Even though the intervention of state apparatus still needed to be legally investigated, the unavoidable fact is that they were absent filled their duties in the conflict areas. Even if there were many officers seen, it is reported that they were letting the mass done some destruction activities in the Riot. Given this certain facts, victims and their family became uncertain that the law enforcement bodies will be capable in resolving their cases. Nevertheless, State seems to allow the public opinion – that sexual violations happened on the May Riot is only presumptions- raised. This certain approach done by State has hurdle the efforts to cut the impunity chains of those perpetrators whom violated human rights.

State's stand that neglected the cases happened and also neglected the women victims of the Riot, has shown the victims and their families that the Government is not siding to them and also ethnic Chinese. Not to mention the prior facts related to the policy implementation, the Indonesian- ethnic Chinese have been discriminative, to be specific in relation to their status of citizenship. Such discriminatory policies serve as a basis to the establishment of ethnicity-based prejudice and discrimination against Indonesian- ethnic Chinese citizens within the society.

The Government's ambiguous statement related to the victims' existence has also created groups in the society that demand the victims to publicly reveal themselves. This demand has added pressure the victims, while in parallel with that, they had to deal with their frightful trauma of sexual abuse they experienced which brought them to their distrust to others. Public demand

for revealing the victims is the prove that society is not having the empathy to victims.

From the nation history of Indonesia, the May 1998 Riot is not the first politically-based Riot[6]targeting at the Indonesian ethnic Chinese population. Those Riot were not only involving acts of destructing, looting, and burning properties owned or operated by those people but also killing them. Both President Soekarno and President Soeharto never thoroughly investigated the racial turbulence which occurred during their leadership. The history repeated itself, and for this reason, some victims' families remained skeptical that the Government would thoroughly investigates the May 1998 Riot.

Considering such a record, victims are losing their belief in Governments' willingness to solve the sexual violence cases happened during the Riot. Like any conflict history in this country, the history of racial Riot against Indonesian ethnic Chinese people is told, but never mentioned about the sexual violence against women happened. Furthermore, before the 1998 Riot, the Government never referred to any indication to sexual violence against women that had taken place during armed conflicts in some areas in Indonesia. The mentioned facts has kept the victims and their families in silent.

> *"A victim frankly refused to see me. Respecting her privacy, I supervised her at a distance, from her neighbor's house. Then her parents forbade me from interfering. The next thing I was told is that she moved from her home without leaving her new address. I am sure that it is her message for me to not disturb her. There is also another victim moving out. Indeed, it was her family who made such decision for her. They intended to keep this incident entirely confidential and pushed her to move out, building her new life and cutting off from her past. Her family never wanted to recall. Our questions would be considered inviting bad luck to them." (P2, doctor, male)*

Conditions that were also contributed to victims' decision to in silent is a set of family values concerning that every daughters viewed 'tainted' because the sexual violence they experienced, such as:

- Traditional beliefs that consider sexual violence, especially rape, as a **disgrace** that potentially will ruined the future of the victim, specifically for those who has not married. Parents worried that by revealing the case, it will lead the victim not getting her into a marriage life. Societal norms indicate that revealing a victims' traumatic experience is very unwise in preserving family honor and deemed as something too Western.

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6 Racial Riot research include the one conducted by Beny G. Setiono, published as a book titled *Tioghoa dalam Pusaran Politik* [Indonesian- Ethnic Chinese in Political Twists] by Elkasa in 2003. Setiono mentioned that the first Riot targeting at Chinese-born people and involving destructive action, looting and burning their properties as well as physical harm and murder happened in 1740

- Superstitious principles hinder people from re-tell negative experiences. Considered as **misfortune**, sexual violence against women should never be retold to others because such an action will invite further misfortune for the family and moreover to those who listened.
- A belief in the notion of **karma** that will impacted generations. Traditional Chinese believe that misfortune or a tragedy does not occur a vacuum environment. Rape is one of the biggest misfortunes that a family could ever experience. In specific regard to rape, it is believed this is karma of a previous elder or ancestor who at one time perpetrated the same crime. Consequently, by revealing this conditions will lead to the revealing the dark secret from the whole family.

Discouraged by one if not all of these reason, victims' resorting to silence is easily understood. Their silence often manifests into a range of victims' behaviors: be it refusal to discuss events, anti-social behavior, and excessive joke-teasing.

> *"I was introduced with a victim who suffered leg paralysis from a serious backbone injury. Apparently, she was pushed down from stairs in a resident-shop building. Her parents often fought ever since because they could not accept that incident. Her mother blamed her father over the tragedy that fell on their daughter. I think she is very special because she has been hiding her bitter past of excessive teasing. But, I see signs of sexual violence: she screamed over a touch on her arm, and she wet herself repeatedly when we went to malls. Furthermore, I notice that when she was taken care in my place for some period of time, she wet whenever a man—for example, my husband—was near." (P1, volunteer-lecturer, female)*

Regardless to their silence, women survivors are always worried of people knowing her status as victims of sexual violence. They should deal with a dilemma: on one hand, they want to keep silent; but on the other hand, they long for help to forget such a bitter past. This dilemma then often causes victims' effort to forget through their silence unsuccessful and consequently triggers another depression. Moreover, trying to forget agony has never been easy, and often developed into an integral part of victims' unconscious memory. Freud's psychoanalysis divides human's realization of unconscious memory into dreams and behaviors. Concrete behaviors can be triggered by anything that directly and indirectly connects with suppressed memory of the violence. Such trauma-driven behaviors are easily identified by common people. For example, a victim wets herself in public whenever a crowd or a man is near. As to a very young victim, people might have difficulties in understanding her. As a girl, she is more vulnerable to negative psychological development, as told by counselor P1 as follows:

> *"I attended a five-year old victim. Her mother was missing during the Riot. The victim is a difficult girl. Eldest uncle from her mother side could not take care of her, maybe because his business ruined in a fire during the Riot. She lived with my family for one year, before my family gave up on her. Then, we decided to place her in an orphanage. Apparently, she was too difficult to handle in the orphanage: she changed*

three orphanages. All nurses in the orphanages confirmed that she showed signs of experiencing terrible sexual violence. Teachers and nurses there reported that she had low cognitive ability and never obeyed rules, for example that of not stealing. She was good in playing with adults' emotion. I took her several times to psychologists. They all agreed that she was showing symptoms of children experiencing sexual violence." (P1, volunteer-teacher, female)

2.3. Why Females were Targeted in the May 1998 Riot?

"Though I never directly met anyone definitely a victim, it is not hard for me to believe that such brutal violence did happen. I conclude information from different sources. About 30% information is from counselors who are also friends, who would never lie to me. About 25% information is gathered through my meetings with women "likely to be victims of sexual violence". Of course I never asked them direct questions. I made conclusion based on their behaviors that I deduced as reflections of violent past. The rest is intelligent guess of these. We learn that in our history, such sexual violence cases often happen during armed conflicts. The case of sexual violence is like a puzzle piece ready to be placed on the board in order to obtain a complete description of the Riot." (I2, clergy, male)

2.3.1. Woman's Body in a Conflict

Far from being a myth, the story of making a woman's body a battlefield of clashing powers has been part of international history. Such method of war can be found in various reports on women in armed-conflict areas. Hindsight, it relates to the concept on woman's body serving as community identity. Protecting woman's body often implies protecting "purity" also "dignity" of the whole community. In this sense, during armed conflicts, including wars, rape and other forms of sexual violence against women are used for the purpose of:[7]

- Inflicting terror among civilians as well as forcing them to leave their homes and places where they live;
- Humiliating the enemy by showing that it is the other side who have control over the enemy's women; and
- Giving rewards for the soldiers so that their braveness in battlefields is boosted.

In this sense, the method of sexual violence against women was used in conflict areas in Indonesia. In her report on the mission to Indonesia and East Timor, the UN Special Rapporteur on Violence against Women states, "Before May 1998, rape was used by the military force as a method to torture and intimidate local people. Family members of the opposing political figures

7 Women Law & International Development, *Gender Violence: The Hidden War Crime*, Washington D.C.: 1998; p. 5

are raped by the military personnel as a form of punishment or a bait to force the opposing figures to get out of their hide." This strategy was implemented in Aceh, East Timor[8] and also Papua. The UN Special Rapporteur concludes that such practice happened so often that sexual violence by the military personnel in conflict areas was considered normal.

2.3.2. **Assault on Women's Bodies in the May 1998 Riot**

The May 1998 Riot indeed cannot compare with any war or other conflict in Indonesia. It is a well-planned political measure in the context of crisis of confidence over the New Order regime led by President Soeharto for 32 years. Such crisis rooted in mid 1997 when Indonesia was badly affected by global economy crisis, causing students' protests and people's demands for the resignation of President Soeharto. In this background, the JFF Team concludes that the Riot was the peak of "intensive conflicts of political prominent figures that is focused on political dispute on the question of continuing the New Order regime and Presidency of Soeharto on whom the People lost trust, as well as rapid process of economy decline."[9]

> *"In discussing the May 1998 Riot, three points are important to consider as facts, i.e.: (a) systematical pattern, begun by inter-related precondition and time of incidents in all areas; (b) poor urban families whom victims belong to, implying that victims are set up and not looter; and (c) rape and other forms of sexual violence is part of the plan, though military involvement can never be proved.*
>
> *The Riot is clearly not an ethnicity-based conflict, but rather a systematic, ell-planned military operation. This can be inferred from information on Riot pattern that the Volunteer Team could gather, such as the fact that series of Riot happened not only in Jakarta but also in Solo and Surabaya, almost at the same time, blowing racial difference in developing the issue of economy gap." (P7, clergy, male)*

The analysis on the series of May 1998 Riot as a well-planned political maneuver is concluded among others by the JFF Team. The Team observes Riot series in six points of Riot within the city. It concludes that, "There are similarities and variations of Riot patterns," such as precondition, some organized people provoking racial hatred, supposedly involvement of some law-enforcement officials, and deliberate negligence by the Government, as shown in the slow response of law-enforcement officers in controlling over crowds vandalizing, burning and looting.[10]

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8 Komnas Perempuan, *Key Document 2*, "Report of the UN Special Rapporteur on Violence against Women, its Causes and Consequences, during her Mission in Indonesia and East Timor", Jakarta: 1999, par. 78 & 102

9 Komnas Perempuan, *Key Document 1,* Report of the JFF Team on May 1998 Riot, Jakarta, 2002, p. 20

10 Ibid, hal. 20-25

Assumption that the May 1998 Riot was well-planned political maneuver is close to a fix conclusion, considering the fact that for days during the Riot, cities were almost unguarded by law-enforcement officers who were supposed to execute orders against any disturbance. A video record taken during the Riot shows that even there were red-beret soldiers simply standing there and watching the crowd looting and burning properties, while some others were sipping snatched drinks, laughing together with looters during the Riot. According to a victim's statement, the UN Special Rapporteur reports, "the victim made it by running from her home and begged for help from a military officer, who did not respond to her plead. She saw her sister being molested, her brother murdered, and her home burned down."[11]

Being a well-planned political maneuver, the Riot should be understood rather as containing racial issues than being an ethnical conflict. As analyzed by Charles Coppel, right from the beginning, the New Order regime had created a political strategy of feigned scapegoat by manipulating the colonial Dutch regime's strategy of putting the Chinese immigrants as second class residents. The New Order regime "elaborated such an image of Chinese-born people as communist villains… sabotaging the national economy".[12] Elaborate expansion of racial issue in the Riot can be traced back through the fact that acts of vandalizing, looting, burning and wounding were mainly targeting at Chinese-born community, though with collateral damages of significant urban poor fatalities. It is still fresh in the memory that in the cities hurt with series of Riot, doors were scribbled with "owned by indigenous" or "owned by a Hajj" to avoid being targeted by some mob. This measure reflects people's fear for being associated with Chinese-born community. In some areas, parents told their daughters resembling Chinese-born to wear head scarf or *hijab* in order to avoid them from being targeted. The girls wore head scarf or *hijab* for months after the Riot, especially after the media begun to report the alleged rape cases.

> *"When the Riot happened, my friend and I had to walk to her home because public transport was not available. On the way there, we were ambushed by a group of men. They pulled our arms and touched all over my friend's body. Screaming, we begged them to stop, but they did not listen. Harassing us verbally, they threatened to rape us, assuming that my friend was a Chinese. Fortunately, yelling at them in Bugis ethnic language, she pleaded to stop pulling her. Immediately after, the guys stopped. One of them ordered, "let them go, they are not Chinese!" (K2, female, victim of sexual harassment with rape threat)*

The fact that sexual violence victims were deliberately chosen by their ethnicity shows that sexual violence, including rape, is a variation of attack

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11 Report of the UN Special Rapporteur on Violence against Women, par. 69

12 Charles Coppel in Jemma Purdey's "Anti-Chinese Violence and Transitions in Indonesia: June 1998 – October 1999", *Chinese Indonesians: Remembering, Distorting, Forgetting",* ISEAS, Singapore: 2005, P. 10.

pattern during the the May 1998 Riot. Adopting the concept of women's body as a symbol during a conflict, ethnic Chinese women's body represents the identity of Chinese community who became the target of rage in the May 1998 Riot. Actualized into acts of looting, destroying, and burning properties owned by Chinese community, which rage extended into assaults against ethnic chinese women's body. Such assaults against their body, including rape, were the ultimate expression of resentment against the Indonesian ethnic Chinese community.

Understanding upon the sexual assault in the May 1998 Riot should not stop on defining the women's body destruction through sexual violence as the top of the perpetrators' rage upon the Indonesian Chinese ethnic. In this Riot, the assault toward Indonesian Chinese ethnic women is also a well planned action done by groups of people. The gang rape perpetrators frequently by omission selected and targeted the victim that they will rape, as testified by one of the counselor:

> *"I was a counselor to two women victims. The girls are cousins aged 12 and 15. I was introduced to them by a student who was their relative. I was told that, during the Riot, some men broke into the shop-residence building where they lived. One of them was gang-raped.* ***Some of the perpetrators carried a board to cover the ongoing rape and hinder more men join it.*** *The victim was fainted, but remembered one perpetrator address her 'little Chinese', pushed and laid on her, after spread her legs, stripped her naked. Eversince, she always frightens over seeing bamboos. The doctor who examined her suspected that she was hurt by sharp objects. Her cousin could only watch the rape from under a desk where she hid. She could not get about what happened but she kept on saying that there were 'bad men', 'naked 'dan 'men sit on jie-jie". She felt terribly guilty because she failed to help her cousin. She was silent, unmoved in her hiding place." (P3, teacher, female)*

Part 3

Counselors of Sexual Violence Victims of the May 1998

"When the mob came, we were asked to watch over their movement. Accompanied by my 24-year-old daughter, I was standing on the street when men on a motorcycle and about 15 men on foot, all being robust, approached us. They yelled, "What are you looking at, Chinese!" Frightened, we run away. I was running when I realized that my daughter was left behind. Turning my head, I saw that three men caught her. I run back to save her. Then only one man was holding her. I told him, "Please release her. We know nothing of this." After a while, she was finally released.

After the incident, I could not sleep and eat well. People said that I was shocked. Then, I attended a healing service at church. After sobbing away my suppressed trauma, I felt relieved. Then, I decided to always participate in social activities where I met many people suffered far a lot than I had felt, and gradually forgot my own trauma. There, I met people whose properties were looted and burned, as well as victims of sexual violence." (P9, volunteer, housewife, female)

3.1. Who are the Counselors?

The Riot has triggered empathy of individuals with various backgrounds of social status, marriage status, ethnic groups, religion and education, who are actively helping victims of the Riot. Their empathy also develops from their personal experience as victims of the Riot, experiencing something less brutal. For some people, their active involvement in such social activities without prior plan has opened a way to help victims recover.

Helping the victims, the counselors were moved to help the victims as counselors. They never searched for nor planned to meet victims of sexual violence. They were introduced to the victims or their families. Victim's or families' trust in counselors is an important reason on convening some people to be counselors of victims of the Riot. Counselors with professional medical background met the victims when they were asked to examine and treat her, especially body and sexual organs that were bruised, wounded or damaged due to sexual violence. As a teacher, a counselor was introduced by her student to victims, or directly met with victims who were her previous students. As a volunteer, the counselor knew the victims through hotline phone calls that she managed and through information shared with her as a volunteer of the Riot victims.

"My first attention was aimed at victims around the neighborhood. Along with my friends, we helped victims whose homes and shops were burned down. Initially, I did not realize that sexual violence also took place, and that this Riot was part of a bigger

plot. During my service, I was informed that there were women victims treated in hospitals and houses. My friend and I joined a discussion on violence against women, causing my awareness on the existence of such sexual violence to grow. I met a victim in a big hospital in Jakarta. The next victim was introduced to me when I served for victims in South Jakarta." (P1, lecturer, female)

They chose and were chosen to be counselors for women victims of sexual violence. They are a house wife, a lecturer, a teacher, a religious advisor, a human right defender, a doctor, a volunteer, and a social worker. Some of the counselors already have experience as a social worker, while others never choose to be counselors. They were named as counselors, since they had met the victims. Using empathy to begin, they performed well as counselors. The will to help others in pain encouraged them to do well with their tasks as counselors, though such tasks required a lot of effort, time and commitment to always present whenever victims needed them and encountered threat against their safety. Their decision to support victims in standing for victims' rights to truth, justice and recovery indeed implies a notion that the counselors are truly human right defenders.

3.2. Commitment to be Counselors

Providing counseling service for victims of sexual violence is not an easy task because sexual violence victims have lost their trust to others and their self esteem. In the context of the Riot, counselors had to deal with similar challenges, i.e. growing back victims' trust to others and victims' self esteem from the state of being torn due to deep fearful, shameful and sinful feelings upon experiencing sexual violence. To answer to such challenges, the counselors had to develop such an atmosphere of relationship in which victims could rebuild their trust. As confidantes, counselors were expected to be able to understand and attend the need of bringing back victims' trust.

Most counselors were inexperienced in dealing with victims whose trauma was as deep as those causing shock among survivors of the May 1998 Riot. Nevertheless, they kept on going, depending on their empathy for victims and trust in victims' experience. The victims' trust to counselors means a lot. Without going into details of victims' experience, mutual trust between counselors and victims have allowed counselors to figure out the deep trauma and fear that victims and their families had gone through and kept for themselves. Counselors trusted on survivors' real experience and cared for their agony, without pushing them to tell more than they could afford. This approach has gradually caused victims' self esteem and trust to others to grow. Such psychological development is an important initial step for the survivors towards a complete recovery.

"Throughout my experience in providing counseling services, what I mostly do is just to present for them. To attend for and listen to them have helped the process much. I

would wait patiently, sitting silently until victims were ready to tell their misery. That's fine: the focus is on them. If they could tell it, we had to listen quietly. We should also increase sensitivity: don't ask too much and don't even ask anything if in certain condition, victims simply cannot tell anything. We should keep on praying and have faith that God helps us. I pray for them gifted with future totally different from now. Completely forgetting it would be impossible, but at least they are not downhearted by it. Maybe someday survivors are strong enough to tell this experience to their children." (P4, teacher & clergy, female)

Trusting them right from the beginning, counselors are always present for victims, accompanying patiently and listen tentatively for them whenever they want. Listening to victims voice requires counselors to have an open mind. Counselors are not supposed to directly make negative assumptions on victims' behavior and expressions, but rather increase concentration and sensitivity in listening to victims' story and interpreting their body language for a thorough picture of victims' condition. Sensitivity to victims' condition can be increased by tentatively observing and interpreting survivors' behavior that can be categorized as 'special' or 'abnormal'.

Such deviating behavior could be flashes of unconscious memory triggered by anything directly referring to or nothing to do with the Riot. For example, a counselor observed that a victim tends to tease excessively to conceal her experience, to be frightened over a touch, and wet herself whenever a crowd or a man was near. Counselors should be sensitive enough to detect 'abnormal' behavior and not denounce such behavior as negative. Carefully assessing tracing victims' behavior for any unconscious memory is highly important in dealing with very young victims. Unconscious memory in such victims doubles up, since they cannot fully comprehend what had happened on them. Such unconscious memory evolves in a form of behaviors usually deemed as socially deviating or conflicting with others, including their own family. Their deep trauma complicates the process of complete recovery for child victims.

Counselors' sensitivity should also be increased by observing the environment around victims. In many cases, there is no such clear evidence that victims were raped, especially if their family did not tell anything. Counselors could only see victims' family so overwhelmed by fear of other people knowing what had happened on the victims. For example, upon observing a victim who survived serious hemorrhage, Counselor P1 explained:

"I could not obtain any information from the victim. Her parents likely knew what had happened but refused to give any detail, except the fact that their daughter always complained stomach ache and was worried of being exposed on newspaper. Considering such condition, we restricted visitors to a limited amount." (P1, lecturer, female)

P1's experience is an example of a counselor who is not only sensitive to victims' and their families' condition, but also respects victims' reluctance and inability to tell their story.

By not pushing them to tell, i.e. respecting their silence, counselors have fulfilled survivors' right to holding back their thoughts. Such measure eventually creates a comfortable atmosphere for survivors in which finally they might decide to tell everything. Counselors understood that victims and their families had gone through traumatic experiences and that victims' self esteem and trust to other was still unstable, going through the ups and downs of healing. Furthermore, victims had to deal with indecisive political statement, public's opinion doubting the existence of sexual violence during the Riot, and insensitivity of surrounding people. In such condition, counselors give their main attention on victims' safety and easiness, by any means including hiding the existence of the victims.

"A girl decided to end her silence. She was willing to testify, being concerned over the possibility of the public being convinced on the inexistence of such terrible violence. Such concern occurred because the media started to report news in which rape was declared never exist. Due to security reasons, she was prepared to testify abroad. Everything was prepared for the survivor and some counselors before leaving Indonesia. During the trip, she never let herself left alone. Furthermore, it looks like that there were a lot of testimony from victims.

> *Before reporters got the chance to swarm around them, the girl and I managed to leave them behind and walked back to the hotel. At night, she asked my permission to sleep in my room because she was afraid of being alone. I let her in, though I knew that she could never sleep. She was apparently disturbed being taken picture by some reporters. She is now abroad using an entirely new identity card. She recovered in a sense that she could go back to work. I cannot tell you anything further upon her request and her own good."(P8, clergy, male)*

3.3. Issues on Security of Counselors and Threat against Victims

Hiding the existence of victims and their condition is the main strategy to ensure security of sexual violence victims. As a result, some counselors even decided not to disclose their identity and testify about their service of attending victims because they are worried of also causing the victims' identity revealed.

> *"Almost no one knows that I was a counselor for victims of the May 1998 sexual violence. I served in discreet manner, highly holding the principle of confidentiality as requested by victims' parents." (P3, teacher, female)*

Moreover, counselors also concern if their testimony to the public would inflict threat to themselves and their own families. A counselor mentioned that there were threats not only aimed at her but also at her female colleagues, in which rape was insinuated. As another counselor said, in spite of the fact that only few people knew, his involvement in helping victims has invited

intimidation from unidentified people and others self-allegedly representing the National security institution.

> *"During my service helping the May 1998, I was intimidated that my house would be burned down, provided I stopped holding collective prayers mass at home, something actually have been held for years. My neighbors saw some people came out of nowhere near and stayed at the entrance of the alley, preventing my friends from attending the prayers mass. Being naïve, I reported this intimidation act to a Sub-District Military Command. Then, an intelligence officer met me at home over a suspicion of me receiving funds from Australia and supporting certain political party. This happened before the Semanggi 1 incident. Ever since, I have been aware of being watched, and thus never made phone calls from home." (P1, volunteer-teacher, female)*

As to threats, the UN Special Rapporteur on Violence against Women recorded murder threats and anonymous letters aimed at victims, doctors and human rights defenders after the May 1998 Riot:

> *In the case of human rights defenders, the threat is directed against their children. The threats are delivered by telephone and by letter. In the case of rape victims, photographs of the rape are sent warning the victim that if she speaks the photographs will be circulated widely. [13]*

Concerns on security have caused the JFF Team, whose members consist of government officials and common people, really worked hard in obtaining statements from survivors and witnesses, including doctors.

> *"It is impossible to meet all victims as contained in the record. Instead, I managed meeting six of them. Of course I keep their data confidential, including those of members of the JFF Team, some of whom also volunteers. When the JFF Team held a hearing session on victims' testimony, I managed bringing nine witnesses, including doctors. Nevertheless, the doctors drew back because they feared. The fear spread was incredible, especially after the murder of Ita Martadinata."(P7, clergy, male)*

The JFF Team collected data on victims with assistance from the Indonesian Medical Association specifically developing the Jakarta Protocol as guidelines of forensic identification and witnesses and victims protection. Up to this moment, there are parties doubting the data that the JFF Team collected, implying their doubt also over professional credibility of the doctor-witnesses and the Association. They do not care about the issue of security of victims and witnesses. Indeed, threats against them, with which they are forced not to testify on the May 1998 sexual violence, do exist.

The death of Ita Martadinata on October 1998 turns assumptions into real threats. Along with her mother, Ita was a 17-year old girl actively participating in activities held by the Volunteer Team for Humanity. They got some anonymously-written murder threats before Ita was murdered in her home.

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13 Report of the UN Special Rapporteur, po.cit., par. 73

Commenting the murder case of Ita Martadinata, the UN Special Rapporteur reported:

> *The police claim that the murder was an attempted burglary by a neighbour who was a good friend of Ms. Haryono. The human rights community is convinced that she was murdered to silence those involved in human rights work. The two sides presented us with their evidence. Whatever the truth of this matter, the fact that Ms. Haryono and her family received death threats and anonymous letters casts a cloud over the case. Without understanding the context of the case, the police would be cornering the victims, further alienating human rights defenders from the criminal justice system.*[14]

Threats to counselors gave the impetus to civil society to conduct policy advocacy continuosly for witnesses and victims protection. Currently, Indonesia has enacted Law No. 13/2006 regarding witnesses and victim protection and its structure has been developed. But, the counselors still skeptical in getting the secure feeling, not to them nor the victims, as mentioned by the counselors:

> *"I often accept people who wish to tell something to a person who would promise to listen and never disclose it to anyone. In Catholics, this is called Confession, or sin revealing. After the Riot, those who came to me did not make any sin confession; and many others were not even Catholics. They trusted that as a Catholic religious advisor, I would never disclose it to anyone; it is neither my habit. Thus, I would give careful answers, considering victims' safety. We would never know what kind of danger they are in. Often we assume they are safe but actually they are not." (P8, clergy, male)*

14 Ibid, par 74

Part 4

Public and Official's View on the Existence of Victim of May 1998 Sexual Violence

The understanding upon the condition faced by women survivors of the May 1998 sexual violence for the last decade can not be separated from the State and Society's position to the victims' existence. Therefore, we tried to record their testimonies, and also repudiations-if exist- about the sexual violence victim of May 1998. It is recorded directly or indirectly, explicitly or even implicitly. Serving this purpose, this section also attached the official response concerning questions raised by the Special Rapporteur of the National Commission on Violence against Women regarding the follow ups to JFF Team's findings to acknowledge the development of the State's position since the past decade.

4.1. Early Reports

The report from Volunteer Team for Humanity (*Tim Relawan untuk Kemanusiaan-TRuK*) have publicly reported on July 13, 1998, titled ' 'Mass Rape during the National-Wide Riot: A Brutal Milestone of Indonesia's History' [15] The Report was made based on information collected by volunteers after getting information from the society, especially victims' family and also the eyewitnesses. This report revealed that there is an indication of sexual assault, to be specific in a form of mass rape, done well-organized and wide spread in several riot spots targeted specifically to Indonesian Chinese Ethnic Women. The conclusion was taken based on 168 reports sexual violence cases, 152 happened in greater Jakarta while the rest happened in Solo, Medan, Palembang, and Surabaya (see table 1).

Table 1: **Cases of Rape and Sexual Harassment in Greater Jakarta**
As reported to the Volunteer Team for Humanity as of 13 July 1998

Date	Rape	Rape & Wound	Rape & Burn	Sexual Harassment	Total victims
13 May	-	2	3 (all dead)	4	9 (3 dead)
14 May	101	17 (7 dead)	6 (all dead)	8 (1 dead)	132 (14 dead)
15 May	-	1 (dead)	-	1	2 (1 dead)
3 July	2 (1 dead)	6 (1 dead)	-	1	9 (2 dead)
Total	103 (1 dead)	26 (9 dead)	9 (all dead)	14 (1 dead)	152 (20 dead)

15 The Report can be found attached to the Key Document Series of the *National Commission on Violence Against Women "Facts Discovered by the Joint Fact-Finding Team on the May 1998 Riot"*, Jakarta: 2002, p. 63-87.

The recapitulation above further struck the public. Indonesia was already shocked upon learning that terrible acts of burning and looting during the May 1998 Riot were committed by Indonesians, the very people who had been identified as being friendly and polite. Such deep blow was multiplied with the disclosure of fact related with more than 100 cases of well-organized and wide-spread mass rape. Some Indonesians spontaneously rejected the shocking facts, such image-degrading facts. Some others were demanding the State to immediately take a concrete effort in revealing the truth about the tragedy, further bringing justice for the victims. Among these people was the Society against Violence to Women (*Masyarakat Anti Kekerasan terhadap Perempuan)* who met President B. J. Habibie. Written expression submitted to the mass media, the President on behalf of the Government and the people of Indonesia condemn acts of violence against women taking place during the Riot, and stated that the Government shall take proactive measures to ensure the tragedy will repetitive in the history of the nation state of Indonesia. As the manifest and follow up toward the statement, further Government formed Komnas Perempuan and the Joint Fact-Finding Team on the May 1998 Riot as two separate institutions on 23 July 1998.

PRESIDENT OF THE REPUBLIC OF INDONESIA

Assalamu'alaikum Warahmatullahi Wabarakatuh

PRESIDENTIAL STATEMENT

Upon learning the report from women of the Society against Violence to Women and authentic evidences on violence against women committed prior to and during mid-May 1998 in Indonesia, I convey my deepest regret that such violent acts have occured in Indonesia where people have been preserving righteous values.

I assure that the Government shall take proactive measures to provide protection and security to all citizens in order to prevent such inhumane actions to repeat in the future history of Indonesia.

I wish that people could work hand in hand with us in improving security awareness, and report to Officers upon seeing indications of violence against women in any form at any time.

Therefore, on behalf of the Government and the people of Indonesia, I condemn the violent acts that happened simultaneously in different places, including those against women.

Wassalamu'alaikum Warahmatullahi Wabarakatuh.

Jakarta, 15 July 1998

-Signed-

B. J. Habibie

4.2. Report of the JFF Team on the May 1998 Riot[16]

As of the Joint Decree of Minister for Defense and Security/Head of Arm Forces of the Republic of Indonesia, Minister for Justice, Minister for Internal Affairs, State Minister for Role of Women Affair, and General Attorney, the Government convened the Joint Fact-Finding Team on the Riot during 13-15 May 1998 (herein after called the JFF Team) to disclose facts of and background behind the May 1998 Riot. As mandated, the JFF Team worked on 23 July to 23 October 1998. It consisted of Officials as well as members of the National Commission on Human Rights Human Rights, non-governmental organizations and civil society groups.

The JFF Team done their investigation by collecting and analyzing data from various sources, collected directly and indirectly that people delivered by post and phone call, as well as working on data verification in smaller units, i.e. sub-teams handling verification, testimonies and facts on survivors. The investigation results the following:

- There are strong indications that the series of Riot during 13-15 May 1998 correlated with the contextual social-political condition and development of Indonesia.
- There are strong indications that the riot is planned to engage a lot of people, both as actual and provoking perpetrators to create personal, collective and mutual benefit; and that the Riot spread so wide due to lack of proper anticipative security-enforcement measures in preventing or restricting violence acts from escalating.
- Victims of the May 1998 riot are individuals suffering from physical and psychological trauma due to material damages, such as burned and vandalized homes and business places, as well as looted properties; fatalities during all violent acts such as burned, shot, and hurt; also those losing their jobs, surviving torments, being kidnapped, and being targeted of sexual violence.
- It is concluded that sexual violence, including rape, occurred during series of riot in 13-15 May 1998, committed by unspecified number of perpetrators on unspecified number of victims in different places right or almost at the same time, all either in a sudden manner due to conducive situation or in such an organized manner by certain individuals for specific purposes; and that most victims are Indonesians whose ethnic Chinese.

As to the conclusion on sexual violence, the JFF Team based their report to the verified data done by Indonesian Medical Association *(IDI)* upon 85 cases of sexual violence. From the investigation process, JFF Team concluded that the sexual violence did occur in four forms, those are (i)

16 Ibid, hal. 4-33

rape (52 cases), (ii) rape with sexual abuse (14 cases), (iii) sexual abuse(10 cases), and (iv) sexual harassment (9 cases). The data were obtained from two groups of victims through observation over (a) direct facts from victims themselves and the Indonesian Medical Association, whose members are each professionally sworn under oath of office and Jakarta Protocols, also (b) facts got from victims' families, witnesses, psychiatrists/psychologists and religious advisors/counselors (see Table 2). The JFF Team also concludes that majority rape cases are those of gang rape where victims are raped by a number of perpetrators successively during some period of time, even in the presence of others.[17]

Table 2:

Number of Victims by Types of Sexual Violence and Source of Information

Report of the Joint Fact-Finding Team on the May 1998 Riots

Type of Sexual Violence / *Source of Information*	**Rape (52 victims)**	**Rape with injury inflicting (14 victims)**	**Sexual injury inflicting (10 victims)**	**Sexual harassment (9 victims)**
Directly from victims	**3**	**-**	**3**	**1**
Doctors	**9**	**3**	**1**	**-**
Parents & other family members	**3**	**10**	**3**	**-**
Witnesses	**10**	**-**	**-**	**8**
Counselors	**27**	**1**	**3**	**-**

The report of the JFF Team on Sexual Violence did not look convincing to the public and Officials, even to several members of the JFF Team. Hindsight, there were not a single victim willing to testify in public, except before certain members of the JFF Team whom victims really trusted. In addition, some Officials stated that their efforts in searching for victims everywhere, including hospitals, could not locate any victims. The opinion of doubting the occurrence of sexual violence went worse with online access to victims' photographs, causing some Muslims suspect the whole issue as an engineered effort to discredit Indonesian Muslims.[18]

The demand pushing on a public first-hand testimony reflects that the public have showed the ignorance toward the safety of victims and witnesses. The fact that survivors chose not to testify before all members of the JFF Team and Officials shows that they did not feel secure enough to testify in public, especially when protection for witnesses and survivors was not guaranteed.

17 *Opcit.,* p. 23

18 fpi-online.blogspot.com/.../kebohongan-perkosaan-masal-mei-1998.html

Indeed, at that time, threats against survivors and witnesses along with their respective families, as well as their doctors were real. Dealing with the difficulty of conducting medical examination over victims of the May 1998 sexual violence, the Indonesian Medical Association developed a set of forensic guidelines named the Jakarta Protocols.

> *"The Jakarta Protocols was developed by adopting a number of arrangements in the Minnesota Protocols, internationally referred as guidelines in operating forensic examination over tortured victims, including sexually tortured, in which assumed involvement of Officers is highly considered. They consist of procedures of forensic identification based on the need of protecting victims and witnesses. Their margins are within the techniques of extralegal identification (assuming that law enforcement cannot perform) and of keeping data with which cases are identified by codes, leaving victim's identity remain confidential and separating doctor's identity from the victims' data." (I6, doctor, male)*

Obtained using the Jakarta Protocol, data about victims were submitted by the Indonesian Medical Association to the JFF Team for them to verify. Identity of victims and doctors were excluded from the data to ensure safety for the both. Such information shall be supplied only before a court, so far as the cases are legally processed, and safety of survivors and doctors/witnesses is guaranteed. Putting doubts over the report of the JFF Team implies doubt over the integrity of the Team, the Association, and the doctors who have provided their professional judgment.

With unclear reasons, the State, through the five ministers co-signed the joint decree, failed to formally accept the Report of the JFF Team.As stated in the report of mandate accountability, the JFF Team mentions that *"all materials and documents as well as the final Report of the JFF Team have been handed over to the Government, in this case the Minister for Justice, upon completion of JFF Team's mandate."*[19][Up to this moment, the Government has not changed their standpoint on the Official Report of the JFF Team.

> *"... Significance of the report of the JFF Team is reduced into merely a set of data compilation... Existence of rape victims is dismissed as a fact, just because legal evidence cannot be produced. Victims of burned properties are also rarely mentioned." (I2, clergy, male)*

4.3. Report of the UN Special Rapporteur on Violence against Women

At the end of 1998, the Government of Indonesia invited the UN Special Rapporteur on Violence against Women, its Causes and Consequences (or simply 'the UN Special Rapporteur') to visit Indonesia. The UN Special Rapporteur's trips to Indonesia and East Timor were completed during 20

19 Report of the JFF Team on the May 1998 Riot, *op.cit.,* p. 39

November to 4 December 1998. Her findings during the visits were presented before the 55th Session of the Human Rights Council in April 1999, namely Document No. E/CN.4/1999/68/Add. 3. [20]

The UN Special Rapporteur notes that Officials and some public figures were overwhelmed with doubt if mass rape did happen during the May 1998 Riot because there were not a single report of such case to the Police. Based on information that she managed to obtain from survivors, witnesses, human rights defenders and certain Officials, she concluded:

- Though the exact number of victims cannot be specified, mass rape is surely a factual incident taking place at homes, public places, and work places. The Police have yet succeeded finding any gang rape cases that happened during the Riot, but the JFF Team managed interviewing 85 survivors of sexual violence, 52 of whom were raped.
- Fatalities are of various origins, but main targets of violent acts, including rape, are ethnic chinese.
- The JFF Team could not come into conclusion that the Riot was committed systematically. Nevertheless, it highlighted the importance of conducting further investigations and legal process against perpetrators' impunity to prevent similar incident from repeating.
- None among the survivors whom the UN Special Rapporteur met have filed their report to the Police because: (a) they received murder threats and anonymous letters warning them away from reporting, (b) they did not believe in the existing criminal law enforcement and in police's efforts in bringing perpetrators before the courts, and (c) they were afraid that media coverage on their experience will cause them excluded from their community due to the stigma of being rape victims. Taking it as a reference, the UN Special Rapporteur endorses efforts towards follow-ups of the JFF Team findings in order to prevent similar incident from repeating.
- On the murder case of Ita Martadinata Hardoyo, the Police Department is deemed too much less considering the murder antecedent where the Hardoyos received murder threats and anonymous letters. As a result, the institution looks pushing human rights defenders away from the system of criminal law enforcement.
- The 'denial culture' especially among the law enforcement officers prevents legal processes and any special measures from being initiated to bring rape perpetrators in conflict areas to the court.

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20 Also available in the UN official website, the Report can also be found in the Series of Key Document 2 of the National Commission on Violence against Women, titled *'Report of the UN Special Rapporteur on Violence agaist Women, its Causes and Consequences, on her Mission to Indonesia and East Timor, 20 November – 4 December 1998'*, Jakarta: 1999, p. 1-52.

Responding to this Report, before the session of UN Human Rights Council in 2000, the Head of Indonesian delegation stated "... Upon perusal of the Report, **with all sincerity we raise objections**"[21] against a number of conclusions. The Report was deemed being compose with prejudice against the commitment of the Government of Indonesia in eradicating violence against women. The Government of Indonesia deemed that the Report of the UN Special Rapporteur lacked of credibility due to its NGO-like reporting style in which the UN Special Rapporteur excluded sources' identity, especially victims, whom she met. As a result, the Government of Indonesia and other concerned institutions could not verify and recheck information conveyed in the Report. The UN Special Rapporteur was assumed trying to conceal or at least manipulate the truth.

In its dissenting opinion against the Report, the Government of Indonesia mentioned that the UN Special Rapporteur did not show appreciation to the Government's accountability and transparency efforts in resolving issues related with violence against women, particularly after May 1998. Replying to this dissenting opinion, the UN Special Rapporteur referred to the existing "denial culture" in handling rape cases. In the opinion of the Indonesian Government, the UN Special Rapporteur did not establish an open dialogue with it, but rather enthusiastically developed close coordination with non-governmental organizations, as reflected in its dissenting statement "... *her (the UN Special Rapporteur's) laxity in considering findings of the JFF Team in relation to incidents during the May 1998 Riot*".[22]

Responding to the dissenting opinion, the UN Special Rapporteur stated that the standpoint of the Indonesian Government reflected its distrust to her integrity and professionalism in performing mandates from the UN Human Rights Council as well as its rejection in applying accountability principle to its investigation on human rights violation. This standpoint contradicted with the human rights principles that it highlighted repeatedly during her visit in Indonesia. It also made Komnas Perempuan expressed some special concerns in written to the Department of Foreign Affairs. It encouraged Governmental institutions to follow up the case in accordance with findings and recommendations of the UN Special Rapporteur, conveyed as follows:

- The report of the UN Special Rapporteur contained highly important, accurate and balanced analysis. Her description on protection of women from violence, including its limited reference, was developed in accordance with information obtained from survivors of sexual violence, thus representing their actual condition.
- The fact that the UN Special Rapporteur excluded survivors' identity from her Report reflected a common approach internationally used in reports about violence against women. Komnas Perempuan regretted

21 Ibid, hal. 56

22 Ibid, hal. 55-58

that the Indonesian Government appeared with such dissenting opinion on her approach. Such opinion showed that the Government's prejudice against NGOs and inconsistency with its own commitment to establish partnership with NGOs.

- The UN Special Rapporteur indeed initiated referring the JFF Team's findings as a starting point of discussions with Komnas Perempuan. [23]

Responding to that letter, Minister for Foreign Affairs explained that the dissenting opinion of the Government of Indonesia was meant rather to improve recommendations of the UN Special Rapporteur with close considerations on current developments on human rights promotion at home, than to express rejection. Minister Ali Alatas specifically referred her observation on the prevalence of "denial culture" as her presumption lacking of appreciation to the Indonesian Government's efforts after the May 1998 Riot, such as the Presidential Statement condemning and regretting such human rights violation. It was added that she did not refer to findings issued by the JFF Team. The Minister's reply contradicted substantially with the fact that the UN Special Rapporteur in fact did refer to the JFF Team's findings, specifically in paragraphs 15, 66, 67 and 68.[24]

4.4. Komnas Perempuan

Komnas Perempuan is a governmental agency convened in response of the May 1998 sexual violence, mandated to serve as one of national mechanisms of promoting human rights for the purpose of providing conduciveness to efforts of eradicating violence against women and rights of violence victims in general. Conduciveness is an absolute pre-requirement towards fulfillment of rights to truth, justice and recovery for the victims of the May 1998 sexual violence. Rights from its early establishment, Komnas Perempuan has been intensively coordinating with the UN Special Rapporteur for the preparation of her visit to Indonesia. It has developed programs which objectives, among others, are as follows: [25]

- To ensure that policy making and law reform sided to the women victims' rights as in Law on Witnesses and Victims Protection, Law on

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23 Ibid, p. 83-87. Considerations taken by the UN Special Rapporteur on the JFF Team can be cited in her Report, specifically in paragraphs 15, 66.67 and 68. Her respond to the Indonesian Government's dissenting opinion can be found on p. 61-64.

24 Dissenting opinion from the Indonesian Government, and written statements from the UN Special Rapporteur, the National Commission on Violence against Women and other human rights defenders can be found in the Key Document 2 of the National Commission on Violence against Women, titled 'Report of the UN Special Rapporteur on Violence agaist Women, its Causes and Consequences, Ms. Radhika Coomaraswamy, on her Mission to Indonesia and East Timor, 20 November – 4 December 1998', Jakarta: 1999, p. 53-100.

25 Detailed information on the profile and activities of Komnas Perempuan can be found in www.komnasperempuan.or.id.

Elimination of Domestic Violence, as well as to ensure that the issue of violence against women, particularly rape and other sexual violence, is properly addressed in the amended Criminal Codes and the amended Criminal Code Procedures,

- To instigate officials' and public's supports as the efforts to eliminate violence against women and fulfilling rights of women who become victims of violence through, among others, the "16-day campaign on anti-violence against women" and education on gender-based crime against humanity,
- Since 2000, to publish official results of investigations, observations and analysis on the incident of sexual violence in May 1998 and other cases of violence against women,
- To establish a healing system for women violence victims through learning sessions jointly held by other healing service providers,
- To monitor and record all cases of violence against women and development on the efforts of fulfilling the rights of women victims, including by exclusively appoint a *Special Rapporteur on the May 1998 Sexual Violence and Its impact* .

4.5. Common Initiative

In spite of its controversies, to reveal the May 1998 sexual violence, particularly rape cases, has raised public awareness to the fact that assaults to women's body has become an integral part in the history of conflicts in Indonesia. Since May 1998, the public has put more attention on rape cases in armed conflict areas, especially where the status of Military Operation Area on force such as Aceh, Papua and East Timor (now Timor Leste). Through various activities, civil society promoting human rights, especially those of women, have worked hard to have certain incidents investigated and implore for immediate realization of Government's responsibility of providing the rights of women who become victims of sexual violence.

Helping to address the May 1998 sexual violence as an issue, volunteers from religious institutions provided counseling services in call centers and crisis centers. Some of them had provided such services for approximately less than two years before they decided to discontinue because victims were getting reluctant to consult with and contact them. Some others are still providing counseling services focusing on women victims of violence in general. The discourse to establish crisis centers giving an immediate help to women violence victims has widely spread among the public, and among them are:

- Derapwarapsari, an organization established by post career institution female police officers. They took the initiative to build a Special Service

Desk (*Ruang Pelayanan Khusus/RPK*) in the Police Department offices. Officers assigned in Special Service Desk are expected to be the front-liners in receiving reports and investigating cases of violence against women with certain approaches that respond to the needs and conditions women victims of violence, especially sexual violence.

- Integrated Crisis Center (*Pusat Krisis Terpadu/PKT*), co-established by Cipto Mangunkusumo Hospital RSCM and Komnas Perempuan: Integrated Crisis Center is intended to provide one-stop, hospital-based, first-aid services for women victims of violence, ranging from forensic medical treatments, psychological treatments, and direct report line to the Police office. Special attention is given to victims of sexual violence, in a way that examinations for evidence performed on victims do not cause more traumas on them.
- Women Crisis Centre/WCC (*Pusat Krisis Perempuan*) established by women activists as a women's organization for violence victims: Women Crisis Centre provides counseling services by telephone, face-to-face counseling sessions, and support group sessions; legal advising services; safe-house or shelter services; psychological therapy and medical treatment services; and economy empowerment. Services may differ, depending on variety of programs, availability of resources and available cooperation with other institutions (with reference system). It has focused its works not only in areas where the May 1998 Riot series happened but also throughout Indonesia. It did not involve in immediate response for victims of the May 1998 sexual violence, but the records of its counseling services for the victims are used as main reference in developing standard services for women victims of sexual violence.
- The Organization PULIH, established by counselors with educational background in psychology: PULIH is aimed at providing psychological-social treatments for women victims suffering from violent trauma, including those of domestic violence.

4.6. Goverment's Policies on the Report of the JFF Team

In the documentation process, Special Rapporteur of Komnas Perempuan has corresponded with several relevant Governmental institutions which functioned significantly in having the JFF Team's findings followed up, namely Komnas HAM, General Attorney, Head of Arm Forces, Head of Police Department, Minister for Internal Affairs, Minister for Law and Human Rights, and State Minister for Woman Empowerment. Special Rapporteur of the National Commission on Violence against Women has updated herself on (a) policy measures that the concerned institution has already taken and/or will take to follow up findings and recommendations from the JFF Team, specifically on the part related with cases of sexual violence against women, and (b) achievements and impediments in implementing the policy.

Complete replies as answers to the questions from those institutions can be found respectively in the Appendix section. The following sub-parts are summary of their replies, which are expected to be able giving the description upon their efforts in performing respective responsibilities in promoting rights of women victims of the sexual violence of May 1998.

4.6.1. State Ministry of Women Empowerment

Eventhough not specifically took measures as recommended by the JFF Team, the State Ministry of Women Empowerment has implemented its policy on elimination violence against women in general, among others, by:

- Continuing the program "Open your Eyes and Open your Ears", initiated immediately after the JFF Team issued its recommendation to take reports from the people on cases of violence against women and to provide counseling services for victims, and thus maintaining its postal report desk, PO Box 10000, up to this moment;
- Developing National Action Plan on Elimination of Violence against Women, which is translated into a policy measure of issuing Joint Agreement of Department of Health, Department of Social Affairs, and National Police Department on Establishment of Integrated Service Centers for Victims of Violence against Women; and
- Providing substance support to the endorsement and implementation of a number of national regulations on which efforts of eradicating violence against women are based and better services for victims of violence against women are provided, such as Law No.23/2004 on Elimination of Domestic Violence, Government Regulation No. 4/2006 on Implementation of and Cooperation for Recovery of Victims of Domestic Violence, Law No. 13/2006 on Witnesses and Victims Protection, and Law No. 21/2007 on Eradication of Trafficking in Person.

4.6.2. Department of Home Affairs

Performing its responsibilities in maintaining national unity and territorial integrity, the Department of Internal Affairs has implemented its policy as recommended by the JFF Team. It formulated and planned for implementations of policy on improving religious harmony, ethnic interactions, community-based local intelligence and community-based early warning. In return, it recommends Komnas Perempuan to coordinate with General Attorney as a State institution whose competence includes investigations "for legal settlement of the assumed sexual violence [on May 1998]".

4.6.3. Department of Defense

The Department of Defense refers to the significance of the JFF Team as a positive response and realization of commitment of the Government, in this

case the Department/Arm Forces and the Police Department in addressing issues, and speculations developing before, during and after the May 1998 Riot. Moreover, realizing the national commitment in human rights promotion, the Parliament passed the bill into Law No. 13/2006 on Witnesses and Victims Protection and ratified international conventions, such as Convention on Elimination of Discrimination against Women (CEDAW), Convention against Torture and Other Cruel, Inhuman and Degrading treatment (CAT) and Convention on Elimination of Racial Discrimination (CERD).

Realizing its commitment in increasing human rights awareness among officers of all Arm Forces, the Department of Defense has implemented Law No. 3/2002 on National Defense with human rights considerations. Such policy is taken to combine Laws on human rights and humanitarian laws into implementations of national defense programs. Ensuring the best combination, it held program activities on capacity building for Arm Force officers at Senior and Junior levels to improve their knowledge and understanding on humanitarian and human rights laws.

The Department of Defense has been continuously updating its knowledge on developments in Police investigations of the assumed incidents of sexual violence. It deems that there are no impediments in obtaining updates, but notices that "...the Police Department is impeded from concluding its investigations due to limited evidences, victims and statements."

4.6.4. Headquarter of National Armed Forces

Representing the Headquarter of National Armed Forces, Admiral Henry Willem, SH, S.IP., invited the Special Rapporteur and representatives of the National Commission on Violence against Women to meet him in his office in Cilangkap, Jakarta, on 17 March 2008. In this meeting, he conveyed replies to the Commission's letter that the Headquarter did not specifically address the issue in accordance to the JFF Team's findings and recommendations, but rather did initiate general measures in realizing its commitment in human rights promotion, such as trainings on human rights promotion and humanitarian laws for all officers of Arm Forces, including those under Military Courts. The Headquarter held series of public lecture on Law No.23/2004 on Eradication of Domestic Violence, as well as brought officers committing domestic violence crimes into court and punished them with imprisonment and/or administrative penalties.

Like Department of Defense, the Headquarter has yet addressed the issue of May 1998 sexual violence because, up to the moment, the Government has yet confirmed its standpoint to the issue, resulting to its conclusion that "case of rape that occurred during the May 1998 Riot is barely an assumption."

4.6.5 Komisi Nasional Hak Asasi Manusia

Responding to urges from victims of the May 1998 Riot and their families, NGOs providing counseling services, community organizations, political parties and the media conveyed to it, *Komnas HAM* convened a team to analyze the Report of the JFF Team. The analyzing team indicated that there were gross violation against human rights in form of crime against humanity during the May 1998 Riot.

Responding to the analysis results of its team, *Komnas HAM* then convened Team for Investigation on the May 1998 Riot. The Team's investigation process had to deal with a list of challenges, such as:

- Absence of certain individuals whose statements would be used in their investigation due to different interpretations of legal provisions regarding the process of investigating gross violation against human rights, particularly about ad-hoc human rights court establishment and mechanism of summon by force;
- Unavailability of legal mechanism of witnesses and victims protection with which witnesses are assured of their safety so that they could testify without fear and further distress;
- Scarcity of witnesses, evidences and other relevant data because the incident happened long time ago.

The Investigation Team issued its Report in early 2005, as well as submitted it to the General Attorney for further investigation and duly prosecution process in January 2005. The General Attorney returned the Report in March 2008 because they waited for human rights court mechanism to establish. Responding to this set back, *Komnas HAM* immediately resent it to the General Attorney, using legal basis of Decree of Constitution Court No. 18/PUU-V/2007 on Authorities of the House of Representatives, *Komnas HAM* and General Attorney in Establishing Ad-Hoc Human Rights Court to Resolve Cases of Gross Human Rights Violence. Considering that the cases are still in respective legal process, it did not go into details of specific cases that the Report includes, for example cases of sexual violence during the May 1998 Riot.

4.6.6. Department of Law and Human Rights, Police Department and General Attorney

Up to the completion of this Report, the Special Rapporteur has yet received replies from the Department of Law and Human Rights, Police Department and General Attorney. Their negligence in replying the Special Rapporteur's

inquiry is a deep disappointment because those three state institutions are expected to give more contribution and act in accordance to their utmost authority to (be able to) take measures as recommended by the JFF Team. It is then concluded that these institutions have shown improper care and commitment to the responsibility of resolving sexual violence cases, especially those of May 1998. Indeed, there is a list of initiatives, such as:

- National Action Plan on Human Rights, instigated by the Department of Law and Human Rights, from whom Law on Witnesses and Victims Protection were drafted, in line with recommendations of the JFF Team and the UN Special Rapporteur during her visits to Indonesia, and whose leading role is significant to the future of human rights awareness among Officials;
- Institutionalization of Special Service Desk, established by established by "Derap Warapsari", a post-career institution of female police officers, through Decision of Head of National Police Department No. 10/2007, so that it has full acknowledgement and support (the Desk was substituted with Report Unit of Violence against Women and Children (Unit Pengaduan Perempuan dan Anak/UPPA), there are 129 units throughout Indonesia, each being attached to district and sub-district police offices); and
- Though there are plenty of problems related to the law enforcement of the heavy human rights violation, General Attorney, among others by determining its focal point for gender-based issues.

Part 5

Survivors of the May 1998 Sexual Violence, Their Families and Counselors: Ten years after

The May 1998 Riot—or, putting it correctly, the tragedy to humanity of May 1998 Riot—is a dark part of Indonesia's political history, but have been brought us to a different era, named Socio-Political Reformation era, following the resignation of President Soeharto from his 32-years throne. Nevertheless, the tragic May 1998 Riot and its controversies leave factual traces as follows:

- Damaged properties, poor urban residents losing their sources of earning, and dead victim. Government and the society in general accept reports upon huge amount of material and people loss, though the exact numbers in the quantitative data[26] mentioned are not necessarily accurate. Performing mass burial, as well as repairing and rebuilding burned properties result in the notion that the tragedy has been resolved and thus forgotten by most people.
- Indication that the May 1998 Riot was well-planned, involving security-enforcement officers and trained individuals inciting civilians to loot and damage properties:

  This fact is accepted, though bringing perpetrators to the court are far from being successful and inviting arduous discouraging arguments. Nevertheless, it brought changes in the implementation of defense-security policy, now being more contributing to the national promotion of human rightss. For example, it was decided to separate the National Police Department from the Armed Forces, and to integrate human rights considerations and humanitarian laws into the policy of national defense, as confirmed through the meeting with representative of the Headquarter of Armed Forces and also through the letter of the Department of Defense.
- Indonesian Chinese ethnic is the target of the May 1998 Riot

  The Riot happened in areas where Indonesian Chinese ethnic live and run their business; and furthermore, "owned by local indigenous (*milik pribumi)*" were scribbled all over buildings and houses to prevent them from being attacked. Mentioned fact serves as the basis of analysis on how the Riot can be perceived as a manifestation of political discrimination done by State along this time. This analysis is significant

26 The Quantitative data mentioned above are the number or the amount of material losses and casualties

to the discourse of nation-state concept in Indonesia: the very same quest that the New Order regime suppressed the discussions related to ethnicity, religion, race and class that considered as a taboo subject to be discussed. Responding to this analysis, the Government through the Department of Internal Affairs, for instance, issued certain policies supporting interaction between societal groups which implementation shall encourage better interactions within the people in order to support the efforts towards the national unity.

- As part of the riot, there were mass rape and other kinds of sexual violence happened, which targeted at ethnic Chinese women:

  Such fact is conveyed in the Report of the JFF Team, convened by the Government, as well as the Report of the UN Special Rapporteur on Violence against Women, meeting directly with victims in private. Like those of other facts, victims of rape and other sexual violence cannot be specified in exact number. However, unlike other facts, unspecified numbers of them were used by certain officials and public figures as an argument basis of doubting, and even denying, the existence of sexual violence during the Riot. As no victims are willing to testify in public, the incident of May 1998 sexual violence stays an assumption, unless legal evidence is obtained to prove otherwise.

Despite of different public opinions, it should be admitted that the quest of proving the existence of May 1998 sexual violence has drawn public attention to the issue of violence against women, especially rape. Though it was not specifically referring to the May 1998 sexual violence, the people's attention has drawn the Government, law enforcers and also society in general to incite more responsive initiatives to address the issue of violence against women in general.

One phenomenon contributing to the efforts during these ten years is establishment of so many providers of special services for the victims. Before the Riot, there were very limited providers of special services available for victims and only in Jakarta. Since 1998, such service providers have increased and spread all over Indonesia, owned both independently by community organization and by the Government. Up to this moment, there have been 41 WCC- women's organization providing recovery services for women victims of violence, 23 units of similar trauma center initiated by the State Ministry of Empowerment of Women, 129 units of Report Unit of Violence against Women and Children established in Police offices, and 42 units of Integrated Crisis Center established in hospitals, with 36 of them being in Bayangkara Hospitals, owned by the Police Department. Those service providers are spread throughout Indonesia. Hindsight, Law No. 23/2004 on Elimination of Domestic Violence has triggered improvement in national awareness of the issue of violence against women in general.

One thing that could not be denied, there were no State determination in revealing the sexual violence of May 1998 facts, and obscuring the case instead. This condition lead us to the failure in revealing the human rightss violations cases happened in the tragedy. Hitherto, there is no clarity upon who was the person-in-charge as the field commander, what is the reason that the bodies of Indonesian ethnic Chinese women become the target of sexual violence, why do the government -even since Soeharto stepped down- reluctant to solve and reveal the case evenless punishing the perpetrators behind May 1998 tragedy. Suspicion that the May 1998 sexual violence was being engineered has encouraged the people's doubt to the existence of victims of May 1998 sexual violence. Arguments are developed in favor of the doubting ones; and things that always emerged is the demand to have victims testify in public as the only way to eliminate the doubt.

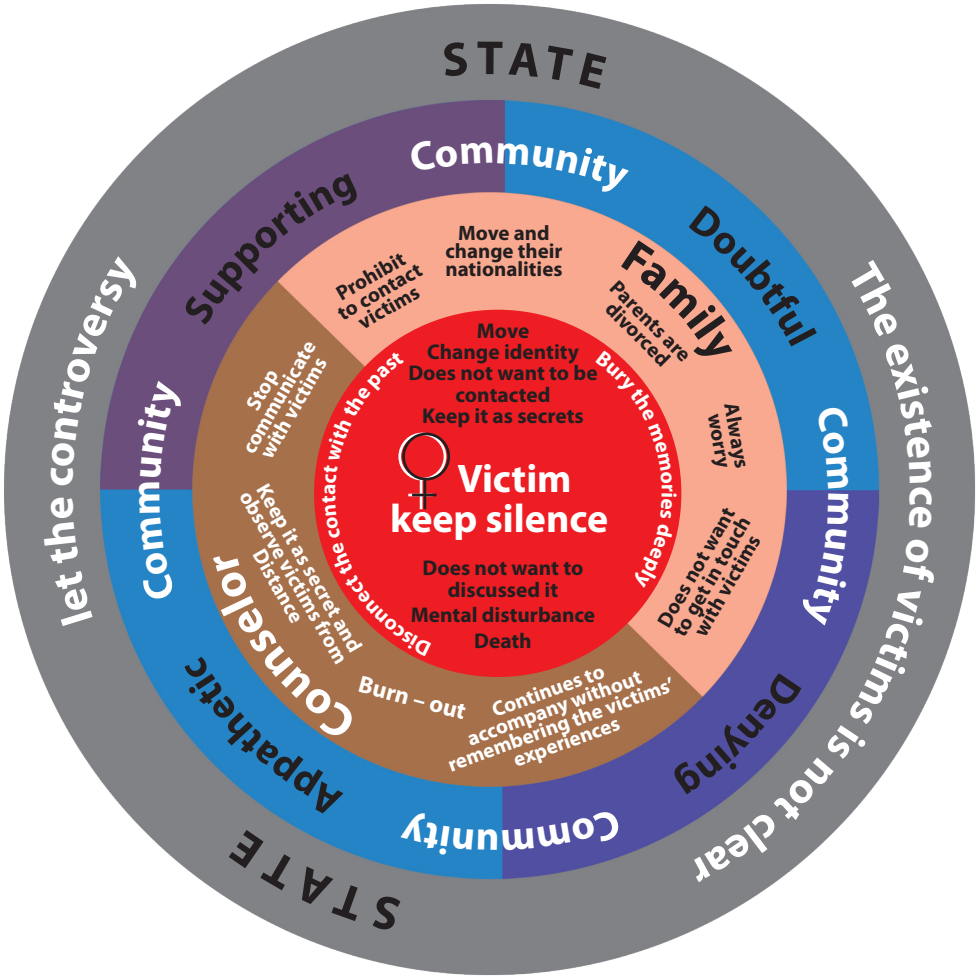
In the midst of controversies whether or not the sexual violence victims exist, legal process of settling the May 1998 Riot and other cases of human rights violence have been brought many other victims, their families and counselors have lost their confident facing the cases. They are become more uncertain upon the State's seriousness in recovering the victims' rights. For example, General Attorney used legal arguments to formally refuse the documents submitted by the *Komnas HAM*, and others used different reasons to allow absence of officials, especially those of armed forces, for further effort to investigate human rights violations.

Furthermore, the murder of human rights defender, Munir, has further caused victims, their families and their counselors feel threatened. Ensuring security through concrete measures is now an important objective of institution for Witnesses and Victims Protections (*Lembaga Perlindungan Saksi dan Korban)*— which has yet established, though its mandates in the Law on Witnesses and Victims Protection has been effective for two years. There should be a long, winding legal process to a just resolution on the case of May 1998 Riot, and even worse for the May 1998 sexual violence. Contributing to such long legal process would be delayed amendment to Criminal Codes and Criminal Procedure Codes related to rape; even if such amendment does exist, considerations on experience of victims of the May 1998 sexual violence are likely to be opted out. As a result, pessimism becomes wide-spread: some turn to total negligence on any effort disclosing the truth, and others even suggest victims and their families to continue their lives by forgetting their sexual violence experience in instant.

Simply put, during these recent ten years, there are no substantial changes in Government's standpoint and public opinion on the incident of sexual violence during the May 1998 Riot. As described in Diagram 3, the Government is still indecisive about the victims and fails to address such controversial issue among the people doubting the existence of May 1998 sexual violence. The people are divided into those believing, doubting, denying and ignoring if such incident did happen. Commenting on such divided people, counselors

see that continuous demands of first hand testimony in public suggest not only indifferent but also inhumane behavior towards victims of May 1998 sexual violence.

Diagram 3
Updated condition on victims of May 1998 sexual violence, their families and counselors



"I was several times asked to encourage victims to testify. They argued that first-hand testimony would be important in a long-term effect of human rights promotion in Indonesia. Not believing in such over-simplification, I answered, "If you were a victim, or she were your daughter or your sister, would you let yourself or her testify?" (P7, clergy, male)

5.1. Victims Retaining Their Silence while Living on

"Victim is a mother of two children. I treated her and acted as her counselor before she moved abroad. Several years later, she remarried. For the purpose of this documentation, I contacted her through her friend whom I also know. She replied that she would never wish further contact because she wanted to forget it and, most importantly, to keep it confidential to her new family. My contact will surely trigger negative emotion. She could never explain to her family the reason causing her distress." (P6, doctor, male)

With the insignificant changes, women sexual violence victims and also their families decided to keep silence about their experience back in the Riot. This certain condition has been repeatedly being told by the counselors to Komnas Perempuan's Special Rapporteur; that the women sexual violence victims of May 1998 and their families refused to recall their memories upon the bitter experience.

A survivor said that she would keep her story confidential because she thought it would be useless to file the case of sexual violence crime committed on her. She passed away due to severe spinal injury that she suffered after jumping from the upper floor of her home. Apparently she tried to escape a rape when her house was attacked during the May 1998 Riot.

> *"As her counselor, I visited her twice: the first was soon after the incident, and the second was when she complained that her back ached again. We talked over the phone, but not often. Recalling the incident, she always said, "If God has decided, I would live accordingly. God has taught me in a very amazing way. At such a mature age, I still have the chance of learning by divine signs. Thus, pray for me so that I can accept and live with this." When asked if she would ever file her case, she responded, "It's useless. Whomever we report to, it would be useless because they would never respond." Few weeks ago, I was informed that she passed away almost one year ago. I tried to contact her husband, but he moved someplace. Maybe he has joined his children abroad." (P5, volunteer-teacher & clergy, female)*

Trying to completely get rid their memory of May 1998 sexual violence, survivors not only resort to silence (or completely refuse to speak up) but also abandon their relationship with people who can potentially trigger their memory back. Thus, they decided to move to a new place and also disappeared themselves by changing identity. A survivor even refused to receive contacts from her close friends and her counselor.

Silent for their distrust to the Government's commitment as conveyed by the rape attempt victim. Independently, she struggled for her own healing process, by learning to manage her trauma inflicted by sexual assault. By this process, the victim feels necessarily recovered, not to mention that she can further expressed her personal experience through her work as a social worker. Nevertheless, she even worried of her mother who is still overwhelmed with trauma of witnessing rape attempted over her daughter. Like the victim, the rest of her family also need the healing process to recover them from distress and fear, leaving them in their lowest state of helplessness. However, the expected assistance did not always available.

> *"Experiencing a rape attempt affected me in choosing psychology education to support my "outpatient treatment" recovery program. It also made me to work as a social worker. Then I found out that working among the society has helped me improving my empathy and understanding others. I think the one suffering more traumas is Mother. She is always worried that I would be raped. When I decided to take a job in Aceh, the first thing crossed her mind was me being raped, not being shot nor kidnapped,*

considering I was assigned in an armed conflict area. A strong earthquake once caused isolation of the area in which I was assigned from telecommunication connection. Soon after the system reconnected, I called Mother and found out that she cried so miserably that could not say a word. Really taking her time, she told me that she was worried over my safety so much that she dreamed of seeing some men collected and raped me." (K1, victim of rape attempt)

5.2. Imperative Need to Develod Victim's Secure Feeling

Developing the feeling of secure is highly important to the victims' healing process. In the constant circumstances for the late ten years-though legal basis and healing services are there for the women survivors- yet the silent survivors of the May 1998 sexual violence and their families still feel insecure. Controversies related to the existence of May 1998 sexual violence are looming threats to survivors who managed to build the feeling of secure since they are always asked to testify for the existence of sexual violence, the very bitter memory that they never want to recall. In order to live on with SECURE feeling, survivors of May 1998 sexual violence and their families chose to abandon relationship with people from their past, including their counselors.

"Some survivors cannot recover because their beloveds cannot accept them as they are now. I know very well a girl among survivors blessed with unconditional support. Her boyfriend was there all the time; and they eventually married. Now they build a new live abroad with completely new identity. We kept in touch for the first couple years afterwards, usually through her mother, who still lived in Indonesia. Then, through her mother, she asked me to promise to stop communicating with her for the sake of everyone's well being. I keep my word on this, also on the other promise of not disclosing her case. As told by her mother, her family members living her are still watched by people whom they dared not name." (P8, clergy, male)

All counselors stated that they could understand victims' and their families' decision to keep silent and cut acquaintance with their past. They supported the decision by no longer contacting victims and their families. From the view of the counselors, to respect the choice made is the most concrete support to be done which will lead to the secure and comfortable feelings- the most important things in the victims' healing process.

Even if they were not asked to, but for the best interest of the victims, those counselors gradually withdrew themselves from survivors' life. If they did otherwise, they were worried that survivors could not adapt easily with new environment and their personal ability to recover would reduce. Counselors only supervised from afar, ensuring a sustainable healing process.

"I took a survivor to a shelter abroad. She was evacuated there upon facilitation of the shelter management and a religious organization. I stayed there for three weeks, accompanying her to courts supposed to decide if she was granted asylum in the country.

Then I was asked to gradually withdraw because she had to live on her own among other shelter mates. A shelter counselor informed me that she did not live in the shelter any longer, but regularly received counselor's visits." (P1, volunteer-teacher, female)

Taking similar considerations, another counselor decided to no longer contacting victims whom she ever accompanied. She neither addressed victims who succeeded to look 'normal' so that they would not recall their bitter past.

"Victim and her boyfriend were in a street when they were attacked. He passed away over defending her from being raped. She suffered severe mental disorder for some period of time, before gradually recovered. I also used to accompany another victim now married. I quit intensive communication with her by the end of 1999. I noticed that they were getting better. During these recent two, three years, I occasionally met her and her family in some mass prayers, looking perfectly normal. I dared not speak to her, risking the chance that she would be disturbed and even depressed over seeing me and recalling the memory."(P9, volunteer,housewife, female)

5.3. Additional Support for Survivors to Revive

"I used to see a rape survivor who delivered a baby but I do not know where she is now. I used to help around in an orphanage. Some caretakers there could show some children born from raped mothers."(I4,humanitarian workers, male)

Throughout the healing process on the recent ten years, women survivors of May 1998 sexual violence are dealing with the state of impossibility to rend their silence. Nonetheless, survivors need assistance to hold their head up high. One of the supports given was one orphanage which was willing to nurture the children born from mothers raped during the Riot. Such real support is important to help survivors and their families in keeping distance with the past which they wished to forget. In addition, to ensure mothers' and families' security, the orphanage management never disclosed the identity of those children to public.

Up to present, some survivors of May 1998 sexual violence still keep in touch with their counselors because they have no other choice. Their reasons vary from: some do not have any relative willing or able to help; while others still live in Indonesia, still need help to recover themselves physically and mentally, to have not been able living independent financially. For example, a women survivor of May 1998 sexual violence still keeps in touch with her counselor who sponsored her school tuition. Such brutal past experience has caused her to grow difficult personality. Counselor P1 stated that she had to constantly visit the girl in the orphanage where she stayed. For some period of time, she had to keep the girl at her home because she was too difficult to handle by the previous orphanage. Apparently it inflicted another problem: the girl had upset her family, especially her children competing with the girl for their mother's attention. The orphanage caretaker was too old for this

teenage victim, so the girl now stays with her uncle. The girl's mother passed away during the May 1998 Riot. Her uncle's business is now getting better, after being burned down during the May 1998 Riot. Nevertheless, Counselor P1 is willing to look after the girl, should she have to live alternately with her uncle and Counselor P1.

Another example is a mother of two children, who constantly forget either child. People who used to be close around her now refuse to know her again. They feel ashamed of her because rape is considered the whole family's disgrace. The survivor constantly showing her fear, thus considered "lunatic". There was almost no support for her, except from a woman living next door, accompanied her ever since.

It has been ten years since the victim try to revive by keeping silent. Some of them should deal with financial impediments, including expenses for medical and psychological treatments that they need. As told by Counselor P2, initially he collected donation from his friends to cover medical treatment expenses. Donation was not enough. Now, he tries to implement economic empowerment program for survivors and their families. He wantsed to gradually cut their dependency on donations but also still involved in their healing process.

> *"I regularly visited some survivors who are willing to keep in touch with me. They still live in the same place where they lived during the May 1998 Riot happened. They cannot afford moving out due to circumstances and especially financial ability. During my visit, we never discussed the past. What they need is support to revive and live on. Now I am implementing economy empowerment program through a waste-recycling project. To keep them concealed, this project involves not only victims but also villagers." (P2, doctor, male)*

5.4. Recovery for Counselors

Ten years have passed, but the agony resulted by the May 1998 Riot is still hanging over every counselor. Counselors merely feel the pain of those victims and their families. Akin to the victims and their families, counselors also tried to suppress the memory of the Riot deep down. However, as an unconscious memory, their agony may manifest in many forms of behavior. Counselor P8 said that he could not speak in order if his memory of the Riot came back. From time to time, he explained about his experience accompanying victims of the May 1998 Riot, then suddenly jumped to explanations about victims of 1965 Upheaval, especially women victims arrested upon accusations of being involved with Gerwani, women's wing of the notorious communist organization in Indonesia. Such lapse supported the argument that revealing the case of May 1998 sexual violence will be as complicated as revealing the truth behind the 1965 tragedy. It can also be interpreted as a deliberate effort to suppress his memory of victims' experience during the May 1998 Riot by

selectively choosing information to tell, or an unconscious behavior resulted from shock so deep that he cannot retell anything without getting upset. The effort to suppress is so strong that Counselor P8 is getting numb.

> *"Frankly speaking, when talking about the May 1998 Riot, I could never breathe as easily as usual. I can feel something… I do not know… But I should just accept it. I will answer questions for this documentation one by one. Though not in the rights order, my answers—I promised—come from the heart and knowledge that I never disclosed before." (P8, Clergy, male)*

Another counselor gave more firm statement. She said that few years ago she decided to forget the May 1998 Riot because she was disappointed seeing sluggish development of efforts in pursuing Government's commitment to solve the case. This decision was informed at the same time when she was contacted to testify for the purpose of this documentation. According to her, she had passed all the information she could get from the survivors to other counselors who would be able to advocate the case; thus, nothing was left to tell. She also expressed her anger to the public demanding first hand statement because she knew that victims could never testify in public without mangling recovery process done by victims and their families.

> *"This has gone too long. Disclosing her past to her husband and children, survivor may feel that she is risking their family's harmony. As to myself, I have already forgotten [the May Riot]. We used to fight fiercely but now we cannot do anything. I am concerned with survivors' stability if I take them to activities commemorating the Riot especially because they are ashamed of themselves over the assumption of them carrying disgrace." (P9, volunteer, housewife, female)*

Deciding to forget has also caused a counselor momentarily forgot the name of a survivor whom she accompanied but still keeps in touch with up to now. She could feel her heart beats fast whenever she told the story of her helping the girl evacuated abroad. She realized that her experience reflected the hardness of forgetting the Riot as if it is there vibrantly and she is always feels the ambivalent tendency of "deliberately remember and ignore the memory". Such a condition has caused her a depression occurred habitually approaching May. It was never easy for her even to retell her decision. She could not hold her tears over explaining on her decision to forget.

> *"Because there were no victims willing to testify in public, I was accused of committing lies and seeking popularity by selling stories about victims. Indeed, without me looking for them, survivors came to me for help. I cannot definitely be sure that they were raped, but deep in my heart I know. I saw real symptoms in their behaviors and yells. I do not have the heart to ask further, maybe because emotionally I cannot afford hearing their painful stories and just run from such questions. I can neither force them to tell, implying that their cases would never be proven legally. I would never do that. Ever since, I have refused from being photographed—thus if I am not included in a picture, it doesn't mean I was not there. My heart throbs in pain if I ever recall any of this, but I know this is a process of healing." (P1, volunteer-teacher, female)*

To a counselor, accusing them of fabricating facts on the existence of victims of the May 1998 sexual violence means much more than questioning their credibility. This accusation also hinders the victims' healing process. Hindsight, victims should surely resort to deeper silence and stronger effort of suppressing the memory of experiencing sexual violence. This unconstructive behavior shall make the process of disclosing the case more difficult. Combination of these factors leads to counselors' pessimism. In fact, a counselor decided that creating distance with the May 1998 Riot was the best way to move on.

> *"Frankly speaking, I dedicated my whole energy on disclosing the May 1998 Riot during the JFF Team service. Now, we are not intensively advocating for the case. We have many things also need to help. But I think this is a sort of self defense. If I live only to the cause of disclosing the case, then I should have gone mad. Indeed I can tell that I am still suffering from trauma [after the May 1998 Riot]. I am not a victim. I only met and listen to victims. But I'm human; I can be affected with their stories." (P7, clergy, male)*

Counselors' experience of counseling victims of sexual violence apparently affects their personal relationships. At least there are two counselors whose marriages did not last. Explanations from the counselors are not available because the counselors cannot be contacted. Nevertheless, as told by a trusted source, one of the counselors failed to meet a survivor in a venue time that they agreed before because she had to help her husband first. The counselor came late to the venue, only to find the victim and her child died from hanging themselves. She was deeply shocked, and guilt overwhelmed. She then decided to separate from her husband. The other counselor previously had no trouble in her marriage. As getting closer with a victim, she eventually identified herself with the victim. As a result, she could not easily mingle with men, including her husband. Giving up with this, she asked for a divorce.

For counselors, taking the distant with victims' experience is not easy, especially in the context of dealing the trauma after the tragic May 1998 Riot. Their experience accompanying victims leaves a deep cut in their minds and hearts, mainly because they did not have a chance to observe their own experience because they had to attend the victims continuously. As a result, counselors also suffered deep trauma, some were burnt out or even resistance to accompanying victims further.

Counselors who managed to observe and take distance from victims' experience confessed that they managed doing so mainly because there was no one, especially the media, knew that they were counselors. Thus, they never directly dealt neither with questions on victims, nor accusations of committing public lie. Another counselor stated that her trauma inflicted by the May 1998 Riot lingered in her memory, but her professional background as a religious counselor and also as an educator gave her a chance to observe her own experience as a counselor and turn it into strength.

"Frankly speaking, knowing horrible experiences of the Riot makes me afraid of taking a taxicab, even to reach close places. I feel a sort of unexplained alert. In addition, I have a recent habit of reminding my students, especially female ones, about their vulnerability of rape. Maybe because I am a nun, then I can always resort to spiritual consolation. I pray for the victims; I can reflect with it in a way that such agony can enrich my spiritual life. Now, my ability to listen, express empathy, is advanced." (P4, teacher & clergy, female)

Part 6
Conclusion

The documentation concludes that:

1. Women sexual violence victims of the May 1998 **DO** exist. These victims deem that various legal basis used to enforce human rights and recovery services for them is insufficient to build their secure feeling. Therefore, women sexual violence victims of the May 1998 will keep on **silent to develop such secure feeling within themselves** and revive their self esteem in order to be able to live on. Their silence in the way that they do not want to be known as the victim publicly, to tell anything, and to recall their experience as victims of sexual violence.
2. Women sexual violence victims of the May 1998 experiencing sexual assault in form of rape, rape attempt and sexual harassment including rape threat. Rape, includes but not definite to penis penetration to vagina, but also in form of forced oral sex and sexual torture in which vagina is damaged with various foreign objects. Victims are mainly Chinese-ethnic women of various backgrounds whose ages, at the time of incident, range from five to fifty years old. Such sexual assaults did not only happen in Jakarta, but also in Solo, Surabaya, Medan and Palembang, and constitute as an integral part of a riot series which pattern was well organized, wide-spread and arranged to target Chinese-ethnic community, though collateral fatalities also included other communities, especially urban poor.
3. Decision taken by women sexual violence victims of the May 1998 to keep silent (to stay wordless, not to tell anything and deliberately to refuse to recall) is influenced by at least seven inter-related factors, namely:
    a. **At personal level, the** victims lost their trust to others, their self esteem and refused to recall to most hurtfull memory to them. These are signs of trauma that the victims suffered, resulting into abnormal behaviors, mental disorder, severe illness leading to death, and suicide.
    b. **The state** has never been firmly following up the recommendation to fulfil the rights of victims of the May 1998 Riot, especially women victims of sexual violence.
    c. The existing law has not support a full guarantee to the fulfillment of victims' rights to justice, especially for those women sexual violence victim of the May 1998 Riot, including but no limited to legal definition on rape and insufficient protection guaranteed to witnesses and victims.

d. The **history** of Indonesia nation shows that various riot cases targeting at ethnic Chinese community have never concluded with satisfactory conclusions, and there has never been comprehensive record whether there is or is not any violence against women.

e. The **people** stand is split in believing, refusing, doubting and apathetic regarding the issue of sexual violence during the May 1998 Riot.

f. There is a **culture** that women should be protected and rape represents unfortunate destiny, *karma*, and disgrace imposed on the sexual violence women victims and their families.

g. The attitude of **family** as the closest circle around the women victims of sexual violence on the May 1998 has determined any respon followed by the victims , such as moving out or not, telling the story or not, including telling their stories to certain counselors, and changing identity or not.

4. Various forms of state acknowledgement are still unable to overcome controversy on the existence of sexual violence during the May 1998 Riot. The state since the President Habibie administrative in 1998 has recognized that there were victims of sexual violence during the May 1998 Riot by immediately convening Komnas Perempuan and the Joint Fact-Finding Team on the 13-15 May 1998 Riot (JFF Team on the May 1998 Riot), as well as inviting the UN Special Rapporteur on Violence against Women on November 1998. Absence of legal proof has made officials consider the sexual violence cases taking place during the Riot simply assumptions. Some common Indonesians are divided into those who doubt, resist and show apathetic whether there was any sexual violence or not. This controversy hinders any effort to fufill the rights of women sexual violence victims of the May 1998 of truth, justice and recovery.

5. During the Reformation era, the has no any state initiative to follow up the Report of JFF Team on the May 1998 Riot, including the part where sexual violence is mentioned. Based on response in writing or oral from face-to-face meeting with relevant officials, the Special Rapporteur learns that the initiatives taken by state focus on any effort to promote human rights enforcement in general, such as Law No. 39/1999 on Human Rights, Law No. 26/2000 on Human Rights Court, Law No. 3/2000 on National Defense, Law No. 23/2004 on Elimination of Domestic Violence, and Law No. 13/2006 on Witnesses and Victims Protection. Meanwhile, the follow ups on results of the investigation conducted by *Komnas HAM* are still facing the legal block.

6. Development of various forms of services for women violence victims as an impact of sexual violence on May 1998. However, there is no single women crisis center focusing its work for the women victims of the May 1998. Disclosure of sexual violence that happened during the May 1998 Riot, especially rapes, has made violence against women as a

public discourse and given the impetus of the establishment of women crisis centres. During these recent ten years, number of such organizations has increased rapidly, spreading all over the country's provinces and varying their services to cater victims' needs. The services mainly provided by the society, Integrated Crisis Centre within health institutions , and Special Service Room (now the Services for Women and Children) in police offices.

7. Reviving women sexual violence victims of the May 1998 have been independently initiated by the women victims themselves and their families, as well as the counselors.
   - Some victims tried to recover by moving to a new city or abroad, and cut contact with their past, including by changing their identity and cut contact with the counselors..
   - Some others still depend on the support of their counselors because they have no other choice. For instance, they do not have relatives who are willing or able to help them, still do need counselors' help to recover physically and psychologically, and they are not economomically independent.

8. Counselors are part of the human rights defender community, who play key role in the process of victims' recovery.
   a. The counselors are selected and trusted by sexual violence victims of the May 1998 or their families to help the women victims to rebuild their trust to others and their self esteem. The counselors decided to help the victims mainly basec on their sense of humanity.
   b. The counselors' backgrounds vary by social status, sex, education, age and profession; and most of them have never been as the counselors before.
   c. Counselors also suffer from trauma because as a counselor for sexual violence women victims, they counsel while the victim were still deeply trauma, the victims relatives who were willing to make sure the safety of the victims conditions, the people condition who are stil doubt, reject and apathetic toward the existence of the May 1998 riot, and where state showed indecisive attitude on May riot 1998.
   d. Counselors' trauma is formed into rejection to recall the May 1998 Riot and easily getting emotional every time they remember or are asked to recall the tragic May 1998 Riot.

Part 7
Recommendation

Violence against women is human rights violation and a crimes against humanity (Anti Violence Against Women Declaration, Recommendation 19 CEDAW; and Law No. 39 of 1999 regarding Human Rights).

The victims of sexual violence in May 1998 riot, need a conducive situation to enjoy their rights as human being. In order state's commitment to enforce human rights, Komnas Perempuan's Special Rapporteur recommends as follows:

1. State to enforce secure feeling of women sexual violence victims of the May 1998 riot by:

- Reinstate the existence of sexual violence in May 1998 riot;
- Following up the enactment of Law No. 13 of 2006 regarding Witnesses and Victims Protection by immediately formed Witnesses and Victims Protection Body (LPSK) that sensitive to the interest of sexual violence victims, including to adopt Jakarta Protocol as part of witnesses and victims protection mechanism.
- Expediting the enactment of Criminal Codes (KUHP) and Criminal Codes Procedures (KUHAP) amendment, that have been in process for more than 10 years, to ensure that other women sexual violence victims, especially that happened during May 1998 riot an in other armed conflicts.
- Ensuring that women sexual violence victims of the May 1998, without diminishing their secure feeling, could access to recovery mechanism of human rights violation victims.
- Enlarging the available service for domestic violence female victims that could also accommodate the need of women sexual violence victims, especially in armed conflicts.
- Ensuring the existence of protection and support for the works of human rights defenders, including counsellors for women sexual violence victims.

2. Komnas Perempuan pioneering the development of collective conscious regarding sexual violence in May 1998 riot, by:

- Ensuring the availability of widely, publicly sustainable information on sexual violence action against women in May 1998 riot and its impact to the fulfilment of women human rights in Indonesia.
- Ensuring that those information should be disseminated to different state's libraries and at various level of education institutions.

3. Komnas perempuan to take initiatives to support women sexual violence victims of the May 1998 to access their right to truth, justice and recovery, for instance:
    - To open up the dialogue with *Komnas HAM* and Indonesian Medical Association (IDI) to ensure and maintain that all proof documents regarding sexual violence in May 1998 riot to the interest of supporting victims initiatives to access justice through further legal process.
    - To develop discussion with IDI, Department of health and legal enforcement institutions, including the Witnesses and Victims Protection Body to review the adoption of Jakarta Protocol held and implemented by IDI on May 1998 riot as tool of measure to verify sexual violence victims in conflict situation and witnesses and victims protection guarantee.
    - To conduct and ensure the use of human rights instruments and mechanism to reveal human rights violation cases that sensitive to women violence cases, especially sexual violence, in every human rights violation investigation.
    - To use "Pundi Perempuan" as a mechanism to raise and disseminate fund as well as to support recovery process for women sexual violence victims of the May 1998 riot.
    - To discuss the alternative mechanism to fulfil victim's rights of May 1998 riot, especially women sexual violence victims, aside of human rights trial mechanism.
4. General Attorney and Parliament of Republic of Indonesia immediately to follow up the findings of *Komnas HAM* investigation in related to revealing of May 1998 riot incident as part of integrative effort to fulfil state commitment to enforce human rights, especially victim rights to truth, justice and recovery.
5. Various parties within government and society to ensure that the nation history development should be based on truth by not forgetting May 1998 tragedy, including the existence of sexual violence in May 1998 riot, for instance like:
    - To support victim community initiatives to construct May 1998 memorable (*Rumah Kenangan Mei 1998*)
    - Education institution at all levels, both formal and informal, held a continuous and regular discussion regarding sexual violence in May 1998 riot and any other armed conflict.
    - To make the fact that sexual violence in May 1998 riot is part of teaching materials on Indonesian history.

Enclosure 1

List of the Interviewee

1	K1, rape-attempt victims
2	K2, sexual harassment victims with rape threat
3	P1, volunteer-teacher, female
4	P2, doctor, male
5	P3, teacher, female
6	P4, teacher & clergy, female
7	P5, volunteer-teacher & clergy, female
8	P6, doctor, male
9	P7, clergy, male
10	P8, clergy, male
11	P9, volunteer, housewife, female
12	P10, humanitarian worker, female
13	P11, humanitarian worker, female
14	P12, humanitarian worker–lecturer, female
15	I1, media worker, male
16	I2, clergy, male
17	I3, reporter, male
18	I4, humanitarian worker, male
19	I5, humanitarian worker, female
20	I6, doctor, male
21	I7, activist, female
22	I8, journalist, female
23	I9, friend of victim's family- Civil Servant, female
24	I10, victim's friend-humanitarian worker, female
25	I11, lecturer, humanitarian worker, female

Enclosure 2

Correspondence

State Institution and Professional Organization Responses on the questions of Special Rapporteur on Sexual Violence In May 1998 And Its Impact on Follow-Up Findings and Recommendations In May 1998 TGPF:

a. State Ministry for Women Empowerment
b. Ministry of Home Affairs
c. National Commission on Human Rights
d. Indonesian Medical Association

MINISTRY OF WOMEN'S AFFAIRS
REPUBLIC OF INDONESIA

Jl. Merdeka Barat No. 15, Jakarta 10110
Telp. (021) 3805543, 3842638, 3805563 ext. 127 & 143, Fax. (021) 3605543, 3805539

Jakarta, February 15th, 2008

No. : B-288/SetmenPP/DepIII/II/2008
About : Follow-up information of *Joint Fact Finding Team*'s recommendation

To.
Chairperson of *Komnas Perempuan*

With respect,

Answering your request by letter No. 071/KNAKTP-PKM/CC/I/08, date January 28th, 2008 on the follow-up of findings and recommendations of *JFF* May 1998, we notify that Ministry of Women's Affairs is not specifically following up that recommendation, but will respond the efforts of violence against women widely, based on the legislations which apply in national or region level.

After the result recommendation of *JFF* of May 1998 Riot, Ministry of Women's Affairs provide complaint service that called "Open Eyes, Open Ears" whereas the community can submit complaint and the State Ministry will do counselling also protection for victims. This activity furthermore is continued by making complaint services through PO. Box 10000 which still be held until now.

In year 1999, together with many parties was preparing Declaration on Against Violence that was announced in year 1999, and then composing an Elimination of Violence against Women National Action Plan. Henceforth, by cooperating with Department of Health, Department of Social, and State Police of Republic of Indonesia were issuing a Joint Agreement Letter for the forming of Integrated Service Centre for the victims of violence against women. Furthermore, the issuing process of Law No. 23 Year 2004 on the Elimination of Domestic Violence, also the issuing of Government Regulation No. 4 Year 2006 about the Implementation and Cooperation of the Domestic Violence Victims' Recovery. Beside, the State Ministry of Women Empowerment has participated in the composing of Law No. 13 Year 2006 on the Witnesses and Victims' Protection, composed and processed the issuing of Law No. 21 Year 2007 about the Criminal Action Eradication of People's Trafficking. Another effort is striving for so the handling of violence

against women become one of the priorities in development program and that matter has already listed in the National Mid-Term Development Action 2004 – 2009.

At this moment, the State Ministry of Women Empowerment has done several efforts to encourage the implementation of Law which are related with the elimination of violence against women, including herein enclosed the implementation effort of UN Security Council' Resolution No. 1225 about Women, Peace and Security. This effort was held continuously so it can urge the implementation of many regulations, either in national or regional level. For this effort, the State Ministry has worked together with all related parties in government and society organization.

Thus we has notified, we are thankful for your attention.

State Minister Secretary of Women Empowerment

Dr. Ir. Koensatwanto Inpasihardjo Dipl. Eng. H. E., MSc

Copied to :

1. State Minister of Women Empowerment
2. Deputy of Protection of Women, the State Ministry of Women Empowerment.

MINISTER FOR HOME AFFAIRS
REPUBLIC OF INDONESIA

Jakarta, 10 April 2008

Number : 300/861/SJ
Feature : -
Attachment : -
About : Follow-up Information on Joint Fact-finding Team's Recommendation

To:
Chairperson of *Komnas Perempuan*
in Jakarta

In connection with your letter Number: 074/KNAKTP-PKM/SS/I/08, dated 28 January 2008 concerning the request of information, herewith we notify the follow-up information on Joint Fact-finding Team as follows:

1. The follow-up on the recommendation of the Joint Fact-finding Team's result of May 1998 Riot. The Ministry of Home Affairs in accordance with one of its tasks and function has formulated and implemented policy and technical standardization in sector politic and nation unity which covering to keep and preserve national harmony and integrity of the Republic of Indonesia.
2. Steps and performances that have already done by the Ministry of Home Affairs in keeping and preserving national concord also the integrity of the Republic of Indonesia is including facilitation activities, socialisation and coordination to the local government, related institution, non-governmental organization and civil society organization. Several policy instruments that have already published, Joint Regulation with Minister of Religion and Minister of Home Affairs Number 9 and 8 Year 2006 on the Manual of Task Implementation for Regional Head/ Vice Regional Head In Preserving Religious Harmony, the Empowerment of Religious Harmony Forum, and the Establishment of Religious Places; Minister for Home Affairs Regulation Number 11 Year 2006 on the Regional Intelligence Community; Minister for Home Affairs Regulation Number 12 Year 2006 on the Society Early Vigilance in the Regions; Minister for Home Affairs Regulation Number 34 Year 2006 on the Manual of National Assimilation Implementation in the Regions.
3. Relating to the settlement of alleged sexual violence, it is suggested that *Komnas Perempuan* to question the settlement of rape cases against ethnic Chinese women to the Attorney General as State institution who is competent in investigation sector.

Thus to be known, and we thank you for the cooperation.

Minister for Home Affairs

N. Mardiyanto

THE SECRETARY GENERAL OF DEPARTMENT OF DEFENCE
BUREAU OF LAW

Number : B/159/IV/2008 Jakarta, April 14th, 2008
Classification : Common
Attachment : -
About : Response on Information Request

To:
Chairperson of *Komnas Perempuan*
in Jakarta

1. Appoints letter of Chairperson of *Komnas Perempuan* Number: 077/KNAKTP-PKM/SS/I/08, date January 28th, 2008 about the Information Request.
2. In relation with that, herewith notify the responses and information as follows:
   a. In Article 4 Law Number 3 Year 2002 about the State's Defence, explicitly asserted that Department of Defence has competence in exerting state defence which aim to keep and protect state sovereignty, region integrity of Unitary State of Republic of Indonesia and safety of whole nation from all forms of threats. In the limits of competency that was mentioned, Department of Defence was happy to receive *Komnas Perempuan*'s cooperation offer to make sure the ongoing efforts on the enforcement of the rights of the truth, justice and restoration for women victims. The steps that have been taken by Department of Defence related with those efforts, one of it is by doing monitoring continuously on the development of the handling of a suspected case of sexual violence towards women as the recommendation *TGPF* May 1998, that so far was handled police. If necessary, in its limits of competency, Department of Defence is willing to provide all forms of support to *Komnas Perempuan* in responding those problems. So far, there is no obstacle for Department of Defence in implementing the monitoring activity. The next anticipation steps that held by the Department of Defence are carrying out various efforts of personal guidance of Department of Defence and Indonesia National Army to increase the understanding and cultivating the practice of human rights in environment of Department of Defence and Indonesia National Army in network and continuously.
   b. In order to find facts about the possibility of human rights violation on the incident of May 13th – 15th, 1998 or known as May 1998 Riot, on the date of July 23rd, 1998 based on Joint Decree of Minister of Defence and Security/Armed Forces Commander,

Minister of Judge, Minister of Home Affairs, Minister of Foreign Affairs, Minister of Women Empowerment, and Attorney General, the *Tim Gabungan Pencari Fakta* (*TGPF*) was established. The establishment of *TGPF* was indeed reflected a positive response and government's strong desire, including Minister of Defence/Indonesia National Army and Indonesia Police to clarify many problems and speculation or issue that developed before, during, and after the incident of May 1998 Riot. The goodwill to support the success of *TGPF* was also reflected with the willing of Indonesia National Army and Police officials to give information/testimonies about the Riot incident of May 13th – 15th, 1998 in Jakarta. As well as claimed towards some Indonesia National Army members who have been accused as abducting perpetrators of the activists in year 1998 to the military court, and have already penalized according to their guilt.

c. In relation to the alleged cases of violence and sexual harassment, the Police Headquarter is continuously trying to do investigation. However, the police has difficulties in its disclosures, because the lack of evidence, victims and testimonies.

d. As commitment to the human rights enforcement, for the protection of witness and victim, government has already legitimized Law Number 13 Year 2006 about the Protection of Witness and Victim. Beside that, government has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment/CAT, and Convention on the Elimination of All Forms of Discrimination against Women/CEDAW. The executing regulation gradually will be followed up. In the implementation with the racial discrimination, government has already taken accommodative policies to the Chinese ethnic in all aspects of national life, such as the determination of *Imlek* as the national holiday.

e. Department of Defence in implementing its tasks and functions has commitment to increase the understanding of human rights in environment of armed forces. This commitment was actualized by the inclusion of human rights in Law Number 3 Year 2002 about the State Defence. As it follow up, the Decree of Minister of Defence Number KEP/02/M/II/2002 about the Implementation of Humanitarian Law and Human Rights Law in Conducting State Defence has already issued. So with Law Number 34 Year 2004 about Indonesia National Army, that mentioned one of characteristics of professional soldiers among others is follow the principle of democracy, civil supremacy, human rights, national law and international law that been ratified.

f. In order to guarantee the increase of respect, promotion, fulfilment and protection of human rights in Indonesia, at the strategic policy level, Department of Defence has carried out

implementation steps based on the Department of Defence' strategic vision and mission which oriented on region intact sovereignty and nation safety. The implementation steps that was referred is by implementing "capacity building" of the officials and officers of Indonesia National Army so they will have knowledge and understanding about humanitarian law and human rights law through activities:

1) The Implementation of Socialization on International Humanitarian Law for officials of echelon III and IV in the environment of Department of Defence together with ICRC on date May 17th – 18th, 2006 and July 18th – 19th, 2006 in Jakarta, which followed by 60 participants in environment of Department of Defence;
2) The Implementation of Workshop on Military Justice System 1st term has been held on date March 27th – 29th, 2006 in Hotel Salak Bogor which followed by 44 law officers in environment of Indonesia National Army;
3) The Implementation of Workshop on Military Justice System 2nd term has been held in 3 (three) places, namely in Medan date January 22nd – 26th, 2007, in Denpasar date February 19th – 23rd, 2007 and in Makassar date March 5th – 9th, 2007 which followed by 40 law officers in environment of military court and consisted of judges, military prosecuting attorney and military police, also the law officers in environment of Indonesia National Army and armed forces;
4) For the follow-up of the implementation on workshop of military court, the equivalent study to abroad has been held, namely Norway and Canada on date March 12th – 14th, 2007 which followed by law officers whom already joined the activity of workshop on military court in second term.
5) The implementation of workshop on humanitarian law in environment of Department of Defence and Indonesia National Army for two days namely November 21st – 22nd, 2007 which followed by 40 official of echelon III and IV who were representative from each unit of works in environment of Department of Defence also *Diskum AU*;
6) The dissemination of National Action Plan on Human Rights has been held in environment of Department of Defence and Indonesia National Army on date December 11th, 2007 which followed by 40 officials of echelon III and IV who were representatives from each unit of works in environment of Department of Defence also representatives from *Babinkum TNI*, *Otjen TNI*, *Kumdam Jaya*, *Ditkum AD*, *Diskum AL* and *Diskum AU*.
7) The implementation of activity on upgrading the national law and international law which has been held between

month of January until April 2007, and in order to support the ratification also implementation plan on Rome Statute as it been stated in Presidential Decree Number 40 Year 2004 about the National Action Plan on Human Rights, the activity on advance workshop will be held in 7 (seven) cities (*Kodam*), namely in *Kodam Iskandar Muda* (Aceh) on date February 5th – 6th, 2008, *Kodam Sriwijaya* (Palembang) on date February 12th – 13th, 2008, *Kodam Trikora* (Jayapura) on date February 20th – 21st, 2008, *Kodam Pattimura* (Ambon) date February 26th – 27th, 2008, *Kodam Wirabuana* (Makassar) date March 4th – 5th, 2008, *Kodam Tanjungpura* (Balikpapan) date March 12th – 13th, 2008 and *Kodam Brawijaya* (Surabaya) date March 18th – 19th, 2008.

g. At technical level, Department of Defence and Indonesia National Army in order to implant the knowledge of humanitarian law and human rights law according to the level of urgency namely through:

1) Department of Defence has published the Decree of Minister of Defence Number KEP/02/M/II/2002 date February 13th, 2002 about the Implementation of Humanitarian Law and Human Rights Law in Conducting State Defence in order to assert the implementation of State Defence so it will be guided to Geneva Convention date August 12th, 1949. The International and Human Rights Law practices that made humanitarian law and human rights as the discipline internal reference of Indonesia National Army in doing their jobs.
2) Indonesia National Army has implemented humanitarian law and human rights through education and training, namely by composing the education curriculum and training from *Tamtama* until *Sekolah Staf Komando* (*Sesko*) also revising the military education curriculum in law and human rights sector.
3) Indonesia National Army has revised the Doctrine of Defence and Indonesia National Army based on Law by concluding human rights law as military discipline internal.
4) In Military Operation, Indonesia National Army has applied the humanitarian law and human rights law in relationship process of commander and staffs in strategic and tactic level, also asserted in involvement rule on plan attachment/ operation order, supervision on examining implementation and investigation of each offence.

3. Thus for the attention we are thankful.

Legal Bureau Head

M. FACHRUDDIEN, S.H., M.H.

Copy to:

1. Secretary General of Department of Defence
2. Director-General of Defence Strategy
3. Director-General of Defence Power

NATIONAL COMMISSION ON HUMAN RIGHTS
Jl. Latuharhary No.4B Menteng Jakarta Pusat 10310, Telp. 62-21-392.5230, Fax. 62-21-392.5227, Email : info@komnasham.go.id Website : www.komnasham.go.id

Jakarta, 22 April 2008

Number	:	122/TUA/IV/2008	To:
Attachment	:	--	Mrs. Saparinah Sadli
About	:	Follow-up information on Joint Fact-finding Team	Sexual Violence Special Rapporteur on May 1998 Komnas Perempuan At Jakarta

With Respect,

Relating to your letter Number: 260/KNAKTP-PKM/SS/IV/08 dated 18 April 2008, herewith we deliver steps that has been done by National Commission on Human Rights (Komnas HAM) in order to follow-up the findings of Joint Fact-finding Team of 13-15 May 1998 Riot, as follow:

1. Actually Joint Fact-finding Team's Report can be one of the important evidences, but the report does not followed-up by the government. Joint Fact-finding Team is not indeed, an institution which has the authority to investigate gross violations of human rights. Joint Fact-finding Team is more to find and reveal facts and background of May 1998 Riot incident. The fact of cessation of legal action against disclosure and accountability of May 1998 Riot caused the victims, victims' family, several companion non-governmental organizations, several civil society organizations, political party, and press made several requests to the National Commission on Human Rights to investigate the incident. Based on public request and faith of the importance to prevent impunity and compulsion to solve gross violations of human rights, National Commission on Human Rights established Joint Fact-finding Team's Report Assessment Team.
2. Based on its assessment result, this team found the indication that gross violations of human rights has happened in form of crimes against humanity as provided in Article 7 junction Article 9 of Law Number 6 Year 2000, which reported at the Plenary Session of National Commission on Human Rights. The team recommended the establishment of Investigator Team for the May 1998 Riot incident.
3. In conducting investigation into the incident of May 1998 Riot, National Commission on Human Rights faced impediments as follow:

a. Investigation conducted by National Commission on Human Rights faced several impediment mainly related to interpreting difference of legislation and others technical impediment. Article 43 (2) of Law Number 26 Year 2000 stated that Ad-Hoc Human Rights Tribunal was established on House of Representatives' proposal based on certain incident by Presidential Decision. The general comment on the article stated that House of Representatives propose the establishment of Ad-hoc Human Rights Tribunal based on the alleged gross violations of human rights limited to certain *locus* and *tempus delictie*. In legal process, allegation of a violation or other crimes can only be obtained through projusticia investigation conducted by investigator who authorized by law. Based on Article 18 (1) of Law No. 26 Year 2000, the only investigator who authorized to do investigation on gross violations of human rights is National Commission on Human Rights. However Article 43 (2) of Law No. 26 Year 2000 was interpreted differently by Legal Advisory Team of Indonesian National Army's Officer. The interpreted that investigation can only be held after the establishment of Ad-hoc Human Rights Tribunal by Presidential Decision based on House of Representatives proposal. Thus, House of Representatives determines whether gross violations of human rights exist or not, even though they are not law enforcement institution and don't have any investigation authorization. The opinion of Legal Advisory Team of Indonesian National Army's Officer also affirmed by Republic of Indonesia Police which delivered on an audience with Ad-hoc Team on July 3rd 2003.

b. Legal problems were emerged related to subpoena process. Article 95 of Law No.39 Year 1999 stated that if someone who was summoned did not come or refused to give information, National Commission on Human Rights could ask help from Chief Justice to fulfil the subpoena process in accordance with legislation. This provision is related to the investigator's authority as stated on Article 89 (3) Law No. 39 Year 1999 in junction with Article 18 and 19 of Law No.26 Year 2000. Law No.39 Year 1999 and Law No.26 Year 2000 is a unity that cannot be separately interpreted. Law No. 26 Year 2000 constitutes the implementation of Law No. 39 Year 1999. Chapter 4 concerning Investigation in Law No. 26 Year 2000 indeed do not stated the authority of subpoena with the help from Chief Justice, however the authority still adhere to National Commission on Human Rights based on Article 95 Law No.36 Year 1999 since the investigation process cannot be done solely based on Law No.39 Year 1999 or Law No. 26 Year 2000, but using all the legislation that complementary to each other. If cross legislation happened, principles of legal conflict are applied, such as *lex specialis derogat lex generalis,* which means a specialized

regulation prevails above general regulation if both are regulating the same matters, while if the general regulation do not regulates the disputed matters, and then we shall refer to general regulation. Based on National Commission on Human Rights's Authority, therefore National Commission on Human Rights proposed a subpoena to the Chief Justice of Centre Jakarta through letter No. 063/SK/PPP-TPPM1998/VII/2003 to summoned several people who already summoned properly twice but refused or did not show up. The Chief Justice of Centre Jakarta in the letter numbered W7.DC.HN.5438/VII/2003/01/PnJktPst stated that He cannot fulfil the request of subpoena since the 13-15 May 1998 Riot investigation conducted by National Commission on Human Rights on is a *pro-justicia* investigation based on Law 26 Year 2000, therefore it is no longer relevant to utilize subpoena. The letter elaborated that subpoena can only be utilize for investigation in context of monitoring as provided in Law No.39 Year 1999, while *pro-justicia* investigation utilize Criminal Procedure Code mechanism. The opinion of the Chief Justice shows separate interpretation for investigation under Law No.39 Year 1999 and Law No.26 Year 2000.

c. The other obstacle is the non-existence of law mechanism for witness protection which guarantees witness' safety so the witness will feel safe and independent in giving information. Several witnesses are willing to give information requires that they protected and there is safety guarantee for them and their families. In response to the request, the National Commission on Human Rights cannot give witness protection guarantee since the existing regulation such as Article 34 of Law No.36 Year 2000 and Government Regulation on Witnesses and Victims Protection, cannot give witness protection guarantee.

4. In conducting investigation, besides aforementioned obstacle, National Commission on Human Rights also faces obstacles as follow:
   a. The difficulty in investigations to get witnesses, evidences, and other data since the Riot has been 5 (five) years ago and many of the witnesses has moved.
   b. Several witnesses who were asked information from cannot remember the detail of the incident.
   c. Many information sources from officers, either civil or military, who has the authority and responsibility related to 13-15 May 1998 Riot has already moved or pensioned so the address is unknown, or dead.
   d. Interpretation difference rises obstacle most members or ex-members of Indonesian National Army and Republic of Indonesia Police did not fulfil the invitation from National Commission on

Human Rights to be heard as witness or did not show up to be asked evidences from, such as MANTAP JAYA documents, etc.

e. Some government officers were willing to come but did not want to give information.

f. Some people who keep the evidence, such as Joint Fact-finding Team documents, did not guard it safely so actually they can be qualified as losing evidences.

g. Witnesses are difficult to arrange their time to fulfil the examination summon with their business as reason.

h. Witnesses are traumatised by the May Riot Incident.

i. Several experts are busy so they cannot give information.

5. National Commission on Human Rights' Investigation Results on May 1998 Riot have been submitted to the Attorney General in letter No: 09/TUA/I/2005 dated 6 January 2005 to be followed-up with inquiry and indictment.

6. In the development, the Attorney General has send back the papers of National Commission on Human Rights' Investigation Results on May 1998 Riot through letter numbered: R-013/a/f.6/03/2008 dated 28 March 2008 with reason to wait the establishment of Ad-hoc Tribunal.

7. Relating to that, the National Commission on Human Rights will immediately send it back to the Attorney General since the reason delivered by The Attorney General is no longer relevant in connection with the latest development of Constitutional Court's judgment. In the consideration of judgment Number 18/PU-V/2007, the Constitutional Court stated that "House of Representatives in recommending the establishment of Ad-hoc Human Rights Tribunal must regards the result of investigation and inquiry from authorized institution, in the present context National Commission on Human Rights as the investigator and Attorney General as the inquisitor".

Thus we convey the steps that have been taken by National Commission on Human Rights including the achievement and obstacles faced in conducting the steps.

Thank you for your kind attention,

National Commission on Human Rights,
Chairperson,

Ifdhal Kasim, S.H.

BIG BOARD OF
INDONESIAN MEDICAL ASSOCIATION
Jl. Dr. G.S.S.Y. Ratulangie No. 29 Jakarta 10350 Tel. 021-3150679- 3900277 Fax 3900473
Email: (PB IDI) : pbidi@idola.net.id, (MKKI) : majeliskolegiumkedokteran_ind@yahoo.com,
(MKEK) : mkek_idi@yahoo.co.id, (MPKK) : mppk_idi@yahoo.co.id
Website : www.idionline.org

Jakarta, 9 July 2007

Number : 655/PB/F.4/07/2007
About : Support

To honourable,
Mrs. Saparinah Sadli
Special Rapporteur May 1998 Sexual Violence
National Commission on Violence against Women
At Jakarta

With respect,

Relating to your letter No. 714/KNAKTP-PKM/SS/VI/07 dated 22 June 2007 regarding what has mentioned on the letter's core, herewith we deliver our response as follow:

1. Big Board of Indonesian Medical Association 1997-2000 has been asked by Joint Fact-finding Team to help in collecting data concerning alleged sexual violence related to 13-15 May 1998 incidents. In doing such task the Joint Fact-finding Team has given guarantee on confidentiality of the collecting data results.
   Based on aforementioned, Big Board of Indonesian Medical Association has worked and collected data and submitted report and explanation of findings to the Joint Fact-finding Team on 14 October 1998, which also witnessed by Mrs. Saparinah Sadli.
   In accordance with the agreement, the report is only submitted to the Joint Fact-finding Team and all questions from any party concerning the work results of the Big Board of Indonesian Medical Association are in the authority of Joint Fact-finding Team to answer.
2. To collect data of alleged sexual violence on 13-15 May 1998 incidents, we have made a work protocol named JAKARTA PROTOCOL which is a protocol for medical recording in investigating alleged sexual violence case in conflicts in Indonesia. The Indonesian Medical Association's Protocol is drafted based on similar protocol from other countries.

If you would like to know more on JAKARTA PROTOCOL, we are willing to send our member to explain.

Thus we convey. We thank you for your kind attention.

General Chairman,

DR. Dr. Fachmi Idris, M.Kes
NPA. IDI : 32.552

Enclosure 3

KOMNAS PEREMPUAN

Highlights on Findings as Reported by the Special Rapporteur on Sexual Violence during the May 1998 Riot and its Impact

15 May 2008

Ten years after the May 1998 Riot, there have been no answers satisfactory enough to resolve with the impacts of assaults and attacks during the incident. Despite the fact that reform movement has been progressing for a decade, solution for victims of the May 1998 violence, including those of sexual assaults, are still lagged behind from other areas of progress in national reform, particularly those related to fulfillment of their rights to obtain truth, justice and recovery. Apparently, the political commitment in providing human rights of victims of the May 1998 Riot is still a promise that has not been fulfilled.

The National Commission on Violence against Women has highlighted some important findings reported by the Special Rapporteur on Sexual Violence during the May 1998 Riot and its Impacts, as follows:

- Amidst long over-due conflicting opinions on sexual violence during the May 1998 Riot, Special Rapporteur confirms that victims of sexual violence do exist, and that they keep on fighting to revive.
- Nevertheless, ten years after the incident, the victims are still reluctant to speak up in public due to factors related to themselves, their families, abiding laws least considering their vulnerability as victims, the Government not ordering thorough investigations on cases of violence and racial discrimination, unsupportive public, and culture discouraging them to disclose their experience to the public.
- In the absence of system on victim protection enabling them to testify and inadequacy of legal provisions on rape, emphasis on legal procedures in investigating rape cases has made the victims keep on isolated from the public and all reform progress.
- All of the efforts to fully recover have been initiated independently by victims themselves and their families, supported by counselors, without Government's involvement.
- Counselors are the key support in the recovery process for victims and their families, despite of the fact that the counselors are also emotionally vulnerable, and have certain limitations due to the absence of official support and protection.

Without protection system and support to the victims, it is impossible to expect victims' participation in the efforts of discovering truth and serving justice. Moreover, the victims can only rely on themselves to recover.

Discovering truth and serving justice should be the interest of the whole people, not limited to victims' cause. The main responsibility of achieving such interest should be bore by the Government and the public in general in order to support the establishment of conduciveness for victims to develop secure feeling and rebuild their confidence in law enforcement system and governmental institution's credibility in general. Authorized governmental institutions should reorganize legal provisions and policy in order to serve justice for victims of sexual violence. Meanwhile, the victims of sexual violence should believe that people around them never put the blame on them for experiencing such brutal attacks and that they are recognized as survivors who are in need of public's support. Unless such conduciveness is created, neither the public nor the Government can ask for first-hand testimony from the victims of the May 1998 sexual violence in public or before courts against crime that they experienced.

Meanwhile, without participation of the sexual violence victims, the highest truth and justice resolving the case of human right violation taking place during the May 1998 Riot shall never be achieved. As a result, the vicious cycle of impunity among cases of rape and other type of sexual violence shall never break.

Political Commitment

Providing security for victims of the May 1998 sexual violence is part of Government's responsibilities, in accordance to Indonesia's Constitution. Article 28G in the 1945 Constitution as revised by Amendment IV states that 'Every citizen shall have the rights to enjoy protection for him/herself, family members, honor, dignity, and properties under his/her rights, as well as the rights to obtain security and protection against the fear to act or not to act that is considered as part of human rights'. Right to security is further detailed in Article 30 under Law no. 19 Year 1999 on Human Rights. Security provided for victims of the May 1998 sexual violence is the fundamental layer to all efforts of fulfilling their rights to obtain truth, justice and recovery.

The Government has the responsibility to provide full access to legal process mechanism for victims of the May 1998 sexual violence, as stated in Article 28D in the 1945 Constitution as revised by Amendment IV stating that 'Every citizen shall have the rights to obtain recognition, guarantee, protection, and fair legal assurance as well as impartiality before law'. Nevertheless, one significant problem for the victims in pursuing for justice is the long-delayed amendment of Criminal Codes and Criminal Code Procedures. The definition

of rape included in Criminal Codes is too narrow and out-dated: Rape is defined only as a forced genital penetration, whereas today's assaults include penetration of hard objects. Moreover, provisions on evidence producing under Criminal Code Procedures are insufficient by international standard: Case building requires medical evidences and two witnesses. Consequently, it is impossible to provide justice for the victims. So long as amendment to Indonesia's legal provisions on rape are delayed, then the victims' rights to obtain justice shall never be fulfilled, even with the General Attorney following up the investigation results reported by the JFF Team and *Komnas HAM*.

Article 13 of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment, ratified by the Parliament through Law No. 5 Year 1998, states that 'Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.' Establishment of Institution for Protection of Witnesses and Victims is obliged by Law No. 13 Year 2006 on Protection of Witnesses and Victims. Long over-due delay in establishing such institution is a grave negligence. Hindsight, this institution shall have the authority to provide protection and support to victims and witnesses during the whole legal process. Law No. 13 Year 2006 provides that protection for victims and witnesses shall be based on, among others, security, justice and legal assurance, i.e. fundamentals that victims of the May 1998 sexual violence have never enjoyed up to this moment, ten years after the assault.

In the case that legal structures and political situation have yet allowed the fulfillment of victims' rights to obtain justice in near future, Article 2 Paragraph 3 under Covenant on Civil and Political Rights, ratified by the Parliament by Law No. 19 Year 2005, states that 'Each State Party to the present Covenant undertakes to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy,… to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State,…' Article 6 in Convention on Eradication of Race Discrimination, ratified by the Parliament in 1998, requires the Government to provide means of recovery for victims experiencing racial discrimination. Thus, realization of Government's commitment related to victims' right to recovery should not be delayed, anticipating for the long postponed legal process, especially considering that victims' silence still reflects their insecurity ten years after the incident.

Finally, the Government has the obligation to create conduciveness for every citizen to defend for his/her human rights and community. Article 28C Paragraph 2 in the 1945 Constitution, as revised by Amendment IV, mentions that, 'Every citizen has the right to promote him/herself by exerting his/her rights collectively in order to develop the society, the people and the country'. Internationally, protection and support for human right defenders have been established through the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, often referred as 'Declaration on Human Right Defenders'. Having welcomed UN Special Rapporteur on Human Right Defenders Hina Jilani in 2007, Indonesia has not yet any mechanism of protection for human right defenders.

Recommendations

To discover truth and serve justice on the case of the May 1998 sexual violence, the National Commission on Violence against Women restates the urgency of measures taken by governmental institutions in order to fulfill constitutional rights of women victims of the May 1998 Riot to obtain security and justice:

1. The House of Representative should immediately convene members of Institution for Protection of Witnesses and Victims with balance sex composition in order to have it implement provisions contained in Law No. 13/2006 of Witnesses and Victims Protection.
2. Upon being established, Institution for Protection of Witnesses and Victims should integrate mechanisms of protecting victims of the May 1998 sexual violence into its programs and should ensure its accessibility for the victims.
3. The Government, in this case Department of Law and Human Rights in cooperation with State Ministry of Woman Empowerment, should take sincere initiatives to cut the vicious cycle of impunity among rape cases by revising legal definitions and procedures of producing evidences on rape in accordance with international legal standard, and by providing real opportunities for the victims to pursue justice through legal process. Such revised formulation should be immediately enacted as integral part of legal system, i.e. through amendments of Criminal Codes and Criminal Code Procedures, or enactment of other specific laws, and should be publicized to law enforcement officials and the public in general.
4. The Department of National Education should integrate findings reported by the National Commission on Violence against Women, including those about the May 1998 sexual violence, into the national curriculum on human rights taught in formal and informal education institutions.

5. The National Commission on Human Rights should explore for close cooperation with the National Commission on Violence against Women for the purposes of:
    a. Maintaining evidences produced by the Indonesian Medical Association on rape that happened during the May 1998 Riot;
    b. Institutionalizing instruments of investigations on human right violence in work procedures of the National Commission on Human Rights, regarding sexual violence cases that happen during conflicts, including the procedures developed by the Indonesian Medical Association (the Jakarta Protocols) and the National Commission on Violence against Women;
    c. Developing mechanisms of protecting victims and witnesses with gender sensitivity for all kinds of process of human right investigation;
    d. Formulating standard protection and support to human right defenders, including counselors of victims of sexual violence.

To the people and authorized institutions, the National Commission on Violence against Women calls the importance of their involvement in:

1. Sharing responsibilities of showing sincere supports to the recovery efforts of victims of the May 1998 sexual violence in order to serve social justice during the absence of legal justice;
2. Disseminating awareness on vulnerability and cause of sexual violence victims in general, and preventing behaviors blaming victims for experiencing assaults; and
3. Taking lessons from the May 1998 Riot and sexual violence that happened during the Riot, including those about overlaps of racial and sex discrimination in the national history.

Based on recommendations proposed by the Special Rapporteur on the May 1998 Sexual Violence and its Consequences, the National Commission on Violence against Women shall take measures as follows:

1. Maintaining collective awareness on the May 1998 sexual violence, its causes and consequences by continuously producing and spreading information and knowledge;
2. Exploring for alternative mechanisms in concluding the case of the May 1998 sexual violence in the framework of gender-sensitive human right concept; and
3. Developing 'Pundi Perempuan' [Women's Pouch], a trust fund sourced from the people, as an integral mechanism of supporting recovery for women victims of human right violations that happen during conflicts, including during the May 1998 Riot.

Enclosure 4

Greetings of State Ministry for Women Empowerment on Findings and Recommendation of the Documentation Result of *Komnas Perempuan* Special Rapporteur on Sexual Violence of May 1998 and Its Consequences

STATE MINISTRY FOR WOMEN EMPOWERMENT
REPUBLIC OF INDONESIA

Jl. Merdeka Barat No. 15 Ph. (021) 380 5563 – 384 2638 Fax. (021) 381 0052
Jl. Abdul Muis No. 7 Ph./Fax. (021) 352 3264
Jakarta 10110

Greetings on the Event of Report Submission from *Komnas Perempuan* about the Sexual Violence Victims of May Riot 1998

Jakarta, May 15th, 2008

The honourable:
Chairperson of *Komnas Perempuan*
Komnas Perempuan Special Rapporteur for the May 1998 Tragedy; also all the audiences

Assalamu'alaikum wr. Wb.,
Good morning and best wishes for all of us.

Let us be grateful to the presence of *Allah SWT* who allowed all of us to be here on this important meeting.

May 1998 Tragedy was a dark part of the Indonesia nation's life in which many events that we never suspect before that can be happened in Indonesia, eventually already happened and gave wound in our hearts. The report of Fact-Finding Joint Team noted that beside riot, there were also sexual violence victims that experienced by Indonesian women in Jakarta and other places where the riot happened.

All of us understand that violence is a human rights violation and all of us are struggling so violence can be prevented. It is our goal together to press violence. Even Government has already put the decreasing of violence against women as part of development priority that already included in the National Medium Term Development Plan in which we conduct at this time.

Sexual violence, in form of rape, is a very despicable violence; its impacts disparage victims' dignity and prestige as human. It is not only physical impacts, but also psychological impact, very heavy mental pressure, lost self-

esteem, even did not want to be recognised any longer. It is possible that those impacts were brought into their families and children. Sexual violence in riot explosion was very humiliated and coward and also causes the equal impacts.

Every social riot and conflicts always put women as vulnerable groups for the sexual violence. All over the world, conflicts often use sexual violence way for showing the domination of one party over other party. Because of the heavy impacts, so all of us have to not only condemn it, but also prevent it, not to let the similar tragedy happens again.

Ladies and Gentlemen whom we respect,

To prevent the occurrence of sexual violence in mass conflicts or sexual violence towards individuals in their own, it needs the change of thoughts from every party. To build such awareness is not an easy work, and it takes time. But we can not keep silent and must immediately increase our efforts to combat those cruel thoughts. The understanding about violence starts from the smallest unit in community's life until community's system in macro, so we can predict that the efforts which we must do are related with a lot of aspects. We still must give attention on sexual violence problems that occurred in conflict situation or social riot.

The prevention efforts covers broaden aspects; it starts from the strengthening of law foundation, the law enforcement, the strengthening of legal institutions until the aspects of education and morality improvement, including building a collective awareness to prevent sexual violence. Some law foundations like Law on Human Rights and Law on Protection of Witness and Victim can be used as one of the foundations. But we still must think many law foundations that needed, such as the revision of Penal Code (*KUHP*). We also bide by many international conventions which are related to violence against human.

The May 1998 Incident gave indication about the existence of sexual violence in which urged the establishment of *Tim Gabungan Pencari Fakta* (Fact-Finding Joint Team). The incident was also urged the establishment of the National Commission on Violence against Women (*Komisi Nasional Anti Kekerasan Terhadap Perempuan*). Since that, the efforts on the elimination of the violence against women was still continue, by making a joint Declaration between Government and Society in 1999, in which continued with composing a National Action Plan on the Elimination of Violence against Women. Furthermore, 3 (three) Ministers and the Head of State Police have already made a joint decree for providing integrated services for violence against women and children' victims.

The process on coping the violence against women is still continue by the composing of Law, such as Law No. 23 Year 2004 about the Elimination of

Domestic Violence, in which for all of us is a breakthrough to designate the issue of violence against women as a matter that supposed to get attention, no longer as a domestic matter in a household.

The next process to eliminate violence is still continue by the establishment of others Law, such as Law on the Protection of Witness and Victim and Law on the Eradication of Person's Trafficking. Government has already a National Action Plan on the Fulfilment of Human Rights which the implementation has been carried out in every part of this state.

All of us understand that the fulfilment and protection of human rights is getting better. The efforts are not going to be finished in a short time, because many factors that can influence. A lot of works that we must do and each individual have a responsibility to push the implementation of human rights in maximum.

Ladies and Gentlemen whom we respect,

Report about sexual violence in May 1998 Incident has warned us to keep perfecting the law equipments and its implementations. If the Law on the Protection of Witness and Victim is coming into force, the implementation instruments in many aspects have to be continued its process, including the formation acceleration of the Institution on the Protection of Witness and Victim which is still on process at this time. This report of course will be an input for all of us; government will respond it based on the applied legal system.

We receive this report to be submitted to certain party that have duty and function in human rights field as an input to be learned more. In principle, government respects human rights without discrimination and everything that will be done, of course it must be in accordance with the applied legal procedures.

Ladies and Gentlemen whom we respect,

What we do today is a part of commitment to respect, fulfil and protect human rights. Because of that, let us pray to *Allah Swt*, hopefully all our efforts to eliminate violence against women can get his blessing.

Wassalamu'alaikum wr. Wb

State Minister of Women
Empowerment
Republic of Indonesia

Prof. Dr. Meutia Hatta Swasono

Enclosure 5

SUPPORTING STATEMENT
DEALING WITH SEXUAL ABUSES VICTIMS MAY 1998

Dr. H. Tutty Alawiyah[1]
Prior of the Minister of Managing the Role of Women,
Rector of Islam University As-Safi'iyah

It is been a pleasure to be invited witnessing the activity of National Commission on Violence against Women. I was asked by president Soeharto to become The Minister of Women's Role for 3 months. After that, I was asked by president Habibie to carry on the duty. I learned many things. In that time, I had 3 tasks; one of them was May 1998 Riot, which I was required to provide counseling and facilities for the women who became the victim of abuses. The same tasks were given as the response on conflict of tribal affiliations, religion, race and societal groups. When I was become a minister, there were ethnicity violations in West Borneo, between Dayak and Madura, for instance. Another problem was pornography. From my visitation, I brought back the Acts against pornography from USA and Europe, and 200 evidences on cabinet meeting.

Related with May 1998 Riot, I am bothered with the rapes issue happened on that riot. I visited to some newspaper's office, *Poskota* and *Kompas*, University of Indonesia, some hospitals, Husada, Cipto Mangunkusumo General Hospital (RSCM), in Palembang and in Singapore, and also finding some facts in Australia. Considering this matter, I made 14 Posts of Katabunga (Buka Mata Buka Telinga) which are available for 24 hours. In Katabunga post, we work together with some Non Governmental Organizations, there are 17 organizations involved in this post. We also had some dialogues with women prominent figures. Between May – July, I was summoned by president Habibie about National Commission on Violence against Women. I supported the establishment of this commission. Regarding many sexual abuses in Indonesia, it is regrettable considering light punishments given for the suspects. Based on KUHP (Criminal Code), the rapist is sentenced to jail for 1 day or 12 years.

Sexual abuse is connected with gender discrimination. Related with May 1998 Riot, the government, actually, gave a quick response by forming TGPF (Joint Fact Finding Team) of May 1998. However, Indonesian Government

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1 This supporting statement was given orally on the reports of documentation result Special Reporters of National Commission on Violence against Women on Sexual Abuses May 1998 and its impact, 15 May 2008. In this document, we give short review from that supporting statement.

seems too slow to put it into an action. In that time, the main issues were the crisis on monetary and politics. These issues were the main priority. It does not mean that May 1998 Riot was not given any attention, since for example, president Habibie also condemned the riot and the abuses towards women happened in that riot. Unfortunately, the reports from the volunteers stating that there were 168 rapes can not be solved.

Therefore, hopefully in this meeting, we can and must be strike in the front line to solve that matter.

SUPPORTING STATEMENT OF EXECUTIVE BOARD OF INDONESIAN DOCTOR ASSOCIATION (IDI) ON DEALING WITH THE VICTIMS OF MAY 1998 SEXUAL ABUSE

Prof. Dr. Ratna Suprapti Samil
Executive Board of Indonesian Doctors Association

The executive board, period of 1997-2000, of Indonesian Doctors Association (IDI) was asked by Joint Fact Finding Team (TGPF) of 13-15 May 1998 to collect data related to the assumption that there were sexual abuses on those days. Joint Fact finding Team assures confidential protections on the results of those data collecting.

The investigations were accomplished in the field of medical colleague using medical knowledge. The purposes of investigation on sexual abuse on May 1998 are:

1. Identify the existence of the victim
2. Identify the witnesses and other sources, which are competent, and collect statements on those occurrences
3. identify the suspects
4. Getting the depiction on the time and places of the crime scene
5. Differentiate sexual activities between forced and not
6. Getting the depiction on the impacts felt by the victims
7. Planning aids for the victims

Related with the protection of facts sources, besides the protection such as legal assurances of security from the government, the confidential protection of Identity of related person in the investigation are standard procedure which have to be done.

On behalf of the confidential protection of the facts sources, therefore during collecting data, Executive Board of Indonesian Doctors Association making a job protocol named *PROTOKOL JAKARTA*. This protocol includes medical recording procedure, in order to investigate sexual abuse case assumption, which made based on typical protocol from other countries.

On 14 October 1998, Executive Board of Indonesian Doctors Association had given explanation on the result of data collecting to the Joint Fact Finding Team (TGPF). As stated in the agreement, all of the results of Executive Board of Indonesian Doctors Association are given to the Joint Fact Finding Team (TGPF), and only Joint Fact Finding Team (TGPF) which is allowed to keep the report and have the rights to give explanation to anyone.

Until now, sexual abuses on '98 Riot are still controversies, though there are some evidences founded by the Joint Fact Finding Team (TGPF) May 1998

supported by professional organization (Indonesian Doctors Association) which is competent and equipped with standard equipments. Therefore, I am as a member of Executive Board of Indonesian Doctors Association supports the petition of National Commission on Violence against Women to end the controversy on sexual abuses in May 1998 Riot.

Supporting statement which is given verbally by Prof. Dr. Suprapti Samil is a conclusion from complete script of presentation as given below:

SUPPORTING STATEMENT EXECUTIVE BOARD OF INDONESIAN DOCTORS ASSCOCIATION ON DEALING WITH THE VICTIMS OF SEXUAL ABUSES MAY 1998

Ratna Suprapti Samil
Executive Board Of Indonesian Doctors Asscociation

Introduction

The investigation on the assumption of sexual abuses is carried out as completely as possible, not only meet the scientific standard requirements but also to be carried out objectively, impartial, and independent, in order to have the result accepted by any person.

Therefore, the investigation pattern, criteria, personnel and investigation method must be transparent and reliable.

In every step of investigation of the victims, examining doctors, data collectors, hospitals, related witnesses and moreover the victims are protected and secured by all means.

The Fields of Investigations

The investigations were accomplished in the field of medical colleague using medical knowledge.

The Purpose of Investigation

The purposes of investigation on sexual abuse on May 1998 are:

1. Identify the existence of the victim
2. Identify the witnesses and other sources, which are competent, and collect statements on those occurrences
3. identify the suspects
4. Getting the depiction on the time and places of the crime scene

5. Differentiate sexual activities between forced and not
6. getting the depiction on the level of abuses felt by the victims
7. Getting the depiction on the impacts felt by the victims
8. Planning aids for the victims

The Process of Investigation

The investigation was accomplished through the steps of selecting qualified personnel and data collecting.

Criteria

The investigation process must meet some requirements such as:

1. Impartial
2. Competent
3. Independent

The Member of Investigation Team

Each team consists of three person minimum.

Data Collecting

The fact collected in the fields has to be as closed as possible from the first sources. If that condition is possible, then interrogation report must be made in order to keep the chain of custody.

Trustworthy Facts

The facts must be reliable enough to meet the condition of relevance, veracity, reliability, and probity.

The Protection of the Sources of the Facts

Besides the protection such as legal assurances of security from the government, the confidential protections of Identity of related person in the investigation are standard procedures which have to be done.

Investigation Reports

The investigation report was made comprehensively by a team of experts using the knowledge on forensic and medical colleague.

The report consists of:

1. The field of investigation according to drafts directed to the background of the situation
2. Procedure and method used to judge the facts
3. The list of the sources without exposing the identities
4. The conclusion on the facts which successfully collected
5. Recommendation on the next step to be taken

INTERROGATION REPORT ON PASSING ON THE ENVELOPE

Today …… on the date of ……. the time at …… on the location of …… According to the requests given by Special Team of Indonesian Doctors Association, I, who signed below:

Name :
Sex :
Birth/Place of Birth :
Address :

I had given the sealed envelope to the Synchronization Designer between Protocol and Interrogation Report, according to the protocol given to me by Special Team of Indonesian Doctors Association.

Jakarta, ...……

Contributor: Recipient:

(……..) (…….)

The Role of IDI (Indonesian Doctors Association)

The executive board, period of 1997-2000, of Indonesian Doctors Association (IDI) was asked by Joint Fact Finding Team (TGPF) of 13-15 May 1998 to collect data related with the assumption that there were sexual abuses on those days.

Joint Fact finding Team assures confidential protections on the results of those data collecting.

On 14 October 1998, Executive Board of Indonesian Doctors Association had given explanation on the result of data collecting to the Joint Fact Finding Team (TGPF).

As stated in the agreement, all of the results of Executive Board of Indonesian Doctors Association are given to the Joint Fact Finding Team (TGPF), and only Joint Fact Finding Team (TGPF) which is allowed to keep the report and have the rights to give explanation to anyone.

During collecting data, Executive Board of Indonesian Doctors Association making a job protocol named *PROTOKOL JAKARTA*.

This protocol includes medical recording procedure, in order to investigate sexual abuse case assumption, which made based on typical protocol from other countries.

The Summary of Sexual Abuse

Vaginal Penetration	Suspect 1	Suspect 2	Suspect 3	Suspect 4
Succeed?				
Ejaculation Yes/No				

Anal Penetration	Suspect 1	Suspect 2	Suspect 3	Suspect 4
Succeed?				
Ejaculation Yes/No?				

Oral Penetration	Suspect 1	Suspect 2	Suspect 3	Suspect 4
Succeed?				
Ejaculation Yes/No?				

	Suspect 1	Suspect 2	Suspect 3	Suspect 4
Ejaculation inside the body If yes, state the specific location				
Saliva inside the body If yes, state the specific location				
Condom Using (yes/no)				
Sexual Liquid Using (yes/no)				

Parts Used for Penetration	Suspect 1	Suspect 2	Suspect 3	Suspect 4
Vagina				
Anus				
Mouth				

PSYCHOLOGICAL EXAMINATION ON THE SEXUAL ABUSE VICTIMS

I. Diagnosis Reassurance

* Diagnosis: Axis: 1…… 2……
3…… 4……
5…….

· General Symptoms (anxiety, depression, disordered mind/ confused, the symptom is typical to suspicious feeling, etc.)

II. Consistency Evaluation between the occurrence of sexual abuse and its reliability

1. The victim tells (states) the occurrences directly or indirectly yes/no
2. The victim tells the occurrences normally (clearly and understandable) or disordered (incoherent, other association disorders, flight of ideas, etc) .....…
3. The victims tells the occurrence logically, so that it is reasonable yes/no
4. During telling the story, the victim was emotionally disturbed causing the victim hold the story or telling it nervously yes/no
5. The victim tells the story naturally or pretentiously .....…
6. There are signs that the occurrence caused traumatic feeling to the victim, such as:
   · suspicious feeling yes/no
   · increasing anxiety when telling the story yes/no
   · nightmares, night terror like having an imagination on the real occurrences or talking when sleeping or wake up from sleep yes/no
7. There are signs of amnesia yes/no
8. Consistency: the story told by the victims is quite consistent, especially on the detail of place, time, related person and the coherence of the story:

- On the examination done by examiner (doctor, psychologist) at the different occasion yes/no
- On the examination done by different examiner (doctor, psychologist, nurse) yes/no

III. Conclusion:

Miscellaneous Examination

Photography Yes No
By whom?
If yes, when (date/time)?

Drugs Given
Morning-after-pill Yes No
Others .....

Item Taken

Next Step

Conclusion

Until now, sexual abuses on May 1998 Riot are still controversies, though there are some evidences founded by the Joint Fact Finding Team (TGPF) May 1998 supported by professional organization (Indonesian Doctors Association) which is competent and equipped with standard equipments. Therefore, I am as a member of Executive Board of Indonesian Doctors Association supports the petition of National Commission on Violence against Women to end the controversy on sexual abuses in May 1998 Riot.

KONFERENSI WALIGEREJA INDONESIA
BISHOP'S CONFERENCE OF INDONESIA
Secretariat General:
Jl. Cut Meutia 10 – Tromolpos 3044 – Jakarta 1002
Telp. (021) 31936422 Fax. (021) 3913527
Email : setjen@kawaii.org, setjen@indo.net.id

FROM VICTIMS TO BECOME HUMAN AGAIN

First sentence that we want to express in this statement is that sexual violence on May 1998 was really happened. Our services staffs – several pastors – had been visited by victims for healing. To meet or be met by violence victims is an incident that happened based on trust. Victims believe that they are safe in their helper's protection.

For those whom trusted by victims, the meeting was also an incident that happened based in trust: there is human, creatures that need help and expect that their lives can be carried on.

From that mutual interaction of trust, recovery was cultivated which produce a transformation: a transformation from victims to become survivors.

In this matter, Catholic Church requires its officials to firstly honour the victims as human, human who is respected according to their dignity. Honour to the victims is subject to maintain the victims' name. Knowledge that obtained from the victims' interaction with people whom they trust can not be used, unless for definite victims' benefit. Such attitude to protect victims is not an act to cover the facts. For the sake of victims' security, people are often needed to keep silent.

Helpers or victims' counsellors, to be exact, should not be put in difficult situation that harms victims, for example by asking them to retell the incident just for fulfilling the curiosity of the third party. To retell is only meant to open the old wounds. Victims' counsellors should not be made as new victims by forcing them to tell concerning people whom they assist.

Just as meeting between victims and their counsellors were based on trust, so the third party, whoever they are, should also base their actions on trust as well. What they need now is the sense of security to recover.
The assistance will be held continuously as long as it needed, even though the efforts done earnestly, in silent, without fame. For that, faithful and ductile helper is needed.

We really appreciate and support the efforts of The National Commission on Violence against Women in delivering love and attention to the victims.

Hopefully this attention is not only helpful for the victims, but also for our society.

Such activity is also an activity that can make people realized, so the despicable incident will not happen again.

From victims to become recover human. That is the aspiration of moralized and civilized people.

BISHOPS' CONFERENCE OF INDONESIA
On behalf of CHAIRPERSON

Pastor. Dr. B. R. Agung Prihartana, M. S. F.

Statement of Communion of Churches in Indonesia (PGI) Related to the Effort on Fulfilment of Rights for Women Victims of May 1998 Sexual Violence

The arising question nowadays is "Did massive sexual violence really happen on May 1998 Riot?" All this time, the government seems to deny the existence of those occurrences. Their reason is very classical; where is the victim?

Of course, such statement will cause new problem; do the victims have to be exposed? Do their suffering not enough? Do we need to add more suffering to them?

Evidences on the existence of sexual violence victims are countless. It is undeniable even though the victims are not exposed. Indeed the report of Mrs. Saparinah Sadli this morning has opened our eyes wider. Communion of Churches in Indonesia (PGI) itself has especially opened a Hotline Service related with this matter, and many victims were serviced through the Hotline Service.

May 1998 Riot is still keeping its mysteries. There has not been comprehensive explanation on what really happened and who was responsible for that. The government also does not put any serious effort to reveal this case. Consequently, we will be imprisoned by our shady history. Subsequently, it will impede us in building our future.

Therefore, we want to state as follow:

1. Differ from other violence victims, sexual violence victims need special counselling. They need a system which provides safety and protection. They need condition which can recover their torturing physical and psychological trauma.

   Therefore, we fully support individuals or organizations that provide counselling and maximum support towards the victims.
2. Especially, we support the efforts of National Commission on Violence against Women to fight for the fulfilment of women victims of May 1998 sexual violence
3. There must be significant efforts from the government to thoroughly investigate riot and massive violence on May 1998, including sexual violence, with due regard safety and protection for the victims. Government's alignment with the women, especially for them who dignity and rights were violated, must be realized.
4. Encourage the society to not be trapped in massive amnesia for what happened on May 1998; on the contrary, all together demand the government to solve the case. Similar incident may happen once again if we give the perpetrators impunity, while easily forgetting the sufferings of the victims.

Jakarta, 15 May 2008

Pdt Gomar Gultom
Executive Secretary on PGI
Diaconate Field

Enclosure 6

Response of the Participants, Komnas Perempuan, and its Special Rapporteur

Special Rapporteur report on documentation result of May 1998 Sexual Violence and Its Impacts participated by more than 300 participants who represent the government and law enforcer, academics, counsellors for women violence-victims, non-governmental organization which moves in human rights enforcement and also in education and society empowerment, individuals who care about the recovery of May 1998 sexual violence victims, representatives of numerous ambassadors and international organizations, and mass media.

Following are the summary of verbal respond which delivered by participants after heard the explanation of Special Rapporteur of National Commission on Violence Against Women on the documentation findings and recommendation on latest condition of May 1998 women sexual-violence victims, response of the National Commission on Violence against Women, greeting speech from Sate Minister for Women Empowerment and supporting statement of Dr. Tutty Alawiyah, former Minister for Women's Role and Rector of As-Safiyah Islam University, Prof. Dr. Suprapti Samil as the Executive Board of Indonesian Medical Association, Kabul Supriyadi representing the National Commission on Human Rights, Rm. Agung Prihartana representing Bishop's Conference of Indonesia and Pdt. Gomar Gultom representing Communion of Churches in Indonesia. Conclude the verbal respond of the participants is the feedback of the National Commission on Violence against Women and its Special Rapporteur.

Response 1: Dr. Loesje M Sompie, Msc –GTZ Siskes

GTZ is cooperation between Germany and Indonesia, which one of its programme is health, including maternal health. At the time of May 1998 riot, I was on duty at Jakarta's Health Service. We got a request from civil society organizations and hospitals which handle the cases to give support in victims handling. We knew the existence of sexual violence from them. The government of Jakarta represented by Sutiyoso requested for evidence and the request was denied by the doctors since the request was a violation of medical etiquette. The available medical record was also did not mentioned the identity of the victims and doctors as part of the SOP (Standard Operating Procedures) to assurance the safety of the sources.

National Commission on Violence against Women's Report reaffirms that rapes did occurred during May 1998 riot. However, I am pessimistic that this case can be settled since legal evidentiary will be difficult. Therefore, I also

support the proposal to settle the case outside legal rule, including building a memorial house. However, just like what Rm. Agung said, the concept of memorial house must be well thought so the victims who have traumatic memory on May 1998 riot will not be hurt by the existence of memorial house.

Response 2: Yusan Yeblo – Women's Work Group (KKW) Papua

Report of National Commission on Violence against Women's Rapporteur, Mrs. Saparinah Sadli shows how difficult the long journey of May 1998 victims to find justice. State does not responded, although the incident happened in front of their eyes. Moreover similar incident happened in small areas.

At Papua, the women walk limp. The existence of Freeport's mining has triggered terrific homicide. Responsibility for violence by military at that time was not easy. Besides, eight months ago we observed women's health in Papua. There were incredible funds in Papua but there were no change for women.

From Jakarta to Papua, human rights issue is still bothering. The same goes to women's health issue. Hence, we must support each other to recover each other. May memorial house can be a way to grow safe feeling. But, as human rights said, the word memory can be a problem. Thus, maybe our homework is to find another name for this effort.

Response 3: dr. June Luhulima Nainggolan – Women Centre Studies, Indonesian Christian University (PSW UKI)

I support the invitation of the Special Rapporteur of National Commission on Violence agains Women to try alternative victim's recovery mechanism as part of efforts to settle May 1998 violence. I need to provoke that violence experience not only raise behaviour respond but also victim's psychology. This was showed by the physic imbalance, besides stress. For example, based on our research in Maluku on 2002, most of out patients were suffered from cancer and diabetes related to violence traumatic.

I want to provoke the integration of such comprehension into the drafting of victim's traumatic settling concept. The concept also can be developed in considering May 1998 memorial house, which can be developed as a place for integration of various knowledge to treat violence victims, not limited to May 1998 riot victims.

Response 4: Nancy Wijaya – Chinese Indonesian Women

Thanks to National Commission on Violence against women for inviting Chinese Indonesian Women at the discussion of Special Rapporteur's

documentation result related to May 1998 case settlement, especially violence against women, since all this time it was as if Chinese Indonesian women were silent. In the contrary, we keep silent do not mean we can just let go the incident.

We need helps from our friends. We believe that as long as National Commission on Violence against Women exists, Chinese Indonesian women will not be left. We have friends who fight to defence women's rights. As long as women unite, there will always be hope.

Response 6: Prof. Dr. Toeti Heraty Noerhadi – Legal Aid Institute

That May 1998 sexual violence has clearly opened public's eyes on discrimination and violence faced by women. Not long after May 1998 incident there were many dissertation on violence against women, such as by Gadis Arivia, Kristy Purwandari, and DR. Agus Purwadianta.
On rape evidence, the issue was that legal evidentiary always go back to limited fact-finding and did not align with the victims. Evidence should be wider on definition of rape and give attention not only to physical evidence but also stigmatism against rape victims. Physical evidence are often cannot be found since the victim did not immediately reported it. After three days, rape evidences can disappear thus it is impossible for victim's body examination to become evidence.

Therefore, I support the effort to find legal breakthrough in fighting for rape cases. Please involve those three whom I mentioned. This is a crucial issue that must be advocated by Legal Aid Institute.

Feedback of Special Rapporteur of Komnas Perempuan

Thanks for all the inputs. Besides reporting findings, this meeting is also to excavate information which can be added in our report.

We want to clarify the idea of May 1998 memorial house which its function is doubted in this room. This idea is not originated from National Commission on Violence against Women but the idea of victim's community which delivered to us. Until now, memorial house has not been established. We deliver the proposal of the community since the National Commission on Violence against Women needs to support all initiative of the society, especially victim's community, which related to the effort on the elimination of all forms of violence.

We also want to call one more time for us to be together in demanding to the government to state that the victims exist. Until now, the government has stated through May 1998 Joint Fact-finding Team that sexual violence victims exist. However, since the report is not followed up as the way it is wanted to

be, many of the government officials state that sexual violence cases on May 1998 were only allegation. Therefore, we must request the government to affirm that victims exist and their rights as victims must be fulfilled.

Komnas Perempuan Feedback: Arimbi Heroepoetri, Commissioner
National Commission on Violence against Women noted several issue related to the report of Special Rapporteur on May 1998. We noted that the violence pattern in May 1998 was also occurred in 1965 incident, Aceh and Papua incident, etc. While waiting for our legal system to be able to accommodate victims' needs and right to justice, we should not forget all the abovementioned human rights violation. We must keep on holding our hope and keep the fire to always be involved in the victims' effort to advocate their rights. Song from victims' mothers also encourages us to not forgetting.

National Commission on Violence against Women is committed to follow up several recommendation which based on Special Rapporteur on May 1998' s Findings. One of which is support for counsellors, which also human rights defender. The support is based on Article 28 paragraph 2 of our Constitution. Before, the National Commission on Violence against Women has also documented on the vulnerability of women human rights defender. The documentation's finding shows that women human rights defender are ten times more vulnerable than men, such as in abuse against physic, purity, marriage status, etc.

We will also follow up the recommendation to find alternative victim's recovery mechanism through developing victims' recovery concept in broad meaning. This concept became important remembering that the finding of Special Rapporteur on May 1998 has reminded us how the victims are silent and kept silent in various levels so all this time they were trying to recover themselves without help from the government.

In the follow up effort, we will still meet on different occasion. Therefore, thank you for all the response and participation in this event.

Enclosure 7

10 YEARS OF THE 1998 MAY TRAGEDY
IT IS TIME TO SETTLE THE SENSE OF SECURITY

A STEP TOWARD THE FULFILLMENT
OF RIGHT FOR WOMEN VICTIM
OF SEXUAL VIOLENCE IN MAY 1998 RIOT

Jakarta, May 15, 1998

In regard with the Government's commitment to fulfill human rights, it is crucial to be understood that:

Sexual violence against women is a violation of human rights (General Recommendation No. 19 of CEDAW, the 1994 Declaration of Anti-Violence against Women, Law No. 39 of 1999 concerning Human Rights)

&

Rape is a crime against humanity
(The 1994 Vienna Conference)

DOCUMENTATION

- **Background**
  Ethical responsibility of National Commission on Violence Against Women
- **Focus**
  Latest condition of victims of sexual violence of May 1998
- **Principle**
  To honor victims' decision not to appear before the public

DOCUMENTATION

Purpose:

- **Not to forget** that there were women victims of sexual violence of May 1998
- **To ensure that there will be no re-victimize**
- **To increase the collective conscience** of people on sexual violence of May 1998

DOCUMENTATION PROCESS

A. Consultation with academics, counselor, activists, representative of victims' community organization

B. Interview with those who are willing:
   *2 victims (1 rape trial case + 1 abuse with threat of rape)
   * 12 direct counselors
   * 11 informants (indirect counselor, or those who know the whereabouts of the victims of sexual violence)

C. Correspondence with State Institutions
   - Ministry of Home Affairs
   - Headquarters of Indonesia Military (TNI)
   - Ministry of Women Empowerment
   - National Commission on Human Rights
   - Ministry of Law and Human Rights (did not reply)
   - Attorney-General's Office (did not reply)
   - Chief of Indonesia National Police (did not reply)

D. Meeting with:
   - State Minister of Women Empowerment
   - Kabanbinkum at Cilangkap

OUTCOME OF DOCUMENTATION

Special Rapporteur of the National Commission on Violence against Women on Sexual Violence of May 1998 and its Impacts

First Finding:

Victims of sexual violence in the riot of May 1998 EXISTED

Forms & methods:

(1) Rape
   - Most of rapes were committed in gang rape
   - Not only ordinary sexual penetration (penis-vagina), but also including penetration with things that destroyed reproduction system

(2) Rape trial

(3) Sexual abuse with threat of rape, which mostly were carried out in groups

"I am accompanying two victims; they are two girl nieces aged 12 and 15 years old. At time of riot, house where they were lived was entered forcefully by a group of men. One of the victims was gang raped. The other one was watching the rape from under the bed where she was hiding. She kept being feeling guilty because she could not help at the time; just freezing, did not move from her hiding place." (P3, teacher, women)

Number:

The number of victims cannot be fixed, but could over than the numbers that were reported by the Joint Fact Finding Team of May 1998 (TGPF of May 1998) (85 cases verified)

Locations:

1. At Jakarta, Solo, Surabaya, Medan, and Palembang
2. Within taxis, on the street, and most of rapes/gang rapes were within the victims' houses

Victims' characteristic:

1. Mostly are Chinese ethnic;
2. Age varied from 5-50 years old;
3. Status: single & married;
4. Employment: student, employee, and housewives.

Second Finding:

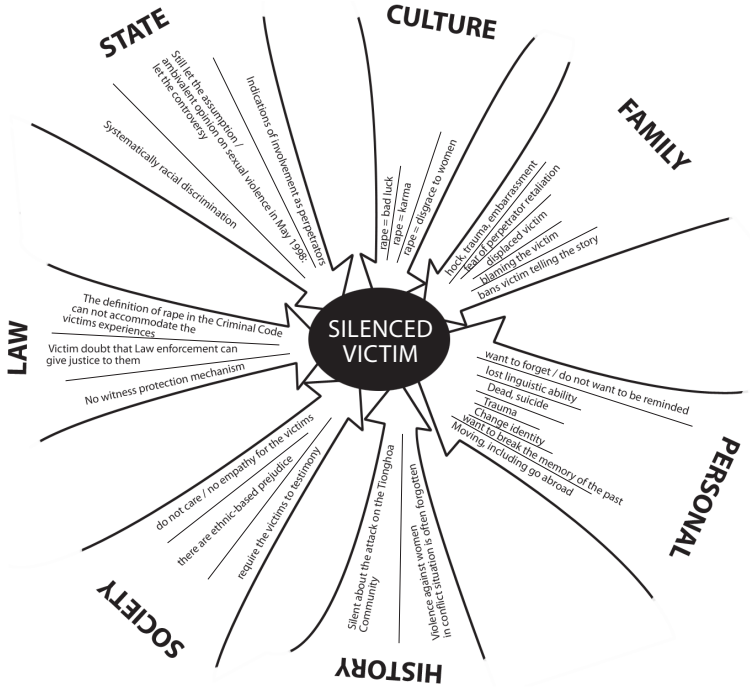
Women Victims of Sexual Violence of May 1998 STILL SILENCED

<u>Reason</u>

1. Personal:
   - Lose of trust or believe on other people;

- Trauma and did not want to be remembered on tragedy of May 1998;
- Cut connection with past time;
- Some are went crazy, and some are died even suicide.

2. **State:** has not taken serious step to fulfill the victims' rights
3. **Law:** has not endorsed the fulfillment of victims' rights on justice; and there is no guarantee of protection of witnesses-victims
4. **History:** never disclose the riot of anti-Chinese ethnic
5. **People's Attitude on the Riot of May 1998:** some believe, against,
6. **Cultural value on women and sexual violence:** women are always protected, rape is a bad faith, karma, and for victims and their families.
7. **Family:** determine the response that should be followed by the victims.



7 reasons women victims of sexual violence of May 1998 are silenced and do not want to be remembered on their experience of May 1998 Riot:

Victims are silenced

1. State: indication of involvement as the perpetrator; double standard on opinion stated that sexual violence of May 1998 is merely assumption; systematic racial discrimination
2. Culture: rape=bad luck; rape=karma; rape= [aib] for women
3. Family: shock, trauma, and embarrassed; afraid of perpetrators revenge; blame on the victims; forbid the victims to tell the story
4. Personal: want to forget the past time; past away, suicide; trauma; lose of linguistic ability; change their ID; want to cut off the past memory; relocate, including leaving Indonesia
5. History: violence against women in conflict is usually forgotten;
6. People: do not care/empathy to the victims; prejudice based on ethnic; enforce the victims to appear before the public
7. Law: definition of rape based on Indonesia Criminal Code does not suit with the victim's experience; law enforcement is doubt can bring justice; there is no protection of victims and witnesses

Purpose of Women Victims to Silence:

- In order to re-gain their independent
- As a method to continue their life with safe feeling

Silence Method:

- Do not want to appear as victims,
- Cut connection with past time through:
  - Relocate;
  - Change their ID;
  - Cut communication with counselor
- Do not want to discuss/talk about May 1998 Riot

➔ Up until now, the [] of women victims of sexual violence of May 1998 is conducted by themselves, families, and **counselor.**

COUNSELORS' CHARACTERISTIC

"In my counseling experience, what I am doing is to be present. Presence and act of listening will be much helping. I always patient to wait, sit in silence until the victims are ready to tell their story. There is not much question to be asked and we must understand that people under certain situation cannot tell a story. Maybe someday, the victims will tell their story to their children." (P4, a teacher and a nun, female)

Third Finding:

Counselors

- They are teacher, doctor, religious person, housewives, volunteer, or human rights activists that **gain trust from the victims**
- Most of them are not a counselor in their daily life, but they are working based on humanity feelings.
- **Impacts** of working as counselors:
  - also become trauma because of the counseling is carried out in not conducive situation (being intimidated, etc)
  - some are experiencing tense in their marriage life, even some are experiencing divorce;
  - some are experiencing burn-out until they could not counsel the victims anymore
- **Relation** of Counselors and Victims:
  - Recently, most of them have lost communication with victims because the victims have relocated to other places or they requested to cut their communication
  - Some are still counseling the victims, especially, for those who are still nursed in hospitals and left by their families

Fourth Finding:

State's Responses on the May 1998 Riot and Sexual Violence of May 1998

- Statement of the President condemning the Riot of May 1998, including sexual violence → 15 July 1998
- Establishment of National Commission on Violence Against Women through Presidential Decree No. 181 of 1998
- Establishment of the Joint Fact Finding Team of May 1998 (TGPF Mei 1998) through Joint Decree of 5 Ministers
- Invited the UN Special Rapporteur on Violence against Women on November 1998
- Since 1998, violence against women became public discussion → people's initiative to give public service for women victims of violence (WCC, RPK, PKT) are increase rapidly
- State enacted Law on Human Rights, Law on Human Rights Court, Law on Protection of Witnesses and Victims & Law on Eradication of Domestic Violence, and other policies on the enforcement of human rights

However, all of them could not ensure the fulfillment of right to truth, justice, and reparation for victims of sexual violence of May 1998.

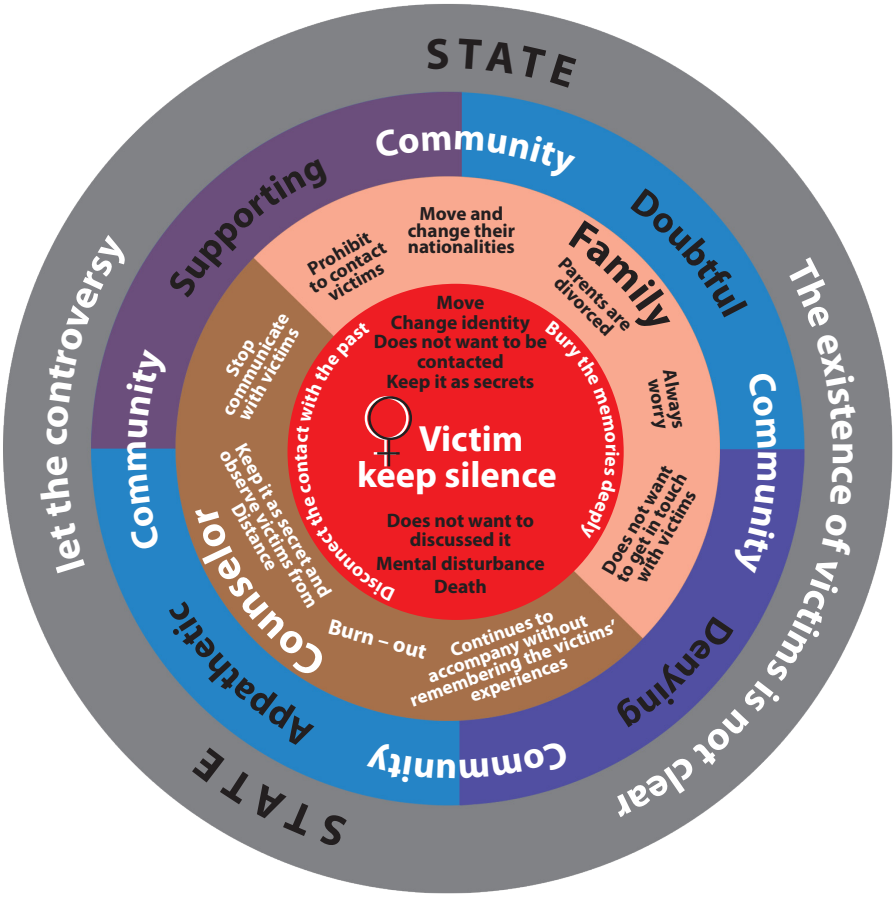
Ten years after the Riot May 1998, some of State Apparatus still consider the sexual violence of May 1998 as ASSUMPTION until there is legal evidence which is difficult to be done since there is a little evidence and no victims want to testify.

> *"Several times I was pushed to ask the victims to testify. Some argue that their testimonies are for a long term interest of human rights enforcement in Indonesia. However, it is not that simple and because of that I replied: 'if the victim was you, or your kids or siblings, will you let them to testify?'" (P7, religious man, male)*

Fifth Finding:

Latest Condition of the Victims

Women victims of May 1998 sexual violence are still silenced. Because of the limitation of legal ground and existence of impunity tradition that has created condition that could not strengthen the safe feelings of women victims of May 1998 sexual violence.



- **First circle (grey):** State (Negara) → keep on the controversy (membiarkan kontroversi) → State (negara) → hanging the existence of the victims (mengambangkan keberadaan korban)
- **Second circle (gradation of blue color):** People (masyarakat), denied (menyangkal), support (mendukung), apathy (apatis), uncertain (ragu2)
- **Third circle (pink & brown colors): PINK** → Family (keluarga), prohibits to contact the victims (larang kontak korban), relocate & change their nationality (pindah & ganti ke-WN-

an), parents divorced (orangtua cerai), too worried (terlalu kuatir), do not want to have a relationship with the victims (tdk mau berhubungan dengan korban). **BROWN →** Counselor (pendamping), stop communications with the victims (hentikan komunikasi dengan korban), burn-out, secrecy & watching the victims from far (merahasiakan & mengamati korban dr jauh), keep on the counseling without remembering their experience (terus mendampingi tanpa ingatkan pengalaman korban).

- **Fourth circle (Red color):** victims are still silenced (korban terus bungkam), relocate-change ID-do not want to be contacted-keep as a secret (pindah-ganti identitas-tidak mau dihubungi-merahasiakan), do not want to discuss-mental illness-died (tidak mau bahas-gangguan jiwa-meninggal dunia), cut off the contact with the past time (putuskan kontak dengan masa lalu), keep the memory (pendam ingatan dalam2).

RECOMMENDATION

1. State strengthen the safe feelings of women victims of May 1998, through:
   a. Re-state the existence of sexual violence in the Riot of May 1998;
   b. Immediately establish Protection of Victims and Witnesses Agency;
   c. Speed up the revision of Indonesian Criminal Code (KUHP) and Indonesian Criminal Procedural Code (KUHAP) which both processes have been started from more than 10 years ago
   d. Widening the available service for women victims of violence;
   e. Ensure the protection and support for works of human rights defenders, including counseling of women victims of sexual violence
2. National Commission on Violence against Women is initiated the widening of collective conscience, through:
   a. Provide the latest information on sexual violence of May 1998 on widespread and sustainable basis, including for state's library and education institutions in any levels

b. Use "Women's Fund" to endorse the process of healing of women victims of sexual violence of May 1998

3. **National Commission on Violence against Women is taking initiative to ensure the fulfillment of victims' rights, through:**
   a. **Collaborate with National Commission on Human Rights to conduct a dialogue with Indonesia's Doctor Association (IDI) concerning the saving of evidences**
   b. Collaborate with IDI, Ministry of Health, law enforcement institutions, Protection of Victims and Witnesses Agency (after its establishment) to open a dialogue to adopt the Jakarta Protocol (an extralegal identification technique)
   c. To discuss an alternative mechanism of fulfillment of victims' rights beside the human rights court
   d. Ensure there are instruments and mechanisms to disclose violence against women case.
4. Various parties within the governance and society ensure that history of a nation is based on truth:
   a. Endorse initiative of victim's community, such as the establishment of Memorial House of May 1998
   b. A routine discussion on sexual violence in the May 1998 Riot and in the various contexts of armed conflict
   c. To make the facts of sexual violence of May 1998 as a part of Indonesia History teaching material
5. **Attorney-General's Office and the House of Representative should immediately overcome the findings of the National Commission on Human Rights** on the Riot of May 1998, including the sexual violence of May 1998.

Enclosure 8

PRAYERS TO REMEMBERING MAY 1998 TRAGEDY

Dear Thee, who always present in all occurrence
Dear Thee the All-Knowing One, necessitating no one's testimony,
To Anguish story among those tortured

You definitely will not forget
Today, 10 years has gone
Thousands of naked body, with blood gushing all over, wounded
Thousands sacred wombs: ripped of and tattered
Thousand innocent lives: robbed and dying
Caused by rough and brutal hands: anonymous villains

Dear Thee, who restless to hear
Though our wounds and agony linger,
Tears wither
Paralyzed tongue
Indeed, we keep no wrath to anyone.
We only plead Thee
To show truth as truth
For us to defend for
To show us faults as faults
For us to away from

Dear Thee the Most Just One,
Uncover Your Justice curtain
For we won't suffer longer
For Your believers to regain their sacred rights
For this country's soil purge from viciousness and tyranny.

Dear Thee, the Most Merciful One,
We could not sigh to anyone but Thou,
Neither pleads for help to any ruler but Thou.
No way
Please do not ordeal us with desperation for Your justice and blessings
Do not ordeal us with never-ending agony
Bring us strength to bear these pains
And endless patience
Open Your gate of Bliss

Dear Thee, the Most Merciful One,
Forgive our children, leaving us in grieve.
Accept them in Your warm loving brace.
Take them into Your Most beloved
Also with those martyr
Rest their souls in Your shady Firdaus gardens
Dear Thee, the Most Loving and Merciful One
Show our leaders Your Path to wisdom
So they could teach our children in devotion
Guide our leaders, though slippery and limp
So they could be examples for the children of this country
Teach them to lead in Your Justice
So that we could serve You, fully and wholly
Avoid them from leading with viciousness,
So we could pray to You in devotion and completely

Dear Thee, the Most Gracious One to all creatures,
You are our only Hope
There is no other, no way
At your door we knock
Amen

Jakarta 15 May 2008

KH. Husein Muhammad