National Commission on Violence against Women
Special Rapporteur for Poso

WOMEN ENSNARED BY IMPUNITY: VIOLENCE & INTERVENTION

Documentation on Violations of the Human Rights of Women
During the Armed Conflict in Poso
in 1998-2005

Jakarta, Maret 2009

The violence experienced by women was inherent to the conflict and displacement during armed conflict between religious-based communities in Poso. Of the 72 cases documented, three typologies were identified: a) Violence against Women related to the context of conflict escalation in Poso. In this phase, two cases of sexual violence were documented: forced nudity in the village of Sintuwulembah and a rape case in Malei village. Three non-sexual cases documented were arbitrary killings of women and an attempted murder of women; b) Violence against Women related to the placement of security and military forces in Poso. Since the conflict broke out in Poso, the government deployed security and military forces to restore security. During this period, 58 cases of sexual violence were documented involving personal relationships between security personnel and local women, mostly teenagers. There were also cases of gender-based exploitation of women labor; and c) Violence against women during internal displacement, including domestic violence, dating violence and violence against women within the community. Displaced persons came from villages attacked during the conflict between 2000 and 2002.

Of the total 72 documented cases, *Komnas Perempuan* identified 86.11% cases of sexual violence. From these, 93.54% took place domestically and 5.55% in public. The most vulnerable group for sexual violence was women between 18 and 28 years of age (88.66%). The types of sexual violence included rape, sexual exploitation, forced abortion, attempted rape and forced nudity. The majority of cases involved sexual exploitation of young local women by the security/military forces posted in Poso (as much as 92.06%). Generally, the perpetrator would approach the victim to ask her out (which may start since the beginning of their assignment). The woman would then be persuaded to engage in sexual acts with the promise of marriage. But then the victims would be abandoned while being pregnant or after giving birth to a child just as the perpetrator would end his tour of duty in the area.

The Special Rapporteur documented indications of security forces' involvement, either directly or indirectly, which is shown by the ignorance of the army on the cases of violence. In the context of the placement of security and military forces, the perpetrators, be it the police or the military, exercised their position as security force to approach their victims. The perpetrators use similar manner to escape from being responsible for their evil deeds.

The Special Rapporteur also noted the State's role in preserving perpetrators' impunity. This was demonstrated by the participation of a number of authorities, especially the law enforcement, in obstructing women's access to justice, truth and recovery. This is evident in their handling of the forced nudity and rape cases in the context of Poso conflict escalation where the investigation was protracted and repetitive and remained a mere footnote that never saw a day in court. There were also interventions in the legal proceedings of a

mutilation case, where the law enforcement facilitated 'reconciliation' meetings between victims and perpetrators.

The tightening snare of impunity was also reflected in the pattern of interventions that did not side with the victim. In all, only four cases of sexual violence were put to trial. The response of the security/military institution towards perpetrators of sexual exploitation and violence tended to side with perpetrators in the settlement. The superiors even supported their subordinates efforts to evade responsibility by exploiting traditional mechanisms and the practice of unregistered marriage. There is yet to be any real action to punish perpetrators of sexual violence and there is still no clear measures taken to prevent the recurrence of such violence.

The society's perception of sexual violence as 'taboo' leaves no choice for victims and their families than to use traditional mechanism, which in turn only strengthens the perpetrators' impunity and distances the victims further from justice. At the same time, the society's stigmatization toward victims of sexual violence serves as additional punishment and silences their voices further. Another emerging phenomenon is single parenthood among women who endure discrimination by the society, struggling to make ends meet for them and their children.

Furthermore, Special Rapporteur also found rehabilitation and reconciliation programs that failed to meet the needs of displaced women because such programs were developed without a holistic participation of women in the process. Women were merely used as a 'symbol' of the government's success in the rehabilitation and reconciliation program in Poso. Many women IDPs strived by strengthening each other and developed ways of recovery for themselves and their group to be economically independent. For children born as the result of sexual exploitation, there is yet to be actual and comprehensive steps by the government to ensure that their needs are addressed, to support their recovery, as a form of state's responsibility for the children's interests.

To break the cycle of impunity, to prevent the recurrence of violence against women and to ensure that efforts will be taken for the benefit of women and children victims of violence, the Special Rapporteur recommends the following:

- President of Indonesia

  To integrate women's human rights into the entire framework of security sector reform, and make specific effort to ensure the rights of children born as a result of sexual exploitation and rape, and protect them from new forms of discrimination, including to empower the initiatives of women victims of conflict in the reconciliation process and the efforts to prevent and mitigate the impacts of conflict. Referring to Law No. 24/2007 on Disaster Management, to develop a comprehensive policy and

empowerment programs for women victims of Poso conflict, including female heads of household and female single parents, by involving women from victim community and advocacy organizations, as well as poverty-reduction programs, and make a special efforts to support women victims impoverished by the conflict in particular.

- *TNI* and *POLRI*

  To improve the whole set of operational procedures for their personnel to meet the international standards developed to protect the rights of women (such as the United Nations Security Council Resolution of February 2008 1820 on sexual violence during conflict), including the elucidation of Article 8 Section 2 on Soldier's Duty about respecting women's rights to be put into the Rules of Engagement. To integrate findings on violence against women in conflict and women's rights into the curriculum for every level of education, including preparatory courses for the armed forces prior to their deployment, and to develop standards and means for implementation and monitoring of security personnel conduct in order to prevent human rights violation, especially the rights of women.

- The Government of Central Sulawesi Province and Poso Sub-District

  To initiate special efforts to protect the rights of the children born from sexual exploitation and rape, to protect them from new forms of discrimination, strengthen initiatives from women victims of conflict in the process of reconciliation and prevention and reduction efforts of the impacts of conflict. Referring to the Law No. 24/2007 on Disaster Management, develop comprehensive policy and empowerment programs for women victims of Poso conflict, including female heads household and single-parent women with participation of women from victim communities and organizations working in advocacy, and to develop poverty-reduction programs with special efforts to support victims impoverished by the conflict.

- National Commission on Violence against Women (*Komnas Perempuan*)

  To facilitate raising awareness among the public, state apparatus and human rights institutions about the gender dimension of the armed conflict and how the experience of women in Poso can relate to conflicts in the overall context of militarism in Indonesia. To encourage acknowledgement and treatment of sexual exploitation as a crime in the national legal system, and to facilitate the development of recovery concept in the widest sense based on the experience of women victims in Poso and in other conflict situations.

Foreword

On 15 November 2005, Komnas Perempuan appointed one of its commisoners, Lies Marantika-Maiola, as its Special Rapporteur for Poso. She is a pastor also studied Islam and when the conflict broke out in Maluku, she was one of the tireless advocates who struggled to transform the conflict through inter-religious dialogue. Komnas Perempuan considers the commitment and experience of Lies Marantika-Mailoa and her understanding about the focus and principles of Komnas Perempuan work as the right combination to undertake the task as the special rapporteur for Poso. The decision to appoint a special rapporteur was made after calls from human rights advocates in Poso that Komnas Perempuan conduct an investigation into human rights violations experienced by women during the Poso conflict and its interventions. We cannot thank Lies Marantika-Mailoa enough for her willingness to take up such responsibility wholeheartedly.

The Special Rapporteur for Poso is Komnas Perempuan's second rapporteur after the one for Aceh. The monitoring methodology applied by the Special Rapporteur for Aceh was further developed in Poso. Aside from making adjustments to adapt to the specific situation of Poso, the observation methodology also began to incorporate recovery aspects for members of the documentation team who survived violence occurring all around them. Special sessions were held to process personal experiences and a counselor was brought in to continue assisting the process further.

In determining her position about findings in Poso, especially regarding the behavior of security apparatus assigned to maintain peace, the Special Rapporteur and her team had to find a proper terminology for a phenomenon that has never been formally documented albeit often heard informally. In the end a terminology was found in a UN document, namely the UN Secretary General's Bulletin No. ST/SGB/2003/13 regarding Special Measures for Protection from Sexual Exploitation and Abuse. The said document was issued in October 2003 in response to reports of sexual exploitation commited by peacekeepers and humanitarian workers under the auspices of UN. The document set out a definition of sexual exploitation that was relevant in explaining findings of the Special Rapporteur for Poso. This in itself is a breakthrough in the development of understanding about the various forms of violence against women taking place during armed conflicts and post-conflict in Indonesia.

Departing from the findings of the Special Rapporteur in Poso, Komnas Perempuan has initiated a dialogue with institutions responsible for state security, namely the TNI Headquarters and the Department of Defense. If the dialogue process can proceed continually and constructively and expand to other relevant institutions, then there will be a better

prospect for security sector reform in Indonesia that is gender-sensitive and based on human rights. Hopefully the work of Komnas Perempuan Special Rapporteur for Poso can serve as a meaningful start.

Kamala Chandrakirana
Chairperson

Introduction

The murder and mutilation of three high school girls in late October 2005 served as a critical point to bring to light gender-based violence during the Poso conflict as a whole. This event represents other cases to show how a woman's body has been used as a political tool during the conflict to retaliate, to inflame the public, to further escalate the conflict, and intimidate the opposing community. These developments also urged *Komnas Perempuan* to decide on a strategy on how to deal with gender-based violence in the Poso conflict. In previous opportunities, *Komnas Perempuan* had tried to foster serious dialogue with human rights advocacy groups and women organizations in Central Sulawesi (Poso) to discuss strategies on advocating cases of gender-based violence in Poso. Some concrete and urgent steps were discussed and decided during *Komnas Perempuan* plenary session on November 15th, 2005. It included the decision to appoint a Special Rapporteur for the purpose of monitoring violations to women's rights in Poso.

Personally, this assignment has been exceptionally difficult and challenging. Worries crept up inside me as I questioned whether I am capable of delivering in this mandate as a Special Rapporteur. Despite holding a the mandate by President Regulation No. 65/2005, it did not feel enough to face the complexities of factors that perpetuated the conflict in Poso. Comparing it with the conflict in Aceh and Maluku where *Komnas Perempuan* has a relatively powerful network, in Poso we started from scratch. The only moral strength I possessed was the support lent by fellow commissioners in *Komnas Perempuan* and my commitment to work for humanity. Operationally, the Special Rapporteur was supported by the *Komnas Perempuan* working team of experts and two program coordinators, and a documentation team of 18 documenters and 5 field facilitators.

As the documentation process went on, the determination of those involved in collecting data and information became more evident. Critical questions began to emerge about the violence experienced by victims and how perpetrators always managed to get away from being held accountable for their crimes. It was encouraging to see how our documentation team showed great interest and motivation, even though they often had to complete and rewrite cases documented.

A particular challenge of this conflict zone was the unpredictable security situation! While the documentation work was still ongoing, the Special Rapporteur and team still experienced occasions of open violence, a bomb exploding in the middle of a community, shootings aimed at certain targets, mobilization of security/military forces, and security operations by special forces, as well as the execution of Tibo and Company. In such conditions, data collection work in the community had to be suspended, while communication with our partners was

still maintained to avoid confusion and misinformation in the public. Admittedly there is still no set of standards or an established system to provide protection for humanitarian workers and for those monitoring human rights violations, especially in areas of armed conflict.

Aside from the security situation, a common challenge in communicating with victim communities or families was their prevailing anxiety and fear (especially in cases related with Poso conflict escalation). On the other hand, in cases of sexual violence related to security forces and harassment in IDP camps, there were no significant obstacles faced in data collection. Only a few victims displayed some cynicism and apathy toward this documentation work. This is quite understandable considering how they had already suffered enough from false promises made by perpetrators. Meanwhile, in cases that were processed in court, although verdicts were produced, these did not meet the victims' sense of justice. Other findings documented the struggle of women losing their husbands and sons; they need not only psychosocial recovery but an economic one as well.

The variety of experiences of gender-based violence and their impact on the lives of women showed us how documentation was not limited to the incidence of violence alone, as victims continued to experience violence during the intervention period, often facing discrimination in their daily interactions with their communities. In cases of sexual exploitation and forced abortion, victims suffered from repeated and multi-layered violence, from the time of the incident, continuing into the intervention phase and from the impacts of violence on their social lives and economy. All while the perpetrators walk away from accountability, by going through the so-called 'familial resolution', traditional mechanism, et cetera. The meaning of justice has been reduced by the settlement in the name of tradition, family and religion.

Completion of the final phase of monitoring coincided with the change of leadership at *Komnas Perempuan* in December 2006. Nevertheless, during this transition until mid 2007 verification work and efforts by *Komnas Perempuan* Chairperson to build dialogue with the Head of The National Police and TNI at the national level still proceeded. Substantively, Poso findings have been integrated into discussions within *Komnas Perempuan* to develop the concept of gender-based crime against humanity, the meaning of justice and recovery in a holistic sense, and to be used for education purposes.

Finally, this job is completed! Many people took part in the documentation and reporting process. The bitterness and the resilience of victims in pursuing true justice, revealing the truth and growing hope for a decent life should continue to stir our conscience in tirelessly seeking an end to gender-based violence, be it in Poso and in the rest of our beloved Indonesia.

Ambon, February 19th, 2009

Lies Mailoa -Marantika
Special Rapporteur for Poso

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I. Introduction

1. Komnas Perempuan's Mandate

The National Commission on Violence against Women is a national mechanism to defend women's rights; it was established based on Presidential Regulation No. 181/1998 and was later renewed by Presidential Regulation No. 65/2005. Pursuant to the Presidential Regulation, the goal of establishing *Komnas Perempuan* include (i) creating a condition favorable for eliminating all forms of violence against women and upholding women's rights in Indonesia, and (jj) to strengthen efforts to prevent and mitigate its effects. One of its mandates is to conduct monitoring on the violation of human rights of women.

In line with its mandate to promote human rights and to eradicate all forms of violence against women in Indonesia, there is also a demand that *Komnas Perempuan* shall be responsive in intervening all forms of violence and discrimination against women and remain sensitive to the ongoing dynamics. Considering the above, *Komnas Perempuan* requires a more flexible mechanism to be able to explore and provide a comprehensive understanding, and better recommendations for emerging issues. For these purposes, in February 2005 *Komnas Perempuan* initiated and adopted a new mechanism within its structure, namely the Special Rapporteur.

2. The Mechanism of *Komnas Perempuan* Special Rapporteur

The Special Rapporteur is a mechanism adopted by *Komnas Perempuan* to execute its mandate. It is also a manifestation of the Commission's commitment to fulfilling the rights of women in general and in the context of socio-political and natural disasters. The Special Rapporteur position was created in consideration of the urgency of the problems, especially after receiving input from various parties. The Special Rapporteur was adopted in a plenary held by *Komnas Perempuan*.

There are two kinds of Special Rapporteurs based on their scope of work: Thematic Special Rapporteur and Regional Special Rapporteur. Both work in the framework of women's rights. This means that both Special Rapporteurs focus on specific problems, issues and phenomena of gender-based violence and discrimination.

Thematic Special Rapporteur has geographic flexibility in seeking information to give a holistic picture about the distribution of problems, issues or phenomena of gender-based violence and discrimination. Regional Special Rapporteurs works across sectors to produce an integral picture of problems and issues of gender-based violence and discrimination within the specific area.

The Special Rapporteurs, among others, monitor and gather data on violence and discrimination on the field, examine the legal context and other literature, provide technical assistance for those who need it, deliver recommendations for the prevention and intervention of gender-based violence and discrimination and the recovery for victims, continue to expand monitoring network and be involved in the campaign for the elimination of violence and discrimination which is determined to be the focus of the attention.

A Special Rapporteur has the mandate to seek information and analyze in depth the problems, issues or phenomena related to the fulfillment of women's rights,which includes violence and discrimination against women. A Special Rapporteur may contact all parties known to posses relevant information or comprehension of her findings. These may include local, national and international experts.

A Special Rapporteur also has the mandate to monitor and receive reports from the community concerning problems, issues or phenomena within an area pr in a specific context. For these purposes, the Rapporteur may conduct field visits to the communities being monitored and investigated to carefully assess reports from individuals or groups.

A Special Rapporteur has the power to respond to reports from individuals or groups, and if needed can communicate the reports to authorities, especially state institutions. She may also give recommendations on interventions to break the chain of impunity as well as compensation for victim's recovery. The findings from studies, monitoring, reports and communications with authorities shall be reported in writing and on a regular basis to the public as an integral part of the efforts to fulfill women's rights in Indonesia.

Groups or individuals may access the Special Rapporteur's functions. There is no formal procedure on how they should deliver reports to the Special Rapporteur. However, the Special Rapporteur may develop a reporting framework to facilitate the reporting, and for the Special Rapporteur to examine and assess the reports received. The Special Rapporteur should also formulate a follow-up strategy.

3. *Komnas Perempuan*Special Rapporteur for Poso

3.1. Basisfor Appointment

In 2005, *Komnas Perempuan* received an appeal from the people, both during formal visits to victims' communities and their facilitators, as well as through letters from women organization and human rights advocacy groups in Central Sulawesi,to facilitate the disclosure of human rights violations that occurred during Poso conflict. This call was reaffirmed following the mutilation of three high-school girls on October 29th, 2005 in Poso.

In response to this appeal, *Komnas Perempuan* plenary meeting on November 15th, 2005 responded with a decision to immediately conduct monitoring on the violation of human rights of women in Central Sulawesi. A Special Rapporteur for Poso was then appointed. This decision also referred to the goals and mandates of *Komnas Perempuan*, namely, to perform monitoring pursuant to Presidential Regulation No. 65/2005, Chapter III/Article 4c, that is: "conduct monitoring, including fact finding and documentation, of all forms of violence against women and violations of human rights of women and disseminate the findings to the public and take necessary steps to call for responsibility and intervention."

With this appointment, the Special Rapporteur for Poso was given the mandate to conduct monitoring in 2006 with the goal to (a) seek and document facts of violence against women and the violation of human rights of women during Poso conflict from September 1998 to December 2005, (b) call for State accountability for violations of human rights of women, and (c) support efforts for the recovery of victims and communities with gender-sensitive approach.

3.2. Scope of Monitoring

The Special Rapporteur for Poso conducted monitoring and documentation on violence against women, that includes 'any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm of suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life' (Declaration on Elimination of Violence against Women, Article 1). The physical, psychological and sexual violence in question may occur in the family, within the general community and or perpetrated or condoned by the state (Declaration on Elimination of Violence against Women, Article 2).

The monitoring and documentation by the Special Rapporteur shall be focused on cases of gender-based violence between December 1998 until December 2005. This temporal scope was agreed by the Special Rapporteur and organizations serving Poso conflict victims. These organizations are key partners of the Special Rapporteur in performing her monitoring mandate. It was also agreed that the types of cases would be focused on cases:

- directly related to the context of Poso conflict escalation.
- related to the posting of security personnel (police and military), and
- in the context of internal displacement due to Poso conflict.

In terms of area, monitoring and documentation was conducted in 8 out of 12 sub-districts within Poso Districts (Poso Pesisir Utara, Poso Pesisir, Poso Pesisir Selatan, Poso Kota, Lage, Pamona Utara, Pamona Selatan and Pamona Timur, and Tojo Barat Sub-districts in Tojo Una-una District). Area selection took into account the scope of monitoring as it relates to conflict escalation and distribution, placement of security and military forces, as well as incidence of violence against women. Specifically for cases of political violence against women, documentation area reflected the locus of incidents in question, namely Palu, Poso and Tentena. Table 1 below shows documentation areas by case categories documented:

Table 1. Documentation Areas

Cases	Sites (Sub-districts)	Documentation Location/Points
Violence against women in the context of conflict escalation	**Lage**	Sintuwu Lembah, Malei Village.
	Poso Kota	Buyumboyo, Lawanga
	Palu	Palu
Violence against women related with the deployment of security and military personnel	**Poso Pesisir Utara**	Kilo, Kawende, Kalora
	Poso Pesisir Selatan	Pantangolemba, Patiwunga, Tangkura, Betalemba
	Poso Pesisir	Mapane, Betania, Kasiguncu, Toini, Tonipa, Tokorondo
	Poso Kota	Kawua, Ranononcu, Gebang Rejo, Lawanga, Buyumboyo, Kayamanya, Bone Sompe, Tegal Rejo, Moengko
	Lage	Sintuwu Lembah, Silanca, Sepe, Malei, Matako, Bambalo
	PamonaSelatan	Mayoa, Pendolo, Salindu

	Pamona Timur	Taripa, Tiu, Kamba, Petiro, Pongge'e
Violence against women in the Context of Internal Displacement	**Pamona Utara**	Later, Yosi, Matako Limbue, Matako Lemo, Palapa, Posunga, Malewa, Tanamawau, Sabo Buyumboyo, Tandongkayuku.

3.3. Human Rights as Monitoring Framework

Monitoring conducted by the Special Rapporteur for Poso was developed following the framework of human rights fulfillment. This implies that crimes and violence against women that took place in Poso cannot merely be seen as an excess of conflict, but must also be placed in the context of respecting and fulfilling human rights.

The Special Rapporteur developed this view employing with a legal basis, both national and international, that includes:

- The 1945 Constitution of the Republic of Indonesia,
- The Universal Declaration of Human Rights (1948),
- Law No. 7/1984regarding the Ratification of the Convention on the Elimination of all forms of Discrimination Against Women,
- Law No.11/2005 regarding the Ratification of the International Covenant on Economic, Social and Cultural Rights,
- Law No.12/2005 regarding the Ratification of theInternational Covenant on Civil and Political Rights.

The Special Rapporteur also based her comprehension on human rights on elaborations of the Convention on the Elimination of All Forms of Discrimination against Women, the main and most comprehensive instrument for the promotion and protection of the human rights of women. This includes General Comment 19 of the CEDAW Committee regarding violence against women. Moreover, the 1993 Vienna Declaration and Programme of Action stated that human rights of women and of the girl-child are an inalienable, integral and indivisible of universal human rights. Furthermore, the Declaration on the Elimination of Violence against Women (1993), a world-wide accord, stated that violence against women is a violation of human rights and calls all nations to intervene and eliminate it.

In the Indonesian human rights law, the state is a party that is legally bound by covenants and conventions ratified by the government of Indonesia. This principle of state responsibility is adopted by the Convention on the Elimination of All Forms of Discrimination against Women which explains how the State is responsible to:

- **ensure equality:** the main goal is to ensure that there will be no discriminative treatment toward people in similar situations and to produce an output that guarantees equal opportunity (law, policy, and programs), equal access, and equality to gain benefits from those opportunities.
- **eliminate discrimination:** discrimination is not limited to discriminative treatment but also goes beyond to negative socio-cultural assumptions attached to the condition of being 'a woman'. Those acts of discrimination, taking away one's freedom or isolation results in undermining, denial or elimination of the rights and freedoms of women, including women's mobility, based on sex or assumptions on gender.
- **develop institutional mechanism:** the State is responsible to respect, fulfill and protect the rights and freedoms of women. This responsibility shall be manifested, among others, by creating an effective institutional framework to protect the rights and freedoms of women from even the smallest violation.

In addition to the above legal foundation, the Special Rapporteur also felt the need to employ the existing principles in: Geneva Conventions (1949) and its two Additional Protocols (1977), and the Rome Statute on the International Crime Court (1998).

These documents set core principles for the conflict context, including the obligation of every conflicting party, especially the State, to provide protection for civilians, particularly women and children.

Using this rationale, the Special Rapporteur paid attention to the involvement of the State as a direct or indirect perpetrator of human rights violations of women, particularly gender-based violations. Similar identification of non-State actors would also be conducted. Ultimately, this identification will lead to observations about mechanisms developed by the State to fulfill its responsibility for protecting human rights. In the context of human rights violation, the mechanism will have to respond to three kinds of victims' rights:

- **the right to truth:** the State is responsible to develop a mechanism that enables the disclosure of the truth of the incidents of human rights violations in Poso, including violence against women.
- **the right to justice:** the State is responsible to provide justice to the victims through a fair and honorable legal process. This includes taking concrete steps to break the tradition of silencing victims, to adopt the principles of Rome Statute into the criminal justice system, to enable victims' access to the International Crime Court, and to ensure that such acts will not occur in the future.
- **the right to recovery:** the State has the obligation to provide facilities for every victim to enable them to achieve physical, psychological, sexual and social recovery. Such facilities must ensure that the non-recurrence of victimization to women, particularly victims of sexual violence who tend to be more vulnerable.

3.4. Monitoring Methods, Approach and Process

The Special Rapporteur for Poso conducted monitoring from July 2006 until June 2007 with a structured observation and participatory investigation methods. Structured observation is specifically designed aiming at issues of focus in the monitoring. Investigation is truth seeking activity to reveal fact, perpetrators and modus operandi. Participatory investigation is information gathering that involves victims/witnesses in a relationship of equals in order to build their awareness that the information the provide will contribute to upholding the human rights of women.

Structured observation and participatory investigation were selective based on preliminary information on violence and discrimination against women. Field visits were conducted to see and observe the condition of the information source, particularly the victims and witnesses, before conducting an in-depth interview. Information gained was then be verified with other relevant and competent parties to support information completion and ensure its accuracy.

In addition to fact finding, the documentation process also aims at building the capacity of local resources, especially that of women, to conduct continued monitoring on violence against women and other violations of the human rights of women in their communities. For this purpose, the Special Rapporteur created a documentation team consisting of members from the grassroots recommended by local women organizations and human rights groups.

In preparing the documentation team, the Special Rapporteur developed a training program about monitoring for the documenters. The program included education on the basics understanding of human rights, discrimination and violence against women, monitoring concepts, documentation of facts of human right violation, documentation techniques and practices as well as facilitation for women victims.

Documenters are required to adhere to the basic principles of documentation, such as (1) to uphold and respect victims' rights, (2) to avoid re-victimization or putting the blame on the victims, (3) to avoid personal opinions or confuse opinion with facts. These principles are based on the idea that information belongs to the victims/witnesses. The rights of the victims/witnesses shall be respected, including when a victim/witness is unwilling to be interviewed or requests that her information is not documented. Documenters should also adhere to the principles of (4) impartiality, that is to maintain neutrality, to take side with the values of humanity and life, and not with certain individual or party. The principle of (5) Gender-equality is the basic principle for upholding women's rights. As such, a women's rights defender must continually develop his/her gender awareness.

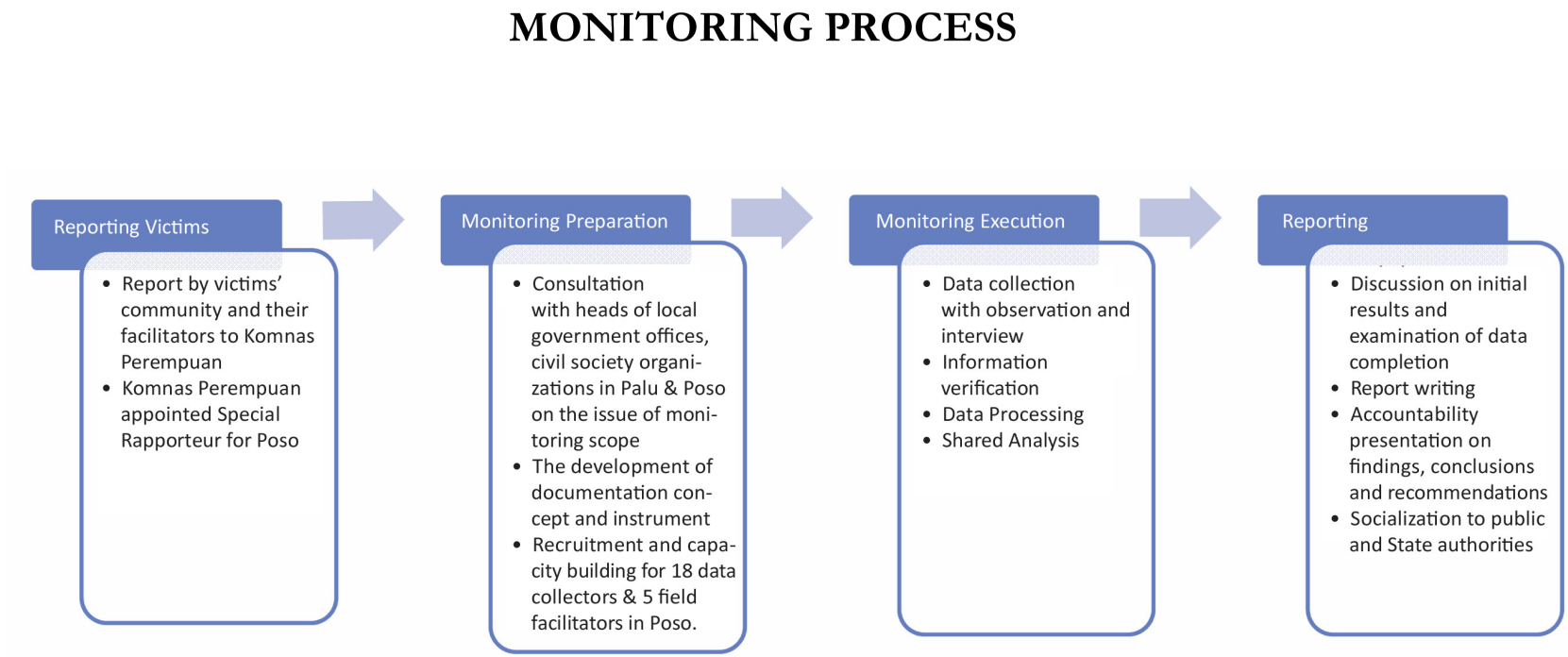
Komnas Perempuan also continues to develop an approach integrating the psychological recovery dimension at every process of documentation. This approach is important so that the documenters would not experience trauma for internalizing the agony experienced by the victims. Integrating recovery into monitoring becomes ever more important as team members came from the grassroots. Because all team members were also victimized by the Poso conflict on way or another, the monitoring activity may expose them to information that could bring back their trauma. Without integrating the psychological dimension into this process, this secondary trauma may be detrimental to the work of a documenter.

The documentation team consisted of 18 data collectors and 5 field facilitators. Three out of 23 documentation team members were men. Their age ranged from 19 to 60 years old. They came from different backgrounds, but all are volunteers from organizations working for conflict victims. To strengthen documentation process, data collectors were grouped into 6 based on their proximity to documentation locations. Each group of data collectors was supported by one field facilitator,with one of them assisting two groups.

In addition to the documentation team, another key component of support for the work of the Special Rapporteur is the Poso Working Group. The Working Group consisted of an expert team and *Komnas Perempuan* core team. The expert team is responsible for providing substantive support in developing work concepts, analysis and report preparation. The core team is responsible for coordinating the all field activities and data collection and with the Special Rapporteur for capacity building for all members of the documentation team. Along with Special Rapporteur, the Poso Working Group conducts documentation on political cases of violence against women.

Findings from observation and investigation conducted by data collectors would be first discussed at a regional meeting. Further discussions would be held in a full meeting attended by all data collectors, field facilitators, the core team and the Special Rapporteur. In the event that a case remained doubtful a follow up field verification may be conducted by data collectors or together with field facilitators. The core team may perform a repeat investigation, interview or verification with relevant parties. In cases with high level of complexity, the verification could be performed directly by the Special Rapporteur in person. The entire monitoring process in Poso can be viewed in Figure 1.

FIGURE 1


MONITORING PROCESS
Reporting Victims
• Report by victims' community and their facilitators to Komnas Perempuan
• Komnas Perempuan appointed Special Rapporteur for Poso
Monitoring Preparation
• Consultation with heads of local government offices, civil society organizations in Palu & Poso on the issue of monitoring scope
• The development of documentation concept and instrument
• Recruitment and capacity building for 18 data collectors & 5 field facilitators in Poso.
Monitoring Execution
• Data collection with observation and interview
• Information verification
• Data Processing
• Shared Analysis
Reporting
• Discussion on initial results and examination of data completion
• Report writing
• Accountability presentation on findings, conclusions and recommendations
• Socialization to public and State authorities

II. General Findings

1. The Conflict Context in Poso

Numerous publications1 on Poso conflict pointed to the case of a man hacked in a mosque in Poso in December 1998 as the starting point of the prolonged sectarian conflict between Muslims and Christians in Poso District, Central Sulawesi. The incident coincided with the Islamic holy month of Ramadan that was also during Christmas holidays. Tensions then rose between the two communities, and it became more acute during local elections for the Head of Poso District. After the election in October 1999, expression of disappointment at the results of election emerged as was evident in the circulation of provocative pamphlets citing the involvement of government officials and leaders of a certain religious group in the December 1998 unrest. Although the security forces managed to halt the distribution of these pamphlets, the social fabric of the people of Poso was already damaged.

It was against this background that a fight between two youth groups of different religions occurred in a bus terminal in Poso in April 2000. Shortly after, the fight was followed by mass mobilization of both communities. The situation deteriorated and culminated in an attack against Christian communities in Lombogia, Sayo and Bukit Bambu in Poso Kota sub-district. Retaliations ensued and attacks spread quickly beyond Poso Kota to Poso Pesisir, Lage, North Pamona, East Pamona and South Pamona. A Muslim community in Sintuwu Lembah village, also known as Kilo 9, was also attacked. The attacking group issued statements connecting their action to the assault against the Christian community in Lombogia. These series attacks and retaliations were then referred to as Poso riots taking place between April 15th to 21st of 2000. These resulted in 37 people dead, 267 houses and 3 houses of worship burnt down.2

Propaganda flaming religious hatred further escalated the conflict and used as justification for each community to attack each other (for conflict are distribution, see annex *Map of Poso Conflict: Conflict Sites and Displacement Mobilization, 2000 until 2003*). For example, in the incident of predominantly Moslem Sintuwu Lembah, the attacking group made verbal statements that related their assault with the earlier attacks against a Christian community in Lombogia in Poso Kota. This conflict escalation was also used to justify the arrival of

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1 See Tahmidy Lasahido, et al. in *Suara Dari Poso: Kerusuhan, Konflik dan Resolusi* published by Yappika, 2003; also see *Laporan Komnas HAM dalam Poso: Kekerasan yang tak kunjung usai* (*Refleksi 7 Tahun Konflik Poso*), published by Komnas HAM, 2005.

2 Head of Poso DIstrict in his report "*Perkembangan konflik sosial Poso*" released in 2001.

external 'militia' in Poso to support each conflicting group.3 Generally, the attackers equip themselves with sharp weapon, homemade firearms (*dum-dum*) and standard issueweapons.

Clashes between groups lead to a significant internal displacement following a pattern along religion lines. Individuals, families or communities feeling threatened were forced to abandon their homes, property and livelihood and move to other places inside or outside Poso District and live in communities with the same religious background. For example, most Muslims sought refuge to Poso City, Poso Pesisir, Poso Pesisir Selatan, Palu Kota and Makassar. Meanwhile the Christians moved to North Pamona, South Pamona, East Pamona, Palu and Manado.

10 Points of Malino Declaration for Poso

1. Cease all forms of conflict and dispute,
2. Abide by all forms and efforts of law enforcement and support imposition of sanctions against anyone who breaks the law,
3. Demand State authorities to take firm and just steps to ensure security,
4. To ensure the creation of peace, reject the imposition of civil emergency and foreign intervention,
5. Dispel all false accusations and lies toward any side and uphold respect and forgiveness toward each other in the pursuit of harmony,
6. The land of Poso is an integral part of Indonesia. Therefore, every citizen has the rights to live, come and take residence in peace and has to respect local customs,
7. All rights and possessions must be returned to the rightful owner as they were previously before the conflict and clashes,
8. Return all IDPs to their original homes,
9. Along with the government, to carry out rehabilitation of economic infrastructure and facilities comprehensively,
10. Observe respective religious tenets mutually respecting each other and abiding by all the agreed regulations, including laws, government regulations as well as other regulations.

Source: Tahmidy Lasahido, et al,
in Suara dari Poso, Kerusuhan, Konflik dan Resolusi

[3] Syamsul Alam, in "*Konteks Konflik Poso*", 2006, unpublished.

Responding to the Poso conflict, the central government initiated a peace agreement between the conflicting communities through Malino Declaration in December 2001. Following up points of agreement in the Malino Declaration, two commissions were established: (a) Security and Law Enforcement Commission, and (b) Socio-Economic Commission. Security Commission has two main responsibilities; *first*, in the field of Security to focus on disarmament and resettlement of IDPs ; *second*, in the field of Law Enforcement. The Socio-economic Commission has 10 program points: reconciliation effort, social rehabilitation, return of IDPs, living allowance assurance, physical rehabilitation, normalization of people's economic activity, social assistance, developing foster parent program, regular monitoring and evaluation, and program improvement in line with the needs in the field. These programs were administered by the Department of Social Affairs (Poso District Social Affairs Office), with the exception of reconciliation funds managed by Poso Regional Government and Malino 1 Working Group. The amount the central government allocated for Poso recovery was 54 billion Rupiahs4. The central government also implemented several recovery programs for IDPs/conflict victims: allowance support, life support, standard housing and house construction material. In addition, Poso reconciliation program was also set up as a follow up to Malino Declaration.

Following the Malino Declaration, open and massive clashes between communities abated, but the feeling of security among the people was not immediately restored. This was because the pattern of attacks shifted toward specific targets, such as bombings of public spaces and houses of worship, sniper attacks and mutilation of selected victim targets. In most cases, the perpetrator identity was not known to the victim.5 Besides initiating peace agreement, the government developed a security policy, especially by deploying police and *TNI* in all villages within Poso District as noticed since 2000 until 2005. The government also applied several other security policies, including the establishment of Poso Task Force to spearhead a the holistic security recovery. The Police Special Anti-terorist Detachment 88 (*Densus 88*)was also deployed to fight terrorists. This deployment is related to Poso's status as an area of operation of the *Jamaah Islamiyah* network.

Humanitarian aid delivery for IDPs also saw problems.In 2004 some 18,070 families (or 90,330 people) failed to receive aid that had been allocated to them. If IDR 2,500,000 was set out for a family, it would mean IDR 45,175,000,000 of aid failed to reach its intended recipients6, or was unaccounted for. Other problems arose from the conditions set for aid recipients. For example, housing aid from the government could only be accessed by people

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4 Syamsul Alam's article in "*Konteks Konflik Poso*", 2006, unpublished.

5 See chronology of mutilation case toward three public senior high school female students in Poso, shooting case of Rev, Susianti Tinulele and attempted murder case of two public senior high school female students in Poso.

6 "Investigation findings of LPSHAM Central Sulawesi", July, 2004.

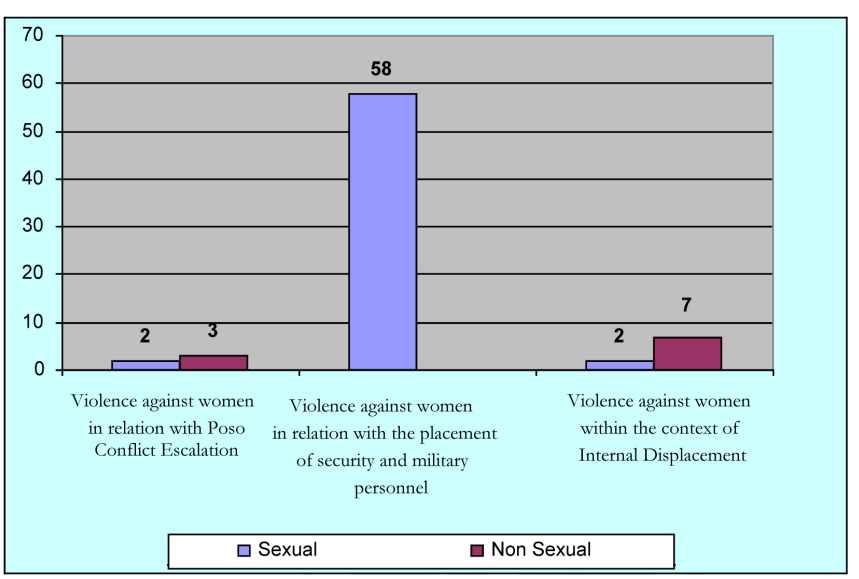
who own land and are willing to return to their homes. Consequently, people who are not ready to return due to their trauma could not access such support. Particularly affected are female-headed households who are not ready to return for feeling absence of security guarantee, as well as those whose land certificates were destroyed or missing during attacks.

The above general description of (a) situations that triggered or directly linked to conflict escalation, (b) the presence of security forces as the State's response to the conflict, (c) conditions at IDPs locations, are core contexts to be referred to in comprehending findings of documented cases of violence against women which will be explored in the following. In sum, the general picture of the Poso conflict and its effects on women, particularly in cases of violence against women, can be seen in Figure 2.

2. General Picture of Violence against Women in Poso

Documentation carried out by the Special Rapporteur and the team from July 2006 until July 2007 focused on cases of violence against women, that is, any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm of suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Declaration on Elimination of Violence against Women, Article 1). Physical, psychological and sexual violence may occur domestically, in the community and by the state, either perpetrated directly or by omission by the state apparatus (Declaration on Elimination of Violence against Women, Article 2).

Graph 1
Findings on Violence against Women in Poso, 1998-2005



2.1. Typology of Violence against Women Cases

Within the given time frame, the Special Rapporteur and the team documented 72 cases of violence against women in Poso. The majority of cases (86%, 62 cases) were cases of sexual violence and the remaining (14%, 10 cases) were non-sexual violence (see Graph 1).

As shown in Graph 1, the documented cases can be grouped into three typologies:

a. Violence against Women in the context of Poso conflict escalation

Two types of cases fall under this group. First, sexual violence against women during clashes between religious communities that includes (a) forced nudity of women in Sintuwu Lembah village on June 3rd, 2000 and (b) rape of women in Malei-Lage in December 2002. Second, arbitrary killingsof women that includes (a) shooting of Rev. Susianti Tinulele on July 18th, 2004, (b) mutilation of three Christian senior high school female students in Poso on October 29th, 2005, and (c) attempted killing by shooting of two senior high school female students in Poso on November, 2005.

b. Sexual violence related to the deployment of security forces

Between 1998 to 2005, there were 58 documented cases of sexual violence, 56 of which involved personal relations between security personnel and local women, mostly teenagers. These included rape, forced abortion and sexual exploitation. Several cases of gender-based exploitation were also found.

c. Violence against women in the context of internal displacement

The most frequent case is domestic violence and violence against women in the community. IDPs originated from villages attacked by rival religious groups within the first phase of conflict, between 2000 and 2001.

Each case typology will be elaborated in Specific Findings section, that will include description, types of violence, impacts suffered by the victims and the community, patterns of violence and State responsibility.

Besides by typology, the documented cases can also mapped based on the case domain based on the relation between the victim and the perpetrator, as shown in Table 2.

Table 2
Domain, Types and Forms of Violence against Women in Poso

Domain	Relationship between victim and perpetrator	Kinds and Forms of Violence
Private/ Domestic	Husband	Domestic violence – beating, intimidation, harassment, mobility restriction, restriction on economy access
	Father	Domestic violence – abandonment
	Dating partner	Sexual exploitation Forced abortion Rape
Community/ Public	Neighbor	Intimidation and verbal abuse
	Employer /Employer's Son	Rape
	Stranger	Murder Rape
	Stranger (members of the enemy community)	Mutilation Shooting Forced nudity
State/ Authorities	Security personnel	Rape Sexual exploitation Forced abortion
	Village authorities	Gender-based labor exploitation

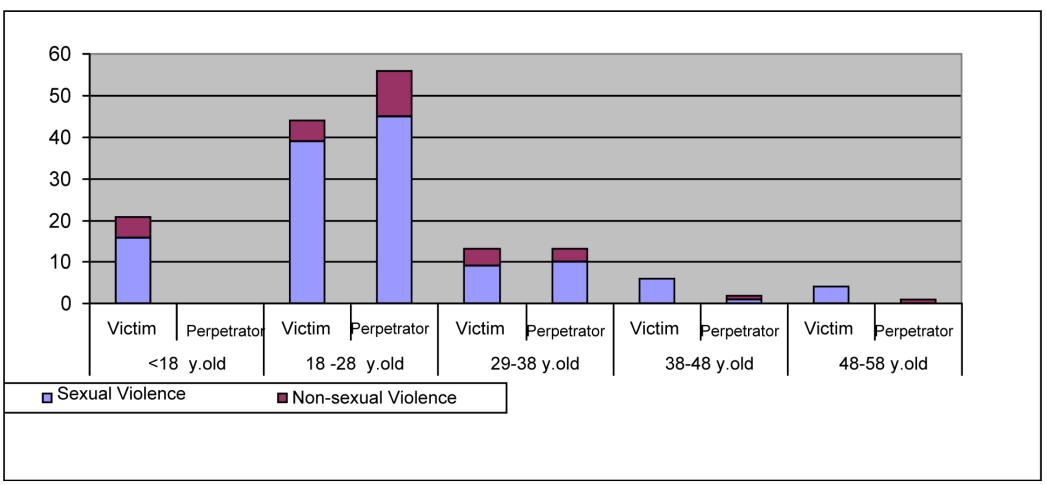
2.2. Characteristics of Victims and Perpetrators

Most of the victims were 18 to 28 years old totaling 44 cases that included 39 (89%) victims of sexual violence and 5 (11%) victims of non-sexual violence. Another vulnerable age group is children (below 18 years old) with 21 cases where 16 (79%) victims of sexual violence and 5 (23%) victims of non-sexual violence. The age of 188 victims of sexual violence was not identified as they already moved to other places and their whereabout is unknown.

As many as 9 cases were committed by 16 perpetrators whose identities or age are not known to their victims. Seven (43%) were perpetrators of sexual violence and nine (56%) were non-sexual violence. Almost all cases involved more than one perpetrator. The majority of

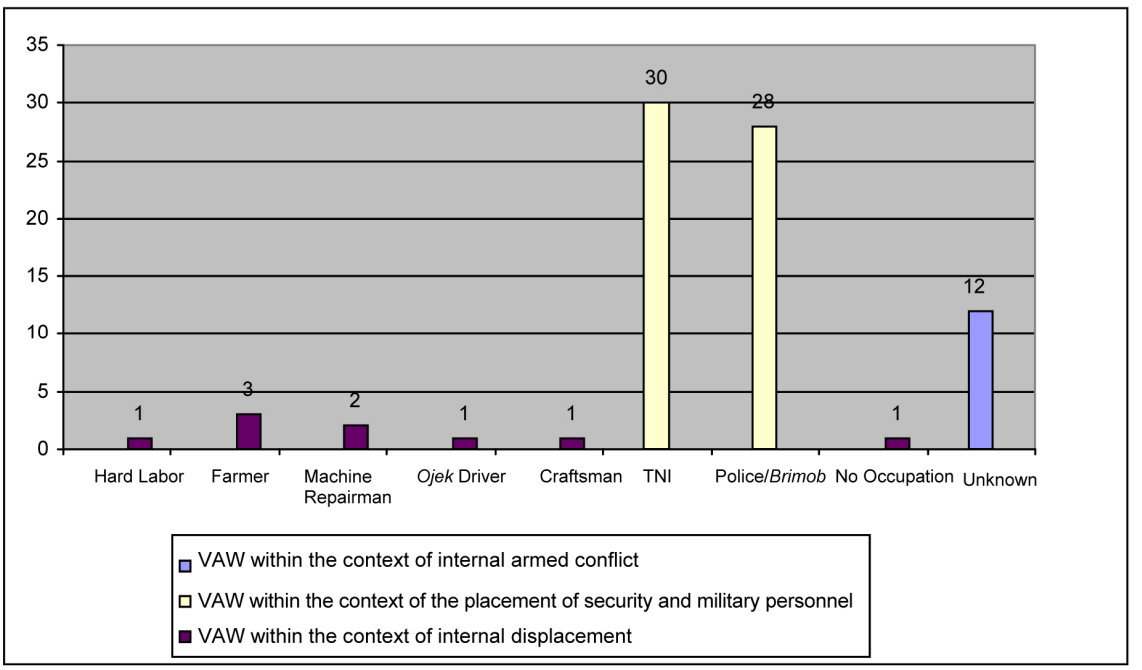
perpetrators were between 18 to 28 years old (56 individuals). 45 of them were sexual violence perpetrators and 11 were non-sexual violence perpetrators. The youngest perpetrator known to the victim was 20 years old and the oldest 40 years old. There were underage perpetrators identified among the documented cases. The ratio of perpetrators' age and victims' age is shown in Graph 2.

Graph 2
Victims' and Perpetrators' Age based on Type of Violence



There were 58 cases of sexual violence perpetrated by security forces who were assigned in post-conflict recovery operation in Poso. Among them, 30 perpetrators were in the military and 28 persons were members of the Police/*Brimob* (Mobile Brigade). The occupation of 12 perpetrators of sexual and non-sexual violence during the internal armed-conflict were not known to their victims. Perpetrators of violence in IDPs locations work as farmers (2 individuals), mechanics (2 individuals), and one person each worked as laborers, motorcab drivers and craftsman (see Graph 3).

Graph 3
Perpetrators' Occupations



2.3. Victims' Condition

To this date, not all victims have received justice for violations they have suffered. The legal system has also failed to fulfill victims' rights and assure legal certainty, as attested by Ch, a rape victim: "*I do not feel fair with how things have been handled so far because the perpetrator has not been complying with Manado Military court order to provide child support until his child finds a job.*" Even more so,settlement by traditional, religious and other non-formal institutions often tended to corner victims, as stated by Cb, a sexual exploitation victim: "*I do not feel the settlement has been fair, because it only followed my father's will, not mine. I was going to report this incident to Poso District Police but my father preferred settling it in non-formal way.*" In this case, the perpetrator paid a sum of money as agreed with the victim's father.

Women victims also complained about the physical and psychological effects that they must bear to this day. Victims were further impoverished because they failed to get access to available recovery mechanisms. Access is stifled even more when victims have to face stigma and isolation due to the violence they experienced. The victims' condition is summarized in Figure 3.



doc. Komnas Perempuan, 2009

III. Violence against Women in the Context of Poso Conflict Escalation

1. Sexual Violence during Sectarian Clashes

1.1. Gender-Based Forced Nudity

> *"…on that last night we were examined, we were told to strip our clothes down. We were told to enter a big room one by one. The guy who examined us carried a samurai sword that he put on a table. There was also a big lamp. He told us to strip our clothes down until he could see our privates. He said, we, the Javanese became rich because we keep amulet in genitals or breasts. He found nothing from us, but in the end he brought in a small red package with black strap. He asked whose package it was, but nobody answered because none of us owned that thing. Before, he asked if we would get naked, or else our family members would not be safe. So we thought we'd better get naked rather than risking our families…"* (Victim of forced nudity, 2000)

1.1.1. Incidents of Forced Nudity

Forced nudity was experienced by an estimated 200 women in Sintuwu Lembah village on June 3rd, 2000 as part of attacks to Sintuwu Lembah village. These attacks on villages was part of conflict escalation in Poso that started in mid April 2000.

Sintuwu Lembah village is located in Kilometer 9 in Lage Subdistrict, Poso (for location, see annex *Poso Conflict Map: Conflict Points and IDPs mobility, 2000*). The majority of Sintuwu Lembah residents are transmigrants from Central Java, northern Coast of Java and East Java who has settled there since 1973. Aside from transmigrants, a small number of Sintuwu Lembah residents are Poso locals. It is a predominantly Muslim area with a small number of Christians. Most earn their living from farming. Pesantren Walisongo, an Islamic boarding school, is located in this village. Information gathered from victims of forced nudity and other sources described the chronology of events of the attack on Sintuwu Lembah village (also known as Kilo 9):

> *Thursday, May 25th, 2000*
>
> A house at Kilo 9 was attacked with a bomb that failed to explode. This incident is believed to be in retaliation to attacks by a Muslims from Kayamanya Village on Christians in Lombogia at dawn a day earlier (May 24th, 2000) that killed 3 people,

including one policeman, and wounded 15 people. As a result, Kilo 9 residents planned to move toward Poso town using seven mini buses. When they passed Lage police office, the police chief suggested that they return to Kilo 9, assuring that it would not be attacked. This assurance encouraged them to rerturn to Kilo 9.

Evening of Friday, May 26th, 2000

The Lage sub-district head and police chief held a dialogue with the community at Pesantren Walisongo. The people were asked to dismantle their handy-talkie antennae as a condition for guaranteeing their security at Kilo 9. The people reported that several days earlier they had seen many people dressed in black with red head bands passing by, some were sitting along the road. The residents were feeling insecure and those living near the main road decided to move to the center of village. When the situation deteriorated, the villagers decided that women and children should take refuge to the farm and near riverbanks about one kilometer away from the village, while the men would stay to guard the village.

Saturday, May 27th, 2000

Eleven local police personnel visited Kilo 9 to examine the security situation. One villager (a victim, with initial AE) reported that a member of the attacking group (initial UT) came to see her husband to inform the planned attack and suggested that the victim and her husband move to a hut in the farm.

Sunday, May 28th,2000

Sintuwu Lembah was eventually attacked. Houses, the mosque and Pesantren Walisongo were burnt down. The attackers arrived in a police truck, dressed in black and wearing black balaclavas, black head bands, and a red scarf or armband. Some of them were also wearing a red bracelet or the so-called *kongkoli* bracelet. Attackers who did not balaclavas painted their face black and red. Most of the attackers were unknown to the villageres, except one who seemed to be the leader, identified as DD or Mr. M, from Tagolu village in Poso.7 Attackers were carried *dum-dum* rifles or handmade firearms, poisonous darts, arrows, lashes, electric cables, M-16s, machetes, megaphones, "samurai" swords, arriving in trucks. They spoke Javanese and Poso dialect and shouted words like *"attack","Jesus' blood", "search the river,"* and *"pigs-dogs!, you burned our church in Poso!"*during the attack.

Men of the village initially tried to stave off the attack, but when they got cornered some fled to across the river to join the women and children, who had fled there earlier. 74 men who remained in the village then surrendered. They were collected and told to squat near the mosque corner. They were hacked with machetes; 36 of the

7 Interview by the Special Rapporteur and team with one of the surviving victims in Poso in January 2007

surviving victims were taken on a truck wearing only underwear. One man survived because he pretended to be dead on the site.

The attack was targeted at Sintuwu Lembah Muslims only. Before the attack the houses of Christians marked with cross using rattans and were left undamaged. After the attack, one of the attackers with initial UT went to the evacuation point on the riverbank. UT picked up Christian villagers who also hid with Muslims to be moved to Tentena.

Throughout the attack, security forces were unseen despite the fact that Lage Police office was located only 100 meters away, Lage Sub-district Military Command (*Koramil*) only 200 meters away and Poso 711 District Command (*Kodim 711 Poso*) only 5 kilometers away from the site.

Monday and Tuesday, May 29th and 30th, 2000

Sintuwu Lembah residents who fled to the riverbank moved to village Lembomawo, 7 kilometers away. But they were caught by men wearing attributes similar to the attackers'; dressed in black, with black balaclavas and red headbands. They were held for one day at a small mosque in Lembomawo before being released and told to return to their home village. From Lembomawo, villagers split into smaller groups; some returned to the river bank where they initially fled, some stayed in the huts in farms, commonly called *Tabuya*, while others fled into the forest.

Wednesday, May 31st, 2000

Villagers who moved back to the riverbank were caught. All men were tied and stripped down to their underwear. The villagers were taken to Tambaro village just one kilometer away south of Sintuwu Lembah. There, women were separated from men. The men were placed beside the church while women and children in the village hall, the *Baruga*. The women and children were held up for three days and nights. Throughout it all they were constantly threaten with weapons, even when they had to use the toilet or wash their children's clothes.

Thursday, June 1st, 2000

Meanwhile, other villagers who were resting in farm huts were captured by the attackers who came searching with hound dogs. Men and women were separated; the men were taken to Tagolu village 2 kilometers to the north of Sintuwu Lembah, while women and children were told to walk to a TNI camp in Kawua. When they arrived at Ranononcu village, those women and children were guarded by men wearing army fatigues. They were then picked up by the military at Kilo 4 post and taken to Kawua TNI camp. A woman who was relocated to Kawua TNI camp told how she witnessed dead bodies floating in the river, *"…I knew that my family had died. On Friday, I bathed in the river with my sister. She saw a dead body floating by in the river. She then screamed, but I told her*

'don't scream because there are Christian villagers who are also staying at the TNI camp', After that I also told my children who wanted to bathe, 'don't take too long, if you see a dead body, don't shout.' Then my children came home crying. They both hugged me. They told me that they had just seen their father's body floating by in the river."

Meanwhile other villagers who hid in the farm were captured by attackers with their dogs and taken to Payue village, two kilometers away from Lembomawo. Men and women were separated. The men, about 28 of them, were stripped naked and tied together, five men in one knot. They were led to Ranononcu village8 three kilometers from Lembomawo and were put in village hall. There they were beaten and stomped on. From Ranononcu they were transported in a truck to Tagolu riverbank across from Ranononcu. As they arrived at the riverbank they were told to step down from the truck one by one and were hacked with a machete with their arms hands tied by Mr. M who already waited there. Some of them survived because they managed to jump into the river and carried away by the current9. Meanwhile, the women were told to walk to Kawua village to a TNI camp one kilometer away from Ranononcu and stayed there as IDPs.

Friday, June 2nd, 2000

"Uncle" T, one of the attackers came to the villagers' hiding place and led them to Ranononcu10. In front of Ranononcu church, a resident of Kilo 9,named A, was assaulted by the attackers. A was kicked and beaten until his teeth fell. After the assault, the villagers continued their journey. They walked in groups, women in front and men behind. The attackers guarded them until Kilo 4 to continue their walk to Kawua TNI camp and stay there.

During the assault in Ranononcu, one TNI 711 member was seen among the attackers. Besides that, not a single member of the security force was present or attempted to rescue the captured villagers. TNI 711 camp in Kawua must have known about the violence that took place in those villagers because they were relocated in their direction.

Saturday, June 3, 2000

After three days being held in Tambaro village, on the final night the women from Sintuwu Lembah were collected to be examined. They were told to enter a room one by one and were forced to strip naked. The purpose was to check whether they kept amulets in their breasts or genitals. The women did not dare to resist or argue because not wanting to put their family in risk. Failing to find anything, the women and children were released the next day, and told to walk away on their own. They walked to Kawua TNI camp and stayed there.

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8 Ranononcu village is located between Sintuwu Lembah and Kawua.

9 Interview by the Special Rapporteur and team with one of the surviving victims in Poso in January 2007

10 Interview by the Special Rapporteur and team with one of the surviving victims in Poso in January 2007

Although the victims were released because the attackers found nothing, this forced assault bears a specific connotation in the context of Poso. This forced nudity is closely related to the attackers' strategy of crushing the victims' community.

First, it relates to the prime strategy of defeating one's opponent by killing the adult men population. By doing this, adult women will automatically become the backbone of their families and community. The forced nudity and finding amulets is a way to break the remaining strength of victim's community. Women's economic power is manifested in the myth of amulets hidden in breasts and genitals. Making sure that they no longer possess this amulet becomes the obsession to ensure the opponent's destruction.

Second, forced nudity meant to destroy the women's integrity. For women in many cultures, standing naked in front of someone with whom they do not have intimate or personal connection is a shameful act and will therefore forever tarnish their life. Third, forced nudity is meant to destroy the psyche of the opposing group. For women victims, sharing this shameful experience will only further disgrace themselves, their families and communities. Forced nudity is a symbol of damaged sanctity of a community borne by their women.

1.1.2. Impact of the Attack on Sintuwu Lembah and the Forced Nudity

Attacks on Sintuwu Lembah resulted in 201 deaths; one of them was a pregnant woman. 38 men were killed during the initial attack and the other 163 were killed during the search for fleeing and hiding villagers after the first attack. On May 2006, Central Sulawesi Regional Police facilitated an exhumation of a mass grave in Tagolu. Some of those killed were found in that graveyard, but others remained missing to this day.

The series of attacks decimated the population of Sintuwu Lembah. Before the attack, there were 1,016 people, consisting of 458 females and 558 males. In 2007 the population fell to 281 people, 151 females and 130 males. Aside from killings, the population also fell because many decided to remain as IDPs in the absence of any security guarantee.

After the attacks, the women of Sintuwu Lembah were left with a deep trauma. The grief of losing their husbands and other men in their family aggravated their mental state. They know some of the attackers and to this day those people are still around and live in Poso. When they come across these perpetrators they feel terrified, full of pain, hatred and anger. Nevertheless they have to survive, and their children give them the strength to carry on.

Many women became widowed as their husbands were killed or are still missing. Some chose to return to their villages and continued on living even though their houses and property were destroyed. Because access to assistance has been limited, these women would perform any work to make ends meet for their children and family. The chocolate groves that had

been their source of income had to be sold because the location is too far, considering safety concerns. The remaining option was to work the rice fields or grow vegetables near the house. As they were unable to make ends meet, they fall deeper into poverty.

Some of the widows chose not to come back to Sintuwu Lembah. They now live in *Pesantren Aisyiyah* in Palu or in Kayamanya village and Gebang Rejo in Poso City. They chose not to return largely because they are still traumatized and their safety is not guaranteed. The government's lack of attention and haphazard handling of such cases has further put them into destitution. They are forced to do anything to support themselves, such as peddling in the market or open small food stalls. A woman victim said that she had to remarry in the hope that the new husband will provide support and safety.

The surviving men of Sintuwu Lembah are suffering serious injuries from the torture. Some of them are permanently disabled. They are afraid to act as witnesses for the Sintuwu Lembah killings because there is no witness protection mechanism. According to victim SL01, he was once asked to be a witness for Tibo case in Palu. Throughout proceedings, he did not receive any protection from the security forces. He is also afraid to name a member of TNI 711 battalion who was seen involved in the attacks at Kilo 9 despite the fact that he knows exactly who the person is.

Children also suffer from severe stress having experienced torture and witnessing the murder of their fathers or seeing the dead body of their father carried away by the river. A child was tortured, a burning cigarette's butt put into his mouth, his hand cut, his head beaten and his head used as target for poisonous darts,and with his hands were tied he was thrown into the river. The child is now handicapped and experiences stress. The two children who saw their father's dead body on the river when they stayed at Kawua TNI camp bear a deep trauma, as told by their mother, *"…Since then my children are stressed out, they would not go to school and they often cry. Until now, the older child dropped out of school and only the younger one stays in school…"*

Rapes in Pesantren Walisongo

The story of rapes during the attack on Pesantren Walisongo in Sintuwu Lembah village in May 2000 has been widely published in seminars and workshops on Poso conflict,newspapers and books studying the conflict, including in witness testimonies during court proceedings of Poso conflict cases.These stories had often been used to light up the flames of public anger, especially that of the Muslim community in Poso, with the aim to gain support for retaliation against the other community.

As there has not been any serious investigation into this case, Komnas Perempuan Special Rapporteur sees that it is important to collect accurate data about the rape case. For that purpose, the Special Rapporteur contacted several parties who have published the case and met with other relevant sources.

A source who authored a book on Poso Tragedytold us that during panic in Sintuwu Lembah attack, three or four women came and reported that they had been raped. But there was no further contact with those women. The source tried to facilitate a meeting between these victims and the Special Rapporteur had but not succeeded. One of the victims suffered from stroke while the whereabouts of others are not known.

Based on testimony of the surviving witnesses/victims of the attack,the Special Rapporteur gained information that before the attack took place, all female students had been moved out of Pesantren Walisongo.

The Special Rapporteur also cross-checked the informationwith the coordinator of Poso conflict research team from Tadulako University, Palu. A finding from the Sintuwu Lembah attack that has been confirmed revealed that sexual violence in the form of forced nudity did take place.

Meanwhile, the head of Poso conflict study of the National Commission on Human Rights (Komnas HAM) explained that statements about rape occurring at Pesantren Walisongo in Komnas HAM's publication was not a research finding. That information came from a study that relied on secondary sources, including from newspapers.

Based on that information, the Special Rapporteur concluded that it is not yet definitive whether rapes did occur during the attacks on Sintuwu Lembah Village. As such, further investigation is still required to confirm this information.

1.2. Rape

Mrs. Y from Poso was raped on December 24th, 2002. At the time, Mrs. Y and her husband were staying in their farm hut, three kilometers from their village. The husband was killed and Mrs. Y was raped by a man named Fendi alias Ichan (based on villager's information). At that time conflict escalation and sectarian violence was still taking place in the village. Mrs. Y told the Special Rapporteur team:

> *"My husband and I were staying in the farm. My husband was killed in the farm right before my eyes. On Monday night, December 24th, 2002, around 8.30 p.m. a voice from outside told us to open the door. My husband did not even have the chance to open the door, a shot came through the wall and hit him in the back at the right side. My husband pleaded for mercy, prostrating and saying Ichan's name. My husband recognized the face of the man because his mask revealed the face. In one swing his machete cut my husband's neck. I tried to fight back but mine was only a woman's strength. He punched me in the chest several times until I cried for help. He was still holding the machete. As far as how I was forced to serve him[forced to have sex with the perpetrator], I'm sorry but I cannot talk about that becauseit will only hurt me more."*

After that incident, Mrs. Y was treated at a hospital in Poso. As she was psychologically disturbed, she was later transferred to Mamboro Mental Hospital in Palu and treated there for one month. But then Mrs. Y refused to be treated longer because she was placed together with other mental patients. Mrs. Y was also visited several times by the police from Poso District and Central Sulawesi Provincial Police and was questioned about her case.

She was interviewed several times but there has been no settlement to this date. For Mrs. Y being questioned over and over again actually brought back her memory of the incident and instilled fear back in her.

Due to this incident, Mrs. Y had gone under hospital treatment several times and she often suffers headaches. To this day she still feel fear at the memory of the incident,even when she hears the sound of a machete, she has to cover her ears in fear. When she moved to Palu, she got healing treatment from Al-Khairaat group. In addition, a women prayer group invites her to join their sessions where she is introduced as a rape victim, but there's no real recovery effort given. At this time Mrs. Y feels that this only makes her even more depressed. Now Mrs. Y lives with her parents and tries to make ends meet by selling meals at the school near her house. According to Mrs. Y, she never received any support as a conflict victim.

2. Arbitrary killings of Women

Arbitrary or extra judicial killing refers to any act that causes the loss of one's life which is committed intentionally against the law or legal procedure. The arbitrary deprivation of a human life is a gross violation of international human rights law, as stated in Article 3 of the Universal Declaration of Human Rights, that everyone has the right to life, liberty and security of a person. Furthermore, Article 6 Section 1 of the International Covenant of Civil and Political Rights states that every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. The right to life is a non-derogable right even in the context if emergency situations, absence of security and armed conflict.

In the context of Poso, civilians became victims of arbitrary killings by unknown people in the form of summary killings, mass killings and mutilation. These kinds of killings took place during the second phase of Poso armed conflict, that is, since 2002 when the intensity of attacks between communities abated. As such, these arbitrary killings is best understood within the context of instilling terror against the people in order to sustain the armed conflict in these areas.

Women are specifically vulnerable to becoming victims of arbitrary killings for their gender role and position in the community. The cases referred to in the discussion about arbitrary killings are (a) the shooting of Rev. Susianti Tinulele in July 2005, (b) mutilation of three Christian senior high school female students in Poso in October 2006, and (c) a killing attempt on two senior highs school female students in Poso by shooting in November 2006.

Description of these three cases of arbitrary killings was gathered by the Special Rapporteur and the team from various sources, especially from interviews with witnesses in the shooting of Rev. Susianti, and in the other two cases with the surviving victims.

2.1. The Shooting of Rev. Susianti Tinulele at Efatha Church, Palu

Susianti Tinulele was a priest at the Central Sulawesi Christian Church who served the community at Palu IDP locations (see annex *Poso Conflict Map: Location of Shooting, Bombing and VAW, 2004*). Efatha church is one of the big churches and is crowded during the Sunday mass. The shooting took place on Sunday, July 18th, 2004 around 7.10 p.m. local time. That day she was taking over another priest to lead the Sunday mass attended by some 500 people, most of whom are young.

Before the shooting, the people who lived in front of the church were threatened with guns by the perpetrators and told to stay in their houses. There were four men. Two of them entered the church to carry out the shooting while the other two waited on motorbikes parked in front of the church. The shooters walked to the front door and fired two shots at two young people who were standing on the church terrace. One was hit on the hip and the other on the knee-cap. The shooting happened at 7.10 p.m. local time. At that moment Rev. Susianti has just finished giving her sermon and was asking the church choir to sing. Soon after the first shooting, the mass heard gunshots being sprayed into the church. The mass panicked and ran out of the church. One bullet hit Rev. Susianti in the forehead as she stood on the podium and burst her skull. Her body was thrown back against the wall as a result and she died instantly. The shots also hit two young women; one in her right eye and the other on her right thigh. The shooter also aimed at the electricity meter box,but only managed to hit the handle of the automatic generator set. After the shooting, the perpetrators ran away.

Another priest who happened to be in the church during the incident said. "…*after the shooting, the congregation burst out and ran to the back of the church. There, someone said that there was an attack from the back of the church too. Then they ran back to the front. Everything was chaotic then.*" The priest then called the police. Only about 15 to 20 minutes later the police arrived at the scene, while actually the police post was very close from the shooting location. It normally takes around three minutes to get to the church. Based on the information from a man who attended the prayer that afternoon,there was no cell phone signal for some time after the incident.

In response to the Rev. Susianti's shooting, the local government provided some financial reliefto the victims' family. In the meantime, all medical costs for the other four victims was paid for by churches in Palu.

Apart from deaths and injuries, this shooting incident instilled fear among the church community. Many of them are afraid to stand as witness for this incident because there is no protection mechanism available to them. The church caretaker is still in trauma to this day from repeated questions asked to him about the incident.

Investigation conducted by the National Police Headquarters identified the involvement of a youth group from Poso as the perpetrators. According to them, the motivation behind the shooting was in retaliation to the attack on Muslim communities. Among the people, rumors had it that the attack in question was the rape and sexual harassment incidents during attacks in Sintuwu Lembah.

2.2. Mutilation of Three Christian Female Senior High School Students in Poso

Mutilation is any act that permanently cuts or disfigures the whole body of a person(s) or permanently incapacitates or dislocates one body organ or the extension of body organ (supporting organ) of a person(s). This act actually causes death or seriously endangers a person(s) physically or psychologically. Because mutilation is an extremely sadistic act, killing by mutilation creates extreme terror as well.

The mutilation and killing occurred on October 29th, 2005 in Bukit Bambu. The victims were four female students of Poso Christian Senior High School. They are: Ida Yarni Sambue (13 years old), Theresia Morangka (16 years old), Alfita Poliwo (19 years old) and Noviana Malewa (16 years old). Only Noviana (Novi) survived as she jumped into a ditch. They were murdered on their way to school that is 2 kilometer away from their homes (for location, see annex *Poso Conflict Map: Locations of Shooting, Bombing, and VAW, 2005*).

> As usual, on the morning of October 29th, 2005 around 6.30 a.m. local time, the four victims were walking together to school. They walked in a file because of the narrow footpath. Theresia and Alfita walked in front, followed by Novi and Ida. About 1.5 kilometer from the hamlet, a man suddenly appeared from the right side of the street. It seems like he had been waiting there for quite some time already because the footpath was not cut off into a drop, there was enough space to sit down. The man was dressed in black with long sleeves, his face was covered and his hand was holding a machete. As soon as he appeared, Novi immediately turned back and ran toward the hamlet. Ida, too, turned back and ran into Novi who was slower. Novi fell face down but Ida kept running. The man swung his machete at Novi who was lying on the ground hitting her on the right cheek down to the right side of her neck.
>
> After slashing Novi, the man chased Ida. At that moment, Novi stood up and threw herself down the cliff on the left side of the street. Novi then ran following a water channel heading for Bukit Bambu village. As she arrived there, Novi went to Bukit Bambu *Brimob* post. An intelligence unit car from Poso was already there with two

personnel. Novi was taken to Poso Hospital. According to Novi, the perpetrator was about 175 cm tall, medium weight and barefooted. Novi did not witness how Theresia and Alfita were decapitated. She only heard their screams as they both had already walked rather far ahead.

The three victims were found dead with their heads decapitated. Theresia's and Alfita's heads were found wrapped in a black plastic bag on the terrace of one Kasiguncu village resident, Poso Pesisir Sub-district. The house is 15 kilometers away from the scene where the bodies were found. In the plastic bag there was a piece of paper with Arabic writing and the translation below "*still looking for 100 more heads for Idul Fitri gift, blood for blood, a head for a head.*" Meanwhile, Ida's head was found wrapped in a black plastic bag along the trans Sulawesi road in Tagolu Village, Lage Sub-district, Poso, 9 kilometers from the site where her body was found in Bukit Bambu village.

A witness, Mrs. AN, spoke of the incident. She and another woman from Bukit Bambu were walking on their way to Poso behind the victims. She heard a hysterical cry from the victims. Afterwards, Mrs. AN saw a man walking down the hill, wearing dark clothes with long sleeves and a balaclava. Seeing him, she and her friend ran to Bukit Bambu and reported the incident to a TNI personnel whom they met along the way. Bukit Bambu TNI personnel then followed the tracks of the perpetrator down to Sayo Village, a place close to the scene. In one abandoned house in Sayo, they found a pair of pants with blood put in a pail.

The National Police Headquarters ran an investigation over the case and identified three suspects: Hs, LP and II. During the investigation, the perpetrators confessed that their motive for mutilation was to retaliate against Christians who slaughtered a Muslim community in Poso, including the Walisongo Case (2000) and Buyung Katedo Case (2001). The three men were found guilty of premeditated murder and were sentenced 20 years in prison for Hs and 14 years for LP and II.

The sole surviving victim still suffers from headache and pain in her jaw from the machete cut to the right side of her neck. She also suffers psychologically from anxiety, insomnia and tremors whenever the memory of incident comes back to haunt her. She also felt tired of media coverage of televisions and printed media that have approached to interview her.

The people were also put into shock by this savage incident. Bukit Bambu residents did not dare pass the road of the crime scene. Fortunately, the people were not provoked by the incident, preventing further conflict.

2.3. The Shooting of Two Female High School Students in Poso

The incident took place on November 8th, 2005 in front of one victim's boarding house on Gatot Subroto Street in Poso City (for location, see annex *Poso Conflict Map: Locations of Shooting, Bombing and VAW, 2005*). One victim was a Christian girl named Ivone (18 years old) and the other a Muslim girl named Yuli (17 years old). Both went to the same senior-high public school in Poso, and despite having different religions, both were good friends.

> On the day of the incident, Yuli was waiting for her relative who was taking their aunt back to Toini village, Poso Pesisir Sub-district on a motorbike borrowed from her friend Joni. Yuli was sitting with Joni in front of her room when Bidin, another friend of Ivone and Yuli, came on a motorbike with his friend. The later had a scratch mark on his right cheek, light skin, rounded face and a bit short. Bidin asked Yuli to tell Ivone not to go anywhere at 7 p.m. that evening as there was someone who wanted to meet Ivone. Then Bidin and his friend took off. Soon after, Ivone came with her friend Kiki. Yuli told her Bidin's message. So Ivone took a long chair and joined Yuli and Joni sitting around, while Kiki sat on the bike.
>
> Around 7 p.m., two men came riding a silver motor bike from the direction of *Perintis Brimob* Post, 200 meters away. In front of Yuli's place, the man at the back patted the driver on his shoulder saying, "*Stop…stop..! That's it.*" The bike stopped 3-4 meters from where the two victims sat. The man the got off the bike and took a gun from his jacket. He fireda shot at Kiki but missed because Kiki managed to run immediately. The second and third shots were directed at Ivone and Joni. These shots also missed the target because they both ran right away. The fourth bullet targeted Yuli and hit her on the lower part of the left jaw. When Yuli collapsed to the ground, the shooter ran after Ivone to the back of the house. He shot and hit her on her right cheek through the left cheek. But Ivone kept running heading to a neighbor's house and hid herself in the toilet. She heard the shooter shouting, *'Don't run! Don't run! Or I'll kill you!*' Then the bike honked twice, as if a code to call the shooter. The shooter turned back and saw Yuli trying to run outside the gate. He shot but his gun did not fire.
>
> During the incident, no security personnel came to help despite the fact that *Perintis Brimob* Post was only 200 meters from the scene. Poso Regional Police barracks and the house of head of Poso Regional Police was located only 600 meters from the scene.
>
> According to Ivone, the perpetrator's name was Ilo. They met in August during *dero* (Poso folk dance) party in Poso Beach. During the questioning by the police from *Densus 88* in YTM office, an organization working for victims of conflict in Palu, Ivone found out that the perpetrator's complete name was Second Brigadier BS. Based on victims' report, police identified Ilo as the suspect. But later, after the capture of a youth group accused of having links with a terrorist network in Poso, police identified W and A from the group as perpetrators of the shooting incident. The shooting recon-

struction was reenacted in April 2007. Both victims withdrew their report about the involvement of Ilo as the shooter.

As the result of the shooting, the jaws of both victims were maimed. They first tried to escape to *Perintis Brimob* Post, and they were taken to Poso General Hospital for treatment. Then, they were moved to Bhayangkara Hospital in Palu and were treated for two months and two weeks. They wore braces for their jaws. When they were interviewed, they still had bullet fragments and jaw-braces, although doctors said the braces should have been removed some time ago11. In addition to the physical damage, both victims said that they always feel suspicious of strangers and fearful when interviewed by the media. They are also tired of being interviewed because their expectation of a settlement, their medical treatment, had not been realized.

[11] In a follow-up interview by *Komnas Perempuan* with victims' facilitator in Palu on March, 2009, it was informed that both victims had already received medical treatment for their physical recovery that was facilitated by the Police.



doc. Komnas Perempuan, 2007

IV. Violence against Women in Connection with the Posting of Security and Military Personnel

1. Security Policy

Between 2000-2005, the Central Government issued a number of security operation policiesto handle the armed conflict in Poso. Table 3 shows security operations involving the Police and *TNI* under the command of the National Police.

Table 3
Security Operation for Poso Conflict

Year	Operation Code	Number of personnel **(TNI/Polri)**
2000	Sadar Maleo	14 SSK
	Cinta Damai	489
2001	Sintuvu Maroso Operation	3000
2002	*Mandiri Kewilayahan* Operation	2000
2003	Sintuwu Maroso-2 Operation	4162
	Sintuwu Maroso-3 Operation	3135
	Sintuwu Maroso-4 Operation	3223
2004	Sintuwu Maroso-5 Operation	1350
	Sintuwu Maroso-6 Operation	3512
2005	Poso Task Force	4000
	Lanto Dago Operation	2302
	Special Police Unit/*Polres*	> 2000
	Community Police	5-8

Source: LPSHAM Central Sulawesi, 2005

The operations followed a pattern where *Brimob* and *TNI* posts are built along TransSulawesi road, at each entry point to villages in Poso District, and setting up similar security posts in the middle of communities in each village. On average, the length of assignment for security/military personnel in Poso is 2-6 months. In addition to the above policies, by

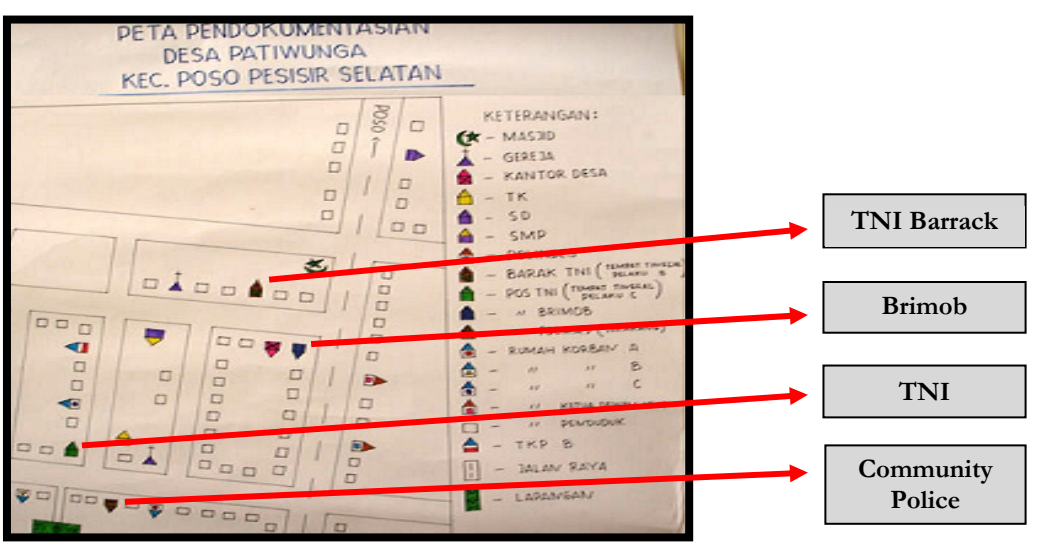
2005 the National Police implemented Community Police program, which has resulted in the presence of more than one police post in every village in Poso.

Due to difficulties in accessing data on the number of personnel posted for operations before 2005, the Special Rapporteur and its team can only provide data of year 2005. The total known number in 2005 was 2,302 TNI and Polri personnel spread in 8 sub-districts in Poso District12, with the following breakdown:

- Poso Pesisir Utara sub-district, security posts placed in 6 villages with 55 personnel,
- Poso Pesisir sub-district, security posts placed in 10 villages with average number in each post 124 persons,
- Poso Pesisir Selatan sub-district, security posts placed in 8 villages with 88 personnel.
- Poso City sub-district, security posts placed in 12 villages with 1,655 personnel,
- Lage sub-district, security posts placed in 11 villages with 54 personnel,
- South Pamona sub-district, security posts placed in 2 villages with 306 personnel,
- East Pamona sub-district, security posts placed in 2 villages with 18 personnel,
- North Pamona sub-district, security posts placed in 3 villages with 2 personnel.

Almost all posts were placed in the middle of the communities. As an example, Picture 1 below shows the positions and number of security posts in the middle of a community. The picture shows Patiwunga village, Poso Pesisir Selatan sub-district, one of *Komnas Perempuan* documented location.

Picture 1
Map of Documented Cases of VAW in Patiwunga village



Source: *Komnas Perempuan* Documentation, 2006

12 Syamsul Alam, "*Operasi Pemulihan Keamanan di Poso*", p. 3, 2006, unpublished.

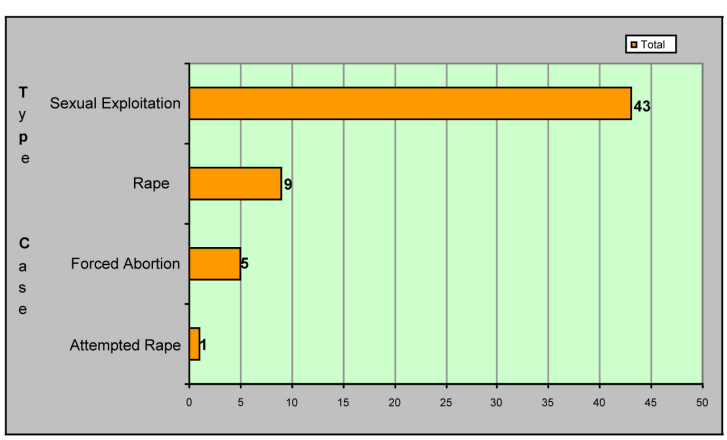
The location of posts in the middle of the community on the one hand is a way to guarantee security force's presence and response speed in anticipating incidents that would lead to or worsen the Poso conflict. On the other hand, such positioning enhances the intensity of interaction between security personnel and the local people. Many such interactions the leads to involvement in personal relationships between the personnel and local young women.

Cultural events such as *padungku* (crop celebration), *dero* (folk dance)13, wedding parties and mourning events serve as opportunities to start relationships with local women. Another opportunity is to make oneself a 'foster brother' for some local families or when the people actually welcome them to stay their homes. Also in community meetings welcoming the returning refugees. It is within these personal relationships where acts of violence against women were found.

2. Specific Findings

There were a total of 60 documented cases of violence against women in connection with the placement of security and military forces. Most of them (97%, 58 cases) are sexual violence cases and most (98%) occurred in personal relationships between the perpetrator and victim. Two non-sexual cases were gender-based work exploitation. As shown in graph 4, the documented sexual violence cases were rape (9 cases), attempted rape (1 case), forced abortion (5 cases) and sexual exploitation (43 cases).

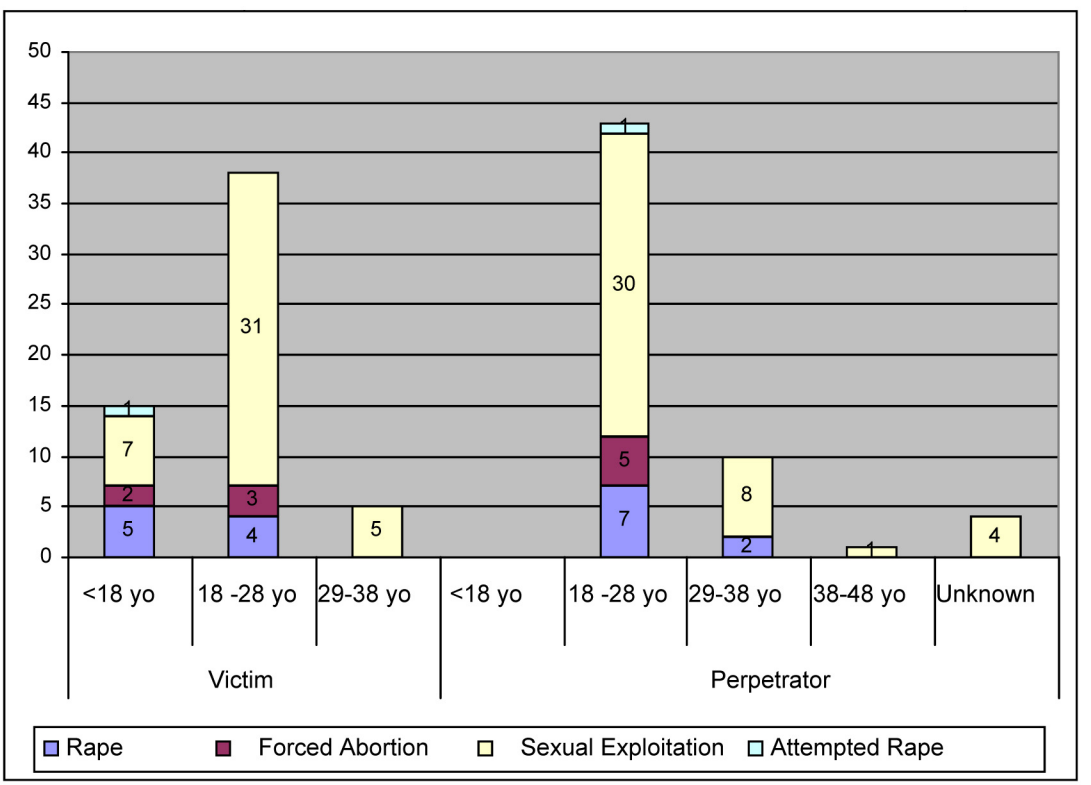
Graph 4
Number and Type of Violence



13 *Dero* is Poso folk art to express gratitude and joy for certain important happenings in the community. It is usually performed during *Padungku* (crop celebration), weddings, birthdays or merely gathering parties. *Dero* is very much enjoyed by young people. When dancing *dero*, men and women are holding each other hands in a circle and move around following a song or music. The songs tell stories about certain events and situations.

Apart from these findings, the Special Rapporteur also received leads about the existence of other 22 other cases of sexual violence.These, however, were undocumented for several reasons, such as (i) victim refusingto be interviewed, (ii) victim's husband expressing objections about being interview, (iii) victim moving to other places and her whereabouts unknown.

Graph 5
Age of Victims and Perpetrators



In Graph 5, we can see that about half of the victims (66%, 38 cases) were between 18 to 28 years old. 31 women were sexually exploited, 4 women were raped, and 3 women had forced abortions. Girls aged 14 to 17 years old are the second largest group of victims. Out of 14 total, half are sexual exploitation victims, 5 rape victims and 2 forced abortion victims. The third group is women of age 29 to 38 years old with 5 women, all sexual exploitation victims. Based on level of education, 7 completed primary education, 20 graduated junior high level, 22 senior high level, 3 held a diploma degree, and 2 women did not finish the primary level.

As many as 43 perpetrators were between 18 to 28 years old (74%). 30 are perpetrators of sexual exploitation, 7 committed rape, 5 are perpetrators of forced abortion, and one person a perpetrator of attempted rape. 10 perpetrators were between 29 to 38 years old (17%), 8 of whom are perpetrators of sexual exploitation and 2 of rape. One perpetrator was 40

years old and the age of the remaining 4 are unknown to the victims. None of the perpetrators whose age is known to victims was a child perpetrator or under 18 years old.

Table 4
Origin of Unit and Status of Force

Institution	.....	Quantity	.....
Polisi	*Brimob**Polda* Central Sulawesi	9	BKO
	Brimob Polda East Borneo	4	BKO
	Brimob Polda Southeast Sulawesi	2	BKO
	Brimob of National Police HQ, Kelapa Dua	1	BKO
	*Brimob Polda*South Sulawesi	4	BKO
	Polres Poso	4	Organik
	Brimob Polda Papua	1	BKO
	Brimob Regiment *I Bogor* West Java	1	BKO
	Brimob Satuan II/Pelopor Detachment D Base camp I West Java	1	BKO
	*Brimob Polda*North Sulawesi	1	BKO
	Subtotal	**28**	
TNI	Makassar Cavalry Battalion 10	2	BKO
	Yonif 712/Wiratama, Manado, *Kodam* Wirabuana	5	BKO
	Base camp C 713/Satyatama, Gorontalo, *Kodam* Wirabuana	2	BKO
	Yonif 711/ Rasaktama, Palu, *Kodam* Wirabuana	2	BKO
	Yonif 714/SM, Poso	14	Organik
	Yonif 721/Makkasar, Pare-pare, South Sulawesi, *Kodam* Wirabuana	1	BKO
	Detachment 13, Base Camp IV Bogor, West Java	1	BKO
	Yonif 726/ Tamalatea, Takalar, South Sulawesi	3	BKO
	Subtotal	**30**	
Total		**58**	

Source: *Komnas Perempuan* database, Poso Monitoring, 2006

Table 4 shows the origin of the unit for perpetrators who are security personnel. 28 of the perpetrators are policemen assigned to Poso District Police, Central Sulawesi Regional Police and from other Regional Units in Sulawesi, Kalimantan and Papua. 30 perpetrators were members of TNI from Poso units as well as other territorial units in Sulawesi and Java. Security forces from outside Poso were assigned as supporting units, the so-called *BKO* units.

Based on the rank, as shown in table 5, perpetrators who are members of TNI ranked from Second Private to Chief Sergeant. Meanwhile, the perpetrators from the Police ranked First *Bhayangkara* Officer to First Police Brigadier.

Table 5
Perpetrators' Rank

Institusi	Pangkat	Jumlah
TNI	Chief Sergeant	1
	First Sergeant	3
	Second Sergeant	3
	Chief Corporal	1
	First Corporal	1
	Second Corporal	1
	Corporal	1
	Chief Private	3
	First Private	3
	Second Private	10
	Unknown	3
POLRI	First Police Brigadier	5
	Second Police Brigadier	9
	First *Bhayangkara* Officer	5
	Unknown	9
Total		58

Source: *Komnas Perempuan* database, Poso Monitoring, 2006

2.1. Rape and Rape Trials

The Indonesian Criminal Code (KUHP) Article 285 defines rape as: "Any person using coercion or threats of violence forcing a woman to engage in an extra-marital sexual intercourse, shall be sentenced for committing rape a maximum twelve years in prison". Furthermore, Article 287 (1) Indonesian Criminal Code (KUHP) states that "any person engaging in extramarital sexual intercourse with a woman knowing, or should have known, that the age [of the victim] has not reached 15 years old, or when the age is not known, that the age is not mature to be wed, shall be sentenced to a maximum nine years in prison."

Referring to the elements of crime in the annex of regarding the elements of crime and the Rome Statute, the definition of rape14includes: a) The perpetrator invading the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body; b) The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.

Regarding child rape, the Convention on the Rights of the Child that has been ratified by the government of Indonesia through Law No. 23/2002 defines a child as anyone under the age of 18. Considering thedifferent definitions of rape in national and international lawsand taking into account the real experiences of women involving sexual violence, particularly in conflict areas, the Special Rapporteur chose to apply the definition of rape in International laws and noted that rape of women under the age of 18 is to be considered as child rape.

Based on this, the Special Rapporteur noted 9 cases of rape, all being child rape. Five victims were 14 years old, 3 victims were 16 and 1 victim was 17 years old. Other documented case was rape attempt of a 17 years old girl.

Case Illustration 1

Chief Corporal N, member of TNI 711 Infantry Battalion in Palu, frequently visited victim's house, Bn, fourteen years old, a second grader of junior high school. N's post was next to Bn's house. N had a good relationship with victim's family and considered Bn as his "foster sister".

One day in January, 2003, dressed in army fatigues and carrying a gun, N entered Bn's bedroom and raped her. N threatened Bn to keep it this incident a secret. The rape was committed three times, always around noon when Bn was at home alone and her parents were in the farm.

The location of security posts in the midst of communities as a consequence of the approach chosen for maintaining security in dealing with the Poso conflict, created a very close relations between security forces and civilians. This situation was considered ideal

[14] See Book II *Sebuah Acuan untuk Praktisi: Hukum Pidana Internasional dan Perempuan*, published by *Komnas Perempuan*, 2006

because security personnel would gain easy access to information pertaining to the security issue. To ensure this, a number of security forces builtthe so-called "foster family" relationship with civilians. Unfortunately such a relationship opened up an opportunity to commit violence against women15. As illustrated in case 1, a perpetrator who "adopted a foster sister" would know exactly when the victim would be alone at home. With this knowledge he could determine when to commit the rape.

In addition to knowing when the victim was alone at home, the perpetrator would also trick the victim into being alone with him. This is quite easy because in almost every case,the victims knew the perpetrators quite close. Seven out of nine rape cases were date rapes where all perpetrators were members of the military.

Attempted rape cases were also found in dating relationship where the perpetrator was member of the military. As described in case illustration 2, a rape attempt failed because other people came to the scene when the incident was taking place. On the other cases, victim's effort to fight back failed because the perpetrator managed to force his will physically.

Case Illustration 2

First Sergeant Bg, member of TNI 714 battalion, was dating Dh, 17 years old, a senior high school student. One day Bg visited the victim who was alone at home while her family was out for *dero* in the hamlet. During conversation with Dh, Bg started to coax the victim into having sex with him. Bg confirmed Dh that everyone else does the same thing and that he would take responsibility if Dh got pregnant. "I'm not a coward. I am a soldier. I will surely be responsible", Bg urged. Dh was persistent on turning down his demand. Bg then grabbed Dh, kissing her, then threw her on the bed. Hearing someone calling on the outside, Dh successfully freed herself and rushed to see the guest. Meanwhile, Bg sneaked out of the bedroom. A month later, Bg broke her up with the Dh, because as his girlfriend she had refused his request.

In another case, the perpetrator used physical violence. Saying that he needed to talk about something urgent, Second Private B asked Bb to come to see him at one villager's house, 10 meters from the security post. The house was empty as the owner was visiting a neighbor's house. In the beginning they were talking in the living room, but soon after B asked Bb to enter the bedroom but Bb refused. B kept insisting, saying that he was embarrassed that his army fellows at the post

15 *Komnas Perempuan* also found similar information in Maluku conflict in Ambon, 2002-2004. Military personnel exploited the tradition of "*mama piara*" or foster mother to be part of family member that they frequently visited or stayed over. In such relationships, rape was reportedly perpetrated on members of the foster family. *Komnas Perempuan* Documentation, *Komnas Perempuan*, 2002.

were watching the two of them. Then B forcefully pulled Bb's arm into the bedroom and shut the door. B clutched Bb's arms and pinned her down on the bed. Bb tried to free herself from B clutches but found it difficult since one of her arms was twisted behind her back. With the other free-arm, B stripped Bb's underwear then his own and forced her to have sex.

2.2. Sexual Exploitation

Sexual exploitation is defined as "any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another."*16*

The Special Rapporteur for Poso noted 43 cases of sexual exploitation. As many as 38 victims got pregnant, 34 of whom gave birth normally, 3 prematurely and their babies later died, and one victim experienced miscarriage. Seven out of these 43 cases happened to girls 14 to 17 years of age.

It is disturbing that children became victims of this sort of violence. Referring to UN17 standards, sexual acts with children (individuals below 18 years old) is highly prohibited, regardless of the majority age or the age considered as adult locally. Even the defense that the perpetrator wrongly judged a child's age is not sufficient in court. What is more unsettling is that all perpetrators were security personnel, who should be responsible to provide protection and not the contrary.

Case Illustration 3

Second Brigadier Yo, a Brimob personnel from Depok, West Java, was assigned in Poso City. In 2002, he was dating By. Yo even visited By's parents and expressed his promise to marry By and take her to Java with him.

On several occasions Yo visited By at 11.00 a.m. when By was at home alone. He coaxed By into having sex with him and promised to marry her. They had sex twice, and Yo asked By to keep this as a secret. After that, Yo never again came to By's house.

16 See "UN Secretary General's Bulletin on Specific Measures for Protection from Sexual Exploitation and Sexual Abuse", ST/SGB/2003/13, October 9, 2003.

17 Ibid.

In September 2002, By learned that she was four months pregnant. She tried to find Yo in his unit. She was told that Yo already returned to Java. By did not get any further information regarding his transfer. She totally lost contact with him. In February 2003, By gave birth to a baby boy.

Generally speaking, such cases are known as false promise cases. All cases occurred in the context of personal relationship, such as dating, between the victim and the perpetrator. The victim is persuaded to have sex with the perpetrator. In trying to persuade the victim, the perpetrator would usually promise to marry the victim should she get pregnant. After having sex, the perpetrator will abandon the victim, even when she gets pregnant, as shown in case illustration 3.

In examining the 43 cases, the Special Rapporteur detected three issues of unequal power relation between victim and perpetrator. First, all perpetrators are security personnel, either members of the military or the police, assigned to Poso post-conflict recovery operation. In Indonesian society, where militarism is common, personal proximity with security personnel – as family, boyfriend or husband, or even a mere acquaintance – is believed to be a privilege in society. In the context of conflict, having security personnel around creates a strong symbol of protection. As a result, security personnel always benefit from higher bargaining power within the society.

Case Illustration 4

Bp, 21 years old, was dating P, a *Brimob* personnel from East Kalimantan Regional Police,assigned to her village since September 2002. After five days of dating, P came to Bp's house and forced her to have sex with him. Bp turned him down, but P insisted and promised to take responsibility by marrying her if she got pregnant. Believing him, Bp finally agreed to have sex with P. Throughout their relationship, Bp always cooked for him and washed his clothes.

In October, Bp learned that she was pregnant. Bp informed P of her pregnancy before P was withdrawn to his original unit in January, 2003. P promised Bp to come back for her and marry her, but P never again contacted Bp. In March 2003, Bp gave birth prematurely and the baby died.

Secondly, all perpetrators promise marriage, especially when the victims become pregnant, so victims are willing to have sex with them. For the majority of Indonesians, marriage is an important measure of "a woman's perfection" that is always attached to how a woman is

able to play her gender role. Marriage, therefore, is not merely encouraged, or even forced, but it is something desired and dreamed by women. The perpetrator is fully aware of this social condition, and plays the promised marriage to the woman victim.

Third, the fact that perpetrator's impunity has been conditioned. In the context of securing the post-conflict situation, close relations between the personnel and the civilians have been used as one approach to building security. Despite the fact that every personnel must uphold his code of honor while carrying out his duty, violations such as sexual relations with civilians has received little attention. On the contrary, as illustrated in case 6, some are also reluctant to provide information on the whereabouts of the perpetrator. The perpetrators are truly aware of and exploit this condition really well to commit his act.

Based on these considerations, the Special Rapporteur for Poso concludes that the term "false promise" is inaccurate. That term blurs the existence of unequal power relations between the victim and perpetrator. The term "false promise" tends to reduce the significance of such violence against women. The Special Rapporteur for Poso prefers to use the term of "sexual exploitation" that puts more emphasis on the action of power abuse for sexual purposes, besides other benefits such as providing food and washing clothes from the victim.

Case Illustration 5

First Brigadier Aa, a member of Kendari *Brimob* of Southeast Sulawesi Regional Police, was assigned in Poso in August 2002. He got acquainted with Ca, a local woman in Poso then they started dating. Throughout their relationship, Ca provided food and washed clothes for Aa. Aa frequently visited Ca's house and expressed his intentions of marrying Ca to Ca's mother. Aa used this promise to marry as pretext to persuade Ca to have sex with him.

Ca then got pregnant. Upon learning about this pregnancy, Aa gave Ca a bottle of Chinese pills with 30 pills in it. The pills were dark brown little pellets. After finishing all pills, Ca got her periods back to normal. This incident happened twice.

In February 2003, Aa was withdrawn to his unit in Kendari. Around the same time, Ca found out that she was pregnant again. Aa promised to marry her as soon as he came back there. But Aa never contacted her again. Being pregnant 8 months, Ca followed Aa to Kendari. When they met, Aa told Ca to return to Poso and that she could come back to Kendari after she delivered the baby. But when she gave birth, Ca learned that Aa was assigned to Aceh and she lost all contact with him since then.

Many ways are used by perpetrators to deceive victims so victims cannot demand the perpetrators to marry them. As illustrated in case 5, the perpetrator even provides pills to abort the victim's pregnancy. Cases of forced abortion were also found by the Special Rapporteur for Poso and will further be discussed in a separate section, apart from sexual exploitation cases.

There are at least three methods the perpetrators use to trick and abandon victims; first, by simply abandoning victims after they finish their tour of duty. Perpetrators start seeking victims early after being posted using various approaches, including the venue where young people meet during *dero*. In the middle of their assignment, the perpetrator will coax the victim into having sex with a promise of marriage. Toward the end of their assignment, the perpetrator will not tell the victim that he is about to end his assignment there. When a victim finds out that she is pregnant, the perpetrator would be withdrawn or assigned to other locations after they finish the current assignment.

Secondly, perpetrator would delay abandoning the victim with excuses such as: the end of perpetrator's tour of duty, a promise to come back and pick up the victim or to marry her. To convince the victim, the perpetrator would leave an address or a contact number. Some leave their clothes even motorbikes with the victim. In fact, the address and contact number are false, and the victim will never be able to track down the perpetrator's whereabouts.

Third, perpetrators use tradition to deceive and abandon victim. The most frequently used means is unregistered marriage, the so-called '*nikah siri*' or also known as '*nikah bawah tangan*' (literally, under the table marriage). The society allows '*nikah siri*' and sees it as a valid marriage. For women, this type of marriage only increases their vulnerability to violence, especially to being abandoned. Because they are unregistered, victims have no legal evidence that they have ever married. If then they are abandoned or divorced, victims would find it difficult to process their case legally. Case illustration 6 is one example of how women are disadvantaged in their relations with perpetrators in '*nikah siri*'.

Case Illustration 6

In early 2004, Bw met and then dated Second Sergeant W, a TNI personnel from 721 Infantry Battalion/Makassar Pare-Pare whom was assigned in Poso. They had sex after W promised to marry Bw in a military ceremony. Then Bw got pregnant, but W refused to marry her saying that he feared being punished by his superior.

In March, W was withdrawn to his original unit. With her brother in law, Bw followed W to South Sulawesi and demanded his responsibility. They eventually got married with a *nikah siri* at 721 Company Barracks in Polewali. After marriage, W told Bw and her brother in law to go back to Poso saying that he would be assigned to Atambua, East Nusa Tenggara.

On arriving in Poso, Bw tried to reach Wat his cell phone number, but the number he gave was no longer active. Later on, Bw's family learned that W was in fact not assigned to Atambua but to Palolo, South Sulawesi. Bw's family contacted the company camp in Palolo twice. The first response from the officers there was that W was not assigned at that camp. The second answer was that W was posted to Papua. After that, Bw's family never tried to contact W anymore.

Since most of the victims of sexual exploitation are teenagers, victims do not only experience getting pregnant and giving birth at a young age. Because of their pregnancy, they have to drop out of school, either because they lost support from their parents or no longer allowed to attend by the school establishment. They also experience isolation by their community and have to bear the stigma as impure women, incapable of protecting their purity. The stigmatization is also evident in the use of labels and name-calling loaded with military nuances, such as SSB (*Sisa-Sisa Brimob*/*Brimob*'s leftovers), SELEBRITIS (*Selesai Brimob-Perintis*/the Aftermath of *Brimob-Perintis*; or *Selera Brimob-Perintis*/the taste of *Brimob-Perintis*), TAPOL (*tampa bapelo* in Posonese, or *tempat untuk dipeluk* in Indonesian/where you go for a hug), and KORAMIL (*korban rayuan militer*/victim of military's persuasion). At a very young age, they have to give birth and become single parents. All these result in extreme psychological distress, and often victims feel severely depressed and desperate.

The rampant sexual exploitation has encouraged parents to forbid their daughters from attending *dero*. Several areas in Poso even prohibited *dero* events outright. They saw how *dero* has been exploited by security personnel to approach local women. This men's that there is now a distorted view of how people see *dero* as media for local socio-cultural interaction. This twisted view is closely related to the presence of security forces among civilians who are not strictly guided by a code of conduct.

2.3. Forced Abortion

According to the Indonesian Criminal Code (KUHP) Article 347 (1) mentioned that "any person who intentionally aborts or puts to death the infant in a woman's womb without her consent, shall be punished with prison sentence of a maximum of twelve years". The Special Rapporteur for Poso identified 5 forced abortion cases. Two of them were experienced by girls aged 17. All cases occurred within the personal relationships between victims and perpetrators,all of whom are security personnel.

As shown in case illustration 7 (also in case 5), victims never gave permission for abortion. The Special Rapporteur found that in all forced abortion cases, the perpetrators delivered

and forced victims to take the pills to abort pregnancy. In two cases, because the pills failed the perpetrators insisted that victims go see traditional healers to perform unsafe abortion.

Case Illustration 7

Dc, 18 years old, a college student in the first semester, started to date Second Brigadier Bb, a Police officer from Central Sulawesi Regional Policein early 2003. During their relationship, Bb often beat, slapped and kicked Dc with his army boots. This happened many times, especially when Bb felt jealous toward Dc.

After one year of dating, Dc got pregnant. Bb suggested Dc to abort her pregnancy because he was not ready to take responsibility. Dc refused. One day, Bb told Dc to take two white pills. Dc did not comply and wanted him to take responsibility. Bb kept insisting and because she was afraid of his violent habits, Dc finally took the pills. Then Dc had a miscarriage and hemorrhage. She even got sick for several weeks.

Abortion was performed by inserting objects such as spices and even wood into the vagina. As a result,no only did the victims endured miscarriage, they also suffer from problems to their reproductive organs. One victim suffered severe hemorrhage and infection of her uterus that she had to undergo surgery.

The perpetrators' intentions to abort victims' pregnancy is to rid themselves of the responsibility to marry the victims and support the children borne out of these relationships. All kinds of excuses were used to talk victims into aborting their pregnancy, such as that they were not ready to become fathers or they were afraid of being punished by the forces. When persuasion failed, perpetrators would not hesitate to use force. The use of violence is clearly illustrated in case 8 where the perpetrator abused his power and threatened the victim at gunpoint if she does not abide.

Case Illustration 8

Bz got pregnant from her relationship with Second Brigadier Z, a member of *Sabhara* unit (Riot Unit)of the Central Sulawesi Regional Police assigned to Poso security recovery operation since January 2001.

In May 2001, Z came back to Palu and several days later asked Bz to come to see him in Palu. Z promised to marry her in Palu. In reality, Z had prepared abortion pills and forced Bz to take them. Bz was afraid to take them. Z constantly insisted her and threatened to leave her if she did not take the pills. Bz was very fearful and even fainted when Z threatened her by firing a shot.

Because his initial attempt was not successful, Z forcefully took Bz to see a traditional massager. Bz refused, but Z got mad and pulled her out from the rented car. Bz was forced to undergo abortion performed by the massager who massaged her abdomen. She felt extreme pain that made her scream in pain. Because this failed too Z took her to another traditional healer. The healer performs abortion using a 30-cm wooden implement that is inserted into the vagina. Bz refused and they had an argument. Z kept on forcing and Bz had to stay overnight at the healer's place. The day after, Z came and ordered the healer to perform another abortion. Bz felt pain and she fainted in the bathroom. When she came around, she was in a very weak condition. Bz begged the healer to take out the wood from her vagina. Bz stayed for another two weeks there.

Failing again, Z then took Bz to a village paramedic to perform abortion by injection. In the medical check room, Bz asked the medic not to abort her pregnancy. On the contrary, she asked the medic to give her a vitamin injection to refresh her blood and strengthen her womb.

Since his attempts for abortion had all failed, Z took Bz to another traditional healer who also practiced abortion by wood insertion into vagina. Because Bz was bleeding, the healer took out the wood. On her fourth month of pregnancy, Bz was persistent in rejecting abortion while Z kept on insisting and threatened to shoot her. On December 16th , 2001, Bz had a miscarriage on her seventh month of pregnancy.

2.4. Gender-Based Extra Work Burden

Besides rape, attempted rape, sexual exploitation and forced abortion, the Special Rapporteur also noted cases of non-sexual gender-based violence by forcing extra work on women as a consequence of security personnel presence in handling the Poso conflict. Such acts occurred between 2005 until October 2006.

The Special Rapporteur's team interviewed local figures and community groups18 in 2000, at the time when Police and TNI units were assigned in Tangkura, Tokorondo, Pantangolemba, Toyado and Patiwunga villages. With the arrival of security personnel, heads of villages gave instructions to their people to provide logistics support. Such an instruction supported by community leaders was given directly to the villagers, or through heads of Neighborhood Units or Hamlets. The people interpreted this as a form of compensation

[18] Interviews were conducted with the head of BPD and priests in Pantangolemba Village, with women group in Tangkura and Patiwunga Villages in South Poso Pesisir Sub-district; with youth and women group leaders in Tokorondo Village in Poso Pesisir sub-district; and interview with the head of Toyado Village in Lage Sub-district, 2006.

for protection and security provided by security force's presence. As such, at first there was no rejection from the people to the instructions given.

In practice, the primary executors of these instructions were women, where they provided food materials and cooked, while the girls delivered the food to security posts. This meant that gender-based burdens of women, such as managing family needs, taking care of the house and working in the field, was compounded with the duty to serve the needs of security personnel.

In Pantangolemba village, this instruction demanded that every two households provide one meal a day for one *Brimob* Post of 7 personnel and one Army post having 5 personnel. This meant that every day there two households were tasked to serve breakfast, lunch and dinner for 12 personnel.

To ensure that such instruction was carried out, village authorities often approached villagers with intimidation. For example, in 2001 in Tangkura village, the wife of head of village personally coordinated the women, controlled them in providing foodstuff, cooking and delivering meals to the posts. While in Toyado village, the head of village implemented sanctions that people who did not prepare food for security personnel would not receive aid from NGOs.

In later developments, women in Patiwunga and Tokorondo villages expressed their objection on such instruction, as it added extra economic and labor burden for them. Moreover, women experienced direct consequences if there was a problem with serving food. For example, in Tokorondo village, when women were late to cook, the security personnel kicked their cooking utensils. In another finding, during the assignment of TNI forces from Makassar in Tokorondoin 2000, the Platoon Commander employed 2 women to cook for 15 people every day for two months. Each woman only received 50,000 rupiahs for two months of work. In another case in Tangkura village, security personnel will curse the women if they didn't like how the food tasted.

Responding to the objections, heads of villages issued a new regulation. In Tokorondo village, every household was obliged to contribute 2,500 rupiahs monthly. In Patiwunga village, the contribution was 3,000 rupiahs. In Tangkura village, women's refusal influenced the security institution at the village level that between 2003 and 2005, security personnel provided the foodstuffs and the women would cook. Contributions collected by village heads was used to compensate women who prepared the food. In Pantangolemba village, security personnel held a meeting with the villagers on November 1st, 2006. In this meeting it was decided that in place of ready meals, each household would contribute 1 kilogram of rice and 5,000 rupiahs each month for personnel's logistic needs.



doc. Komnas Perempuan, 2006

V. Violence against Women in the Context of Internal Displacement

1. General Condition of IDPs Sites

Sectarian violence between 2000 and 2001 lead to large-scale displacement of civilians. People who lost their homes and possessions, or felt intimidated living in a community as a minority, decided to leave their villages to a safe place in Poso district or outside.

During the documentation work of the Special Rapporteur and team, hardly anyone was left in IDPs barracks. Most of them have returned to their home villages after receiving housing assistance from the government. To them, being able to return home was something they have been looking forward to. "Here our crops can become money. Out there it is difficult to find a job," according to a woman IDP who returned to Sintuwu Lembah in Lage Sub-district.

The only IDP site still inhabited by a large number of IDPs was the one in North Pamona Sub-district. There are ten IDPs locations in North Pamona that were documentated: Later, Yosi, Matako Limbue, Matako Lemo, Palapa, Posunga, Malewa, Tanamawau, Sabo Buyumboyo, Tandongkayuku-Sangele. Most of the inhabitants had lived there for six years. They live in temporary dwellings with very limited facilities. They are Christians who fled from Poso City, Lage and Tojo Una-una. Of the 5,000 people spread in these 10 IDP locations, 174 work as civil servants. The rest work as farmers, farm laborers, husbandry workers, tailors, domestic workers and small traders.

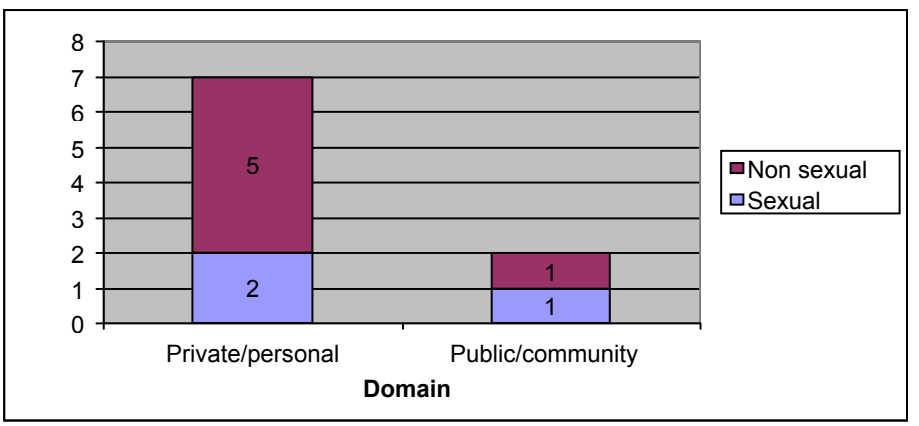
Considering the different experiences of the two religious communities, the Special Rapporteur also decided to document experiences of women IDPs from Poso who lived in Palu, particularly those who were facilitated by Mrs. Khadijah Toana, the leader of Pesantren Putri Aisyiyah. Some of them have finished their studies at Muhammadiyah University in Palu and have found jobs. The girls live and go to school in Pesantren Putri Aisyiah. They are the Muslim IDPs from Tentena, Pendolo and other places.

2. Violence Case Findings

In the context of IDPs, the Special Rapporteur found nine cases of violence against women including seven cases of domestic violence or those in the private domain, and two cases

committed by community members (see Graph 6). Six out of seven cases of domestic violence were committed by husbands toward their wives, and one case was committed in a dating relationship. Three out of nine documented cases were cases of sexual violence including sexual harassment, rape and sexual exploitation involving the modus of false promises.

Graph 6
Cases of Violence against Women in the Context of Internal Displacement based on Domain and Type of Violence



Based on age, one victim was a 17-year-old girl, 4 victims between 18 to 28 years old, and 4 other victims between 29 to 40 years old. By education, one victim did not finish primary school, 1 victim graduated primary school and 1 victim had a bachelor's degree, 4 victims completed junior high school and 2 victims were in senior high. The majority of these cases were perpetrated by victims' husbands (6 cases) and boyfriend (1 case) or the person known to the victim (1 case) and an employer's son (1 case).

Case Illustration 9

Two months after their marriage in May 2003, the victim's husband started to forbid her from going out. The victim also could not express any opinions about family issues. She was often treated violently by her husband.

In February 2005, the victim urged her husband to take their child to the hospital. Her husband rejected in anger. He beat her up and threatened to kill her, clutching her at the neck as if intending to break it. She resisted, but he kicked her and took a machete and chased her. She jumped out of the window and ran toward her parents' house. The husband destroyed her wardrobe and burned her clothes. He often shouted profanities and insults like *cukimai* (the worst kind of profanity) ungrateful woman, poor and stupid woman.

2.1. Domestic Violence

Referring to Law Number 23/2004, Domestic violence is: any act toward a person, especially a woman, that results in suffering or physical, sexual, psychological suffering, and/or domestic abandonment, including the threat to perform, to force or to deprive of one's liberty that is against the law within the domestic scope (Article 1). The Special Rapporteur for Poso found 6 cases of domestic violence categorized as violence perpetrated by husband toward wife and children, including physical, psychological violence, economic abandonment, and discrimination. Some victims suffered pain, physical injuries and hearing problems. They tend to restrict themselves from social relations due to the violence the experienced or if it ultimately leads to divorced. Victims also suffer intense psychological pressure,which gets worse when their children had to drop out of school.

Drinking problems, despite the dire economic situation of the family, husbands having extra-marital affairs, husband extorting the wife's money, and husband exercising power over the wife, are the reasons for violence toward the wife (see Case Illustration 9). Surely, this act of violence is inseparable from its roots, namely unequal power relation between man and woman, especially in a marriage. This relation worsens when the husband/perpetrator uses physical and psychological violence as a way to express his power. This is especially true when the husband/perpetrator is in a lower economic status than the wife (see Case Illustration 10).

Case Illustration 10

Sr, is an unemployed university graduate. His wife worked as an entrepreneur. One day, Sr asked his wife to buy him a motorbike. She refused because the old motorbike was still functioning. As a result they had a fight where Sr beat and pushed her until she banged her head against a cabinet.

The short-fused and rough attitude of the husband occurred repeatedly. The wife felt very depressed and once asked her husband the reason for such an attitude. He responded casually, "that's why you gotta give me a child. If only you gave birth like other women." Sr repeatedly harassed her and accused her of being sterile.

Unable to tolerate her husband any further, the victim packed her things to go back to her parents' house in Matako. Sr stood in her way and threatened to kill her. Sr also forced her to give him her jewelry and bank account book. The victim fought back at first, but the husband hit her body and head. The victim felt powerless and fearful to leave the house.

The subordinate position of women within the society makes it difficult for victims of domestic violence to report their case without risking blame. Especially when the prevailing belief is that the husband is the *king* to be obeyed unconditionally, husbands' extramarital affairs are interpreted as the wives' inability to serve their husbands. Some victims could only tell about their problems to her family or close friends. Even if the problem is settled traditionally, the wife/victim has no power to ensure that their husband/perpetrator will abide the given sanction (see Case Illustration 11).

Case Illustration 11

In August 2005, Dp found out that her husband was having an affair and often stayed at his girlfriend's house. One day, Dp came to her house and caught her husband there, having a meal. Feeling humiliated in front of the public, he took his wife home. At home, he beat her up and threatened to kill her. She fainted and became ill for two months.

After the incident, the husband left his family. In March, 2006, Dp reported her case to North Pamona Subdistrict Police Office. In response, the perpetrator's family visited Dp and asked her to settle the case using traditional ways. The Traditional Council asked the perpetrator to end his affair and for the husband and wife to reconcile.

The perpetrator, in fact, did not end his affair, even moved to stay with his girlfriend. Because of this, Dp came again to report to the office of Petirodongi village Traditional Council. The traditional court imposed a sanction of 1.5 million rupiahs and one cow to be paid by the perpetrator. Without informing anybody, the perpetrator sold the family field to pay for the sanction. Knowing this, Dp reported him to the police office for selling family property without family consent..

2.2. Dating Violence

Dating violence cases found in the community have similar modus with cases of sexual exploitation perpetrated by security personnel (see Section IV: Specific Findings 2). Boyfriend perpetrators also tend to abandon their partners who become pregnant as result of their sexual relations. The perpetrator, in fact, does not have the slightest motivation to marry the victim and take responsibility to support the baby that will be born. To rid himself of these responsibilities, the perpetrator uses the traditional mechanisms available in the community. The victim, as shown in Case Illustration 12, is in a weak in such settlements because she is not even given the opportunity to state her views. As a consequence of such settlements, she will have to take the responsibility as a single parent and suffer the psychological burden of being ashamed living in her community.

Case Illustration 12

Dk dated the perpetrator and got pregnant as a result. Dk demanded her boyfriend to marry her but there was no response. Dk's family reported her case to North Pamona Subdistrict Police. The perpetrator's family withdrew the case from the North Pamona Police Office and handed it over to village authorities to be handled by the Traditional Council. In the process of traditional settlement, both the victim and the perpetrator were represented by their family members. The perpetrator insisted on not wanting to marry Dk. The Traditional Councilas a result set the sanction of one cow as compensation for marriage to be given to the victim.

2.3. Violence Against Women in the Community

One of two cases of VAW in community is a case of rape of a girl in IDPs site. The rape was committed by the son of the girl's employer when he took the victim to her relative who also worked as a domestic worker. The victim did not have the courage to report the perpetrator fearing his threats. The victim stopped working and returned to her home village and isolated herself from the public.

The second case of this kind documented by the Special Rapporteur for Poso is related to IDPs' settlement problems. Many of IDPs felt that the government was not responsive enough in understanding and settling problems for IDPs. One example is the fact that many IDP women in Palu who are are also heads of household chose to stay and start a new live in Palu because they were still traumatized by the Poso conflict. The government, to the contrary, failed to come up with a solution as indicated by (i) the absence of policy on recovering the legal status of their abandoned assets, such as land, field and house in their former villages, (ii) government policy that only covered housing compensation housing only for those willing to return, and (iii) trauma recovery that never went any further than symbolic events.

Meanwhile, information regarding the large amount of funds for IDP recovery program also caused conflict within the community. As in Aceh post Tsunami19, this conflict may lead to violence, especially if there are accusations of IDP fund misuse. Women who become IDP camp coordinators or the wives of camp coordinators are in a vulnerable position whenever a community member is not satisfied with existing arrangements (see Case Illustration 13).

[19] See *Komnas Perempuan* Special Rapporteur for Aceh: As Victims and Survivors, *Komnas Perempuan*, 2006.

Case Illustration 13

Dm is the wife of Matako IDP camp coordinator. Around September 2003 when she was resting with her children, the perpetrator who was the victim's neighbor came approaching her intoxicated. He shouted and called the victim's husband to come out. Seeing Dm approaching, he yelled profanities at her, *"scumbag, where's your husband? You tell your husband, don't he dare eat others' money! Watch out you, God will let out your eyeballs. Curse your children for having you as parents*!"The perpetrator's son, N, also came with the perpetrator. He too threatened the victim with a piece of wood to hit her. Fortunately, the victim's neighbors came and escorted the perpetrator and his son away.



doc. Komnas Perempuan, 2007

VI. The Intervention for violene against women (VAW) during Poso Conflict

Along with documentation of facts on violence against women (VAW), the Special Rapporteur also noted cases of intervention efforts. There are two kinds of case intervention: case intervention using legal settlement (litigation) and intervention for victim recovery using non-legal settlement (non-litigation). Legal settlement depends on the responsiveness and preparedness of law enforcement authorities to investigate and break the cycle of perpetrator's impunity. The society, especially victim facilitators, would usually assume a greater role in handling non-litigation intervention. But there are also some help in legal intervention by providing legal aid for victims.

Documented findings on case interventions, both legal intervention as well as non-litigation will be presented following the order of cases presented in the previous section, namely violence against women (a) in the context of Poso conflict escalation, (b) in relation to the posting of security personnel, and (c) in the context of internal displacement.

1. The Intervention for Sexual Violence Cases in the Context of Poso Conflict Escalation

1.1. Gender-Based Forced Nudity

The forced nudity against 200 women from Walisongo community that took place in the Village Hall (*Baruga*) Lembomawo was an integral part of the attack in Sintuwu Lembah village. The attack incident has been processed legally, and the accused Tibo and friends sentenced to death.20 However, the sexual violence aspect was not integrated into material presented in court,Although the Prosecutor did mention that rapes occurred during the

[20] The court presented Fabianus Tibo, Marinus Riwu and Dominggus da Silva as perpetrators (subsequently will be called Tibo and Company). The three perpetrators were indicted for premeditated murder, intentional arson and collective assault in Poso Riots Chapter III, including the attacks on Pesantren Walisongo, Sintuwu Lembah village, May 2000. Despite the abundant evidence in the field and new evidence proposed by the defense team showing that Tibo and Company were not the main perpetrators in Poso Riots Chapter III, including testimony from Tibo about the involvement of certain figures as masterminds of the Poso Riot, the appellate court overruled refused to grant an appeal, cassation and the First Review. The three perpetrators were executed with a death penalty on September 22nd, 2006 in Palu, Central Sulawesi, after their Second Review was overruled by the High Court of Palu.

attacks,21Both the judges and prosecutors during the trial failed to develop the questioning of witnesses nor did they seek further information about the incident. Consequently, the forced nudity was overlooked in the case of Sintuwu Lembah attacks.

For women victims, forced nudity and attacks on their community left a deep trauma. To recover from the stress and trauma, they supported each other and involved fellow women to do activities together. This is to keep themselves busy and prevent traumatic memories from coming back. Women also took the initiative to start building peace in their community. One such initiative was to use the mosque near the former *Pesantren Walisongo* for a kindergarten for both Muslim and Christian children in Sintuwu Lembah.

Support from the government for victim's recovery is still very minimal. Some programs even have the potential to worsen the situation. For example, the government once held psychological rehabilitation event for widows of Poso conflict,including women from Walisongo community. The meeting was facilitated by The Central Sulawesi Regional Police. In that meeting,the participants were taught mass self-therapy and recovery techniques, but only in a relatively short time and only be superficially so. As a result, not only did the meeting failed in recovering the victims, but quite the contrary, it only reminded them of the agony of the past that they had been trying to forget.

> *"Many of us were stressed. Take Mrs N for example. If we call her, she would not hear us. Then, [when being approached] she would be shocked...I ask them to keep themselves busy so they would not remember the incident all the time. Because if I am stressed, what will become of my little children?"*
>
> (A forced nudity victim, 2000)

The women of Sintuwu Lembah village received support for self-recovery from various sources, individual and institutional. Such support was usually intended as part of the overall conflict intervention. One such support was provided by Mrs. Khadijah Toana, a leader of Pesantren Putri Aisyiah in Palu. Her *pesantren* (Islamic boarding school) took inand educated from primary to junior high school levels the daughters of victims in Sintuwu Lembah and Pesantren Walisongo, and the Poso conflict in general. Additionally, there were economy empowerment programs for women victims and support for continuing education to University of Muhammadiyah for young women. Some of them have graduated and found jobs.

Lembaga Pemberdayaan Masyarakat Sipil (LPMS), a local NGO, also gave support in the form of economic empowerment for widows of Sintuwu Lembah. There was also support from international institutions such as CERD and CWS who provided food, cooking utensils and farming equipment for victims in Sintuwu Lembah village.

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[21] In court sentence the Judge did not convict Tibo and Company as rape perpetrators in the attack on Pesantren Walisongo, Sintuwu Lembah Village.

1.2. Rape

By the time this report was written, there has not been any legal resolution to the rape case that occurred during sectarian violence in Poso in 2000. Despite this, women victims have been questioned on numerous occasions by the authorities. Not only has this repeated questioning been a tiring experience for the women,it also put a heavy burden on them as they were forced to revisit the memories they wished to forget.

> *"How many times do I have to explain? They always come to me and ask me questions. I told them, "Just find the perpetrator. When you do, that's it."…What's the use I tell this over and over when in the end I am the one who suffers… what want to forget is always reminded again"*
>
> *(A rape victim in Poso, 2002)*

Apart from the failure to access their rights to justice through legal recourse, it is also difficult for women victims to access recovery programs provided by the government. Some were told that the available fund was only to support families of the deceased, and only those who died during the attacks in the year of 2001. For one victim who was raped in 2002, she was told that she cannot access the support in question.

1.3. Women Victims of Arbitrary killings

The first case of arbitrary killings documented by the Special Rapporteur was the mutilation of three female students of Christian Senior High School in Poso. In its investigation, the National Police concluded that this incident was an act of retaliation of a youth group from Poso that was related to the attack on a Muslim community.

Court proceedings started in November 2006, bringing the three accused: Hasanudin, Lilik Purnomo/Haris and Irwanto Irano, in Central Jakarta District Court22. During the initial session on November 19th, 2006, the Police facilitated a meeting between the accused and victims' families in Police Criminal Investigation Unit room at the National Police Headquarters. This meeting was intended as a reconciliation forum. The victims and their families felt they were forced to forgive the perpetrators.

Tensions grew stronger because during the subsequent court sessions on November 22ndand 29th, 2006, the Presiding Judge repeatedly asked the witnesses and victims whether

[22] Court information was obtained from the Special Rapporteur and team's observations along with other networks in Jakarta

they have forgiven the perpetrators or the accused. In March 2007 the Central Jakarta District Court finally sentenced each of the accused to prison: Hasanudin to 20 years, Lilik Purnomo/Haris to 14 , and Irwanto Irano 14 years of prison.

In August 2007, the perpetrators in the mutilation against three female students were brought to court: Basri, Rahman Kalahe, Agus Jenggot, Yudi and Wiwin. The proceedings were held in South Jakarta District Court. In December 2007, The Court finally sentenced each of the accused to prison: Rahman Kalahe (19 years of prison), Agus Jenggot (14 years of prison), Yudi (10 years of prison), Wiwin (19 years of prison) and Basri (19 years of prison). The latter three were also indicted in the shooting incident of two female students of Poso Christian Senior High School and the shooting of Rev. Susianti Tinulele.

While legal proceedings were unfolding, the government also provided medical support for the survivors. Additional treatment and support was also provided by *Yayasan Kasih Dalam Perbuatan* (YDKP), including treatment in Surabaya.

The last documented case of arbitrary killings was the shooting of two female students of Poso Senior High School. Initially the police identified a man named Ilo as the suspect, based on victim's information. In mid 2007, the Police dropped the charges against Ilo and identified new suspects based on confessions made by a youth group that was suspected of being involved in a terrorist network in Poso.

On April 13th in Poso, the Police facilitated a meeting between victims and the suspects. The two victims agreed with the Police since there was a physical similarity between the former suspect and the later one from the youth group. The Police then determined three men as shooting suspects: Basri, Wiwin and Yudi. During the proceedings at the South Jakarta District Court, the three were found guilty and sentenced to prison: 19 years for Basri, 19 years for Wiwin and 10 years for Yudi.

Besides legal proceedings, the two victims of shooting also require medical treatment for their recovery. Their jaws were heavily damaged from the shooting. All medical expenses were paid by the local government.

2. Intervention in Cases of Sexual Violence related with the Posting of Security and Military Personnel

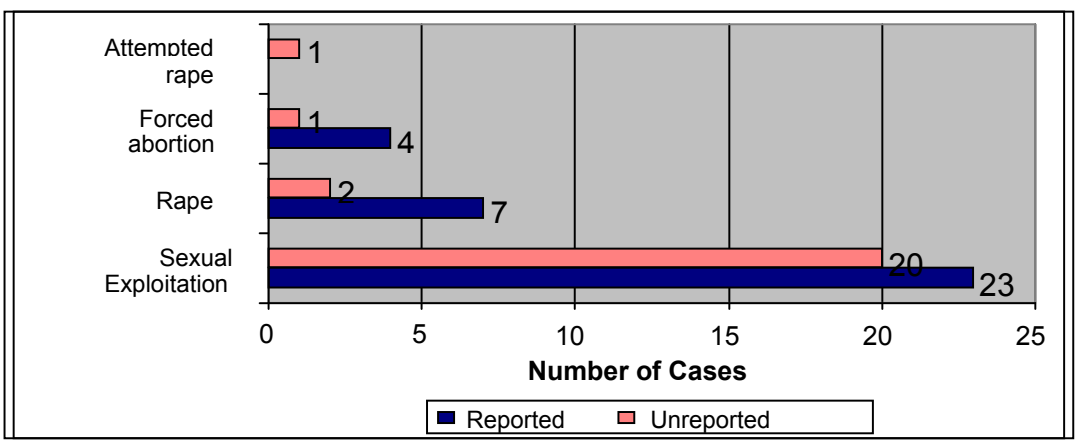
Out of 60 cases of violence against women in connection with the posting of security personnel documented by the Special Rapporteur and team, 58 cases were cases of sexual violence. As many as 34 cases of the 58 were reported to the Police and/or to perpetrators'

institutions. 24 other cases were not reported because they were settled at the family level by the perpetrators, or not resolved with any mechanism whatsoever.

Based on case types (see Graph 7), almost 80% of forced abortion and rape cases were reported to the Police or the perpetrator's institutions. As for sexual exploitation cases, being the majority (43 out of 58 cases of sexual violence), the rateof reporting reached 50%.

Graph 7

The Ratio of Reported Cases of Sexual Violence in Connection with the Placement of Security Personnel based on the Type of the Case



The victims reported their cases by various means. Some went personally to the Police or the perpetrator's institution. Others were escorted by friends or family, and other still sought assistance from NGOs in Poso, such as KPKPST and LPSHAM in Poso, and Forum TAK2KTP in Palu. These organizations did not only assist victims in reporting their cases to the relevant institutions, but also facilitated legal aid for victims and followed the court proceedings at the civil court and the Military court in Manado, and advocated the cases by sending letters to the leadership of security and military institutions to pressure the resolution of the cases of violence involving perpetrators from *TNI*/Police in Poso.

Victims experience different responses after reporting the case to the Police and/or perpetrators' institutions. As shown in table 6, only 4 cases were resolved in court; 1 in state court and 3 in military court. The other 19 cases were facilitated through family mediation by the perpetrators' institutions or superiors (8 cases), traditional mechanism (10 cases), and mediation by religious leaders (1 case). Meanwhile, 11 cases were not followed up at all. Each response or approach taken by the police and/or the institution or superiors of the perpetrators has had its consequence on the cycle of violence against women.

Table 6

Police and Institution Response to Reports of Violence against Women

Pype of Case	Type of Settlement						Subtotal
	Legal		Non Legal			No Follow up	
	Civil Court	Military Court	Family	Customs	Religious Ways		
Sexual Exploitation			7	7	1	7	22
Rape	1	2	1			3	7
Forced Abortion		1		3		1	5
Rape Attempt							0
Subtotal	1	3	8	10	1	11	34

2.1. Legal Settlement

From the four cases processed legally, three were cases of rape and one case of forced abortion. Among rape cases, one was handled in the Civil Court because the perpetrator was a policeman. This case was closed by the Poso State Court decision of one year prison. Meanwhile, two other perpetrators and the forced abortion perpetrator were tried at the military court in Manado23. For the rape cases, the perpetrator was sentenced to 3 and 10 months in prison. For the forced abortion case, the perpetrator was sentenced to 3 months in prison.

In seeking justice through the legal avenue, victims often encountered all kinds of challenges, particularly in cases handled by the military court. The proceedings of a military court are closed and not transparent,which makes it difficult for victims and their facilitators to access. Reports about the three cases tried in Manado Military Court showed that

[23] Court trial on Forced Abortion case that involved a perpetrator from the Police unit was still being processed in the Military Court because the incident occurred on 2001, before Law No. 2/2002 on the National Police was in effect that determined the separation of TNI and the Police.

victims/facilitators did not receive clear information about the court schedule. In one case, a court summons addressed to victims/facilitators arrived overdue, long past the court proceedings schedule.

In one case, information about the court schedule was even received by the victim's lawyer through the perpetrator's lawyer provided by the Regional Police; and even then this information was received by chance. The Military court also never informed victims that the case was already settled. For example, one victim received information from the perpetrator's friend that the court had sentenced him to 3 months in prison sentence.

Another problem is the location of the Military Court. The cases occurred in Poso, while the court sessions were held in Manado, North Sulawesi. The great distance from Poso to Manado and prohibitive travel expenses make it nearly impossible for victims to attend hearings, especially considering their economic situation.

Case Illustration 14

When the case file was delivered to Manado Military Court, Second Private Ah with Subdistrict Commander of Poso City named UA visited the victim and her family. UA forced the victim to take 4 million rupiahs and to sign a settlement. The victim was threatened that she would face trouble and would be imprisoned if she did not sign the letter. Later CH found out, from the verdict letter sent from Manado Military Court to her, that the perpetrator was sentenced to 10 months of prison. The verdict was handed with the consideration that the victim had forgiven the accused and that the accused had paid a sum of money to the victim and her family.

Victims also have to face the intimidation from perpetrators and their institutions. The Special Rapporteur noted that this is made possible by the absence of witness and victim protection system. In practice, as shown in Case Illustration 14, the commander or the perpetrator's superior would intimidate the victim during court proceedings. The commander would come to visit the victim and her family and give a sum of money as compensation. The victim and her family would then be forced to accept the money and sign the so-called "peaceful" settlement.

2.2. '*Nikah Siri*' Reinforcing Impunity

In sexual exploitation cases, victims' efforts to report their cases were often hampered by family members. The perpetrator is often in a stronger position and perceived innocent for

his act. On the other hand, the victim is often blamed for her inability to take care of herself and resist the man's advances. This perception undermines the victim's bargaining position, especially when the perpetrator refuses to marry her using excuses like religious differences, already married, even accusing the victim of seducing him into having sex with the perpetrator.

It is these perceptions that discourage families to report cases of sexual exploitation as something unnecessary, and would rather have the perpetrator marry the victim, especially when she is pregnant. With such marriage, even when it is not a registered marriage, the victim would regain her status in the community and the expected child would not bear the label of a "bastard" child. So important is getting married that the family would not bother whether it is legally registered or not, especially when the community condones it. The victim's weak bargaining power and the community's acceptance of '*nikah siri*' often cause the perpetrator's institution to encourage it as a form of settlement in sexual exploitation cases. This so-called "family approach" is seen as not burdening either side, both the perpetrator and the victim's family. The truth is, the victim would still be left in a weak position in that settlement, as shown in Case Illustration 15.

Case Illustration 15

The victim, 24 years old, got pregnant from her relationship with Ab, member of the Police Mobile Brigade from Central Sulawesi Regional Police who was assigned to Poso District Police. When she was four month pregnant, she wanted to report her case to the Police. Her father forbade her because doing so would only reveal the family's disgrace. The father asked the perpetrator to marry her daughter, even if under *nikah siri*. The perpetrator then married the victim and then they got separated just like that. The perpetrator sent a sum of 250,000 rupiahs for the first two months and never again after that. Now the victim has to raise her child on her own.

In another case, the perpetrator was a Police assigned at Poso *Polres*. Following up the report of the victim's family, the District Police Chief facilitated a meeting between the family and the perpetrator. In the meeting, the perpetrator refused to marry Be legally, but was willing to do *nikah siri*. This willingness was put down in writing, where he stated that not only he would be willing to do *nikah siri*, but after the baby is born, he would divorce the victim. The perpetrator did give a sum of money to the victim for the expenses to deliver the baby. However, after the birth, the perpetrator left her and married another woman.

2.3. The Use of Traditional Mechanisms

From the 34 reported cases, 10 were settled using traditional mechanism that may be selected by the victim's family or the perpetrator. Selections made by perpetrators were often supported by the institution acting the role of a mediator between the perpetrator and victim (family). The use of such traditional mechanisms will be followed by a signed agreement that the case was considered settled. The letter would then be used as evidence in court to reduce the sentence for the perpetrator. In such arrangements, the victim is more cornered because a refusal to settlements arranged by the traditional court would be seen as a snub against tradition. The victim is practically silenced, despite the settlement failing to fulfill her sense of justice, as shown in Case Illustration 16.

Case Illustration 16

Second Private Ap, a member of TNI Yonif 714, is a perpetrator of sexual exploitation of a 17 year-old victim. Ap refused to marry the victim who became pregnant with him. Ap's excuse was that the victim had a different religion and only a primary school education which would not meet the qualification of becoming a TNI wife. Ap asked that the case be settled traditionally and that victim's family did not report to his institution.

The Tradition Council held a traditional court in July 2006. The victim was there with her family while Ap was accompanied by his superior. The court decided that Ap was to be sanctioned with one cow for *kayalipu*, a traditional village cleansing ceremony performed when a member of the community has blighted the village/ community, and a buffalo for the victim.

The perpetrator then gave 300,000 Rupiahs for *kayalipu* and one million rupiahs for the victim. The case was considered settled by the Tradition Council and the victim was prohibited from bringing up this case ever again.

2.4. The Use of Religious Institutions

When not employing the traditional mechanism, religious institutions could be another choice for out-of-court settlement. In cases documented by the Special Rapporteur, families opt for the use of religious institutions when their report to the perpetrator's institution is rejected, whereas the perpetrator continues to refuse to take responsibility for his acts. In such cases the victim's family would resort to the church to mediate. The mediation process conducted by the local church priest would usually result in a written agreement stating that the case is considered settled and should never be brought up again. The perpetrator

would then take the latter and show it to his superior. Studying such process, the Special Rapporteur concludes that as in the so-called "family approach" and traditional mechanisms, the use of religious institutions always silence victims and weaken them.

2.5. Institutional Protection for Perpetrators

In the attempt to access her rights to justice, a victim has to face the perpetrator's institution that is partial to the perpetrator and seemingly trying to cover up the crime. This is reflected, among others, in when the victim is told that the perpetrator has been transferred to other locations and when no one could tell her about the perpetrators whereabouts. This answer certainly does not make any sense, because these institutions are highly organized and disciplined. A security institution must have a detailed record about its personnel movements, so tracking down perpetrators should not be something too difficult to do. Such an answer indicates the unwillingness of these institutions to follow up cases, rather than their lack of knowledge.

Other times the excuse used is that the perpetrator came from a different unit or the perpetrator had already been reassigned. As an example,a case where the perpetrator was a member of Brimob from East Kalimantan unit. When the victim reported her case, the Brimob Unit in Poso covered it up by stating that they could not process the case because the perpetrator was a seconded personnel that had been withdrawn by his unit of origin. When the case was reported to the original unit, the response was also that they were unable to process the case since the perpetrator had been reassigned to Ambon. The attitude shown by the Brimob Unit in Poso and the original unit is not acceptable considering that they operate under one command and should have been able to coordinate to handle the case.

If not verbally rejecting to handle cases, these institutions simply disregard or do not follow reports to protect the perpetrator. One victim told of how she still did not know whether her case was followed up at all. When she and her family lodged a report to the perpetrator's institution, an officer received them formally and made a dossier of their report. The officer informed that he would forward the case to the District Court of Poso, and that there would be a summons from the court. But to this date the case never went to court. The victim's brother once even sent a complaint to the Head of the National Police but received no reply.

The Special Rapporteur for Poso also noted attempts to protect perpetrators by obstructing victim's effort to seek information on the perpetrator's whereabouts and by refusing to follow up victim's report. Sometimes abuse of power is involved. As shown in Case Illustration 17, the perpetrator's superior clearly stated that he would not hesitate to use his gun to force the victim and her family to withdraw their case against the perpetrator.

Case Illustration 17

The victim, 20 years old, became pregnant from her relationship with Second Private Aq, a member of TNI 714 Infantry Battalion. The victim and her family reported her case to the Battalion Headquarters in Poso. The report was taken by Company Commander A, the perpetrator's superior. A forced victim's family to settle the case 'amicably', meaning that the case should be forgotten. A repeatedly stressed that the perpetrator could not marry the victim out of religious differences. To ensure that the victim and her family would not bring up the case, A even threatened that he will shoot them if they insisted on forcing the perpetrator to marry the victim.

2.6. Citizens' Initiatives

The Special Rapporteur noted that in 2008, KPKPST in Poso struck down an agreement with the Head of Poso District about provision of fund for victims of sexual exploitation perpetrated by security personnel assigned during Poso conflict recovery operation. However, the fund was not specifically targeted for victims of sexual exploitation but used for economic empowerment programs for people in general.

3. Intervention in VAW Cases in the context of Internal Displacement

Only one of the total nine cases of violence against women occurring in the context of internal displacement was reported to the Police and followed up with a trial at the Poso District Court. It was a case of rape perpetrated by the victim's employer's son. From the beginning, the perpetrator's family and village authorities tried to approach the victim and her family. They asked that the victim and her family would settle the case out of court. They offered a sum of money with the condition that the victim and her family would drop their charges. In the absence of facilitation and a solid social bargaining power, the victim and her family accepted the offer. As a result, a court hearing was only held once and never continued since victim failed to fulfill the summons to attend the court proceedings.

Other cases in the context of internal displacement were resolved with a traditional mechanism, including 4 cases of domestic violence, 2 cases of violence in the community and one case of date violence. Generally the perpetrator would be sanctioned with the compensation of cattle, goods or money. In such arrangements (see Case Illustration 11 and 12) the victim would not have the assurance of getting result that would address her sense of justice and self-recovery. Victims of domestic violence can never be sure that the

perpetrator will not take away the family asset to pay for the compensation. In rape cases, marriage or compensation of a cow as a substitute, is not an solution that empowers the victims.

In domestic violence cases, all committed by husbands in this documentation, religious leaders played an important role in settling the case. Religious leaders usually act as mediators, bringing together the conflicting husband and wife, or meeting with the perpetrator's parents and the victim's parents. Such mediation process would usually be followed with agreement and promise by the spouses to live in peace as things were before.

4. Local Government Policy for Supporting Women and Children

The Special Rapporteur also noted a policy breakthrough produced by the local government of Poso District, namely the District Bylaw No. 6/2008 on the Provision of Protection, Services and Recovery for Women and Children Victims of Violence. This goal of this policy is to prevent all forms of violence against women and children, to protect victims of violence and to provide comprehensive recovery services for victims of violence.



doc. Komnas Perempuan, 2007

VII. Re-victimization of Women Victims of Violence

Re-victimization is a process of repeated victimization after suffering the initial act of violence. At a glance, this process seems like a continuation of the effects of violence, be it physical, psychological, sexual and social. But, this process will be better understood when it is seen as emerging from inappropriate handling of victims, especially measures that fail to regard the victims' rights to truth, justice and recovery (see Scheme 3: Patterns of Violence against Women in Poso Conflict). As a consequence, victims not only experience physical, psychological, sexual and/or economic suffering, but also suffer from a reduced self-integrity as a dignified human being within their families and communities.

The Special Rapporteur for Poso noted that re-victimization is a process marked by a series of acts of violence and discrimination. As a process, a more comprehensive understanding is gained by not seeing these acts as isolated actions, but as interrelated events. With such an understanding, re-victimization is often documented as a type of layered violence experienced by women victims of violence.

1. The Silencing of Women Victims

Silencing women victims, depriving them of their her rights to freedom of opinion and expression and further of their rights to justice, is the most common beginning to the re-victimization of women victims of violence in Poso. This silencing is takes course by various means, including intimidation, either directly using weapon (see Case Illustration 17) or by verbal abuse. Some victims also reported that they were intimidated not only by perpetrators, but also by those who were supposed to be defending them.

These parties would usually assume the role of mediator between the perpetrator and the victim, where the victim would be asked to forgive and make peace with the perpetrator. For example, the police and judges who insisted that victims forgive the perpetrators of mutilation during court proceedings. Another example includes demands by the perpetrator's commander that the victim of sexual exploitation accepts the "family approach" settlement in the form of compensation, '*nikah siri',* even withdrawing charges against perpetrator. Such intimidation puts victims into a no-way-out situation, forcing them to follow the wishes of these parties. This situation clearly undermines the position of women in accessing a justice.

If not by intimidation, the silencing of women victims is simply done by disregarding their wishes about a preferred settlement, and often it is the victim's family, traditional or

religious leaders who cause such disregard during the "family approach" settlement. Settlements produced usually hinge on feelings of shame, since the violence experienced is perceived as an embarrassment to the family's and the community. This is especially true in sexual violence cases, particularly in sexual exploitation cases, which can easily be manipulated by the perpetrator to avoid legal responsibility for the committed crime.

As a result of the silencing, many victims became apathetic about the all efforts to seek resolution to their cases. Some victims even grew cynical about this documentation process and case facilitation. Victims also feel abused again for being forced to accept settlements that they do not want, for example accepting traditional compensation paid by the rape perpetrator or performing '*nikah siri*' only to be abandoned again later on.

2. Stigmatization

Stigmatization is labeling of a person with negative connotation. These labels usually depart from stereotypes and prejudices attached to one's social identity. For example, a criminal stigma attached to tattooed persons, or a seductress stigma attached to a widow. Stigmatization is a psychological violence since it denigrates victims and undermines their dignity as human beings.

Stigmatization is experienced particularly by victims of sexual exploitation. Because the perpetrators would usually be security personnel, the labels attached are associated with military and security terms such as *KORAMIL* (*korban rayuan militer*/victim of militaryman seduction), *SSB* (*Sisa-sisa Brimob*/Brimob's leftovers), *TAPOL* (*tempat bapelo*/*tempat berpeluk*/a place to hug), *Selebritis* (*Selesai Brimob Perintis*/done by BrimobPerintis or *Selera Brimob Perintis*/the taste *Brimob Perintis*). Similar labeling is also seen in other conflict areas such as Maluku, North Maluku, Aceh and the border of West Timor and Timor Leste.

A stigma attached to women victims is inherently a social sanction. The bearer of stigma is seen to have violated the society's norms. In cases of sexual exploitation, the woman is often assumed to have created the opportunity for the violence to occur, because such cases would usually be preceded by a personal relationship between the perpetrator and the victim. The stigma implies the negative judgment about the morality of women victims.

The stigma is then spread in various social activities such as in festivities, potlucks and other social gatherings. As a continued reminder of the social norm violation, the child borne out of such relationships would bear the stigma as bastard child (*Anang Kadoe*), especially when the woman victim is not wed by the perpetrator. As a result, the woman victim of sexual exploitation would feel ashamed and have her self-confidence damaged. She will then remove herself from social interaction.

3. Isolation

In addition to stigmatization, a victim of sexual violence, especially sexual exploitation, must also deal with isolation by their family and community. The violent event she experiences not only becomes the talk of the village, but also a way to judge her morality. Interaction with the victim is discouraged for the risk of being contaminated by the woman's assumed negative morals. Women victims are then marginalized from social interaction, which is also seen as a proper punishment for them.

For these women, isolation is a cruel psychological punishment, especially when this leads to the loss of friends or confidants with whom he can to share her story, either at school or at home. Additionally, isolation by religious institutions treats her as if she were no longer a part of the community. One victim told of how dejected she felt after she was no longer involved in youth activities in her community and in the church, whereas before she was a very active member. A victim would also be excluded from religious activities, for instance, when her house is no longer included in the rotation of prayer groups. The church also issues sanctions such as not allowing the victim to receive sacraments, particularly baptism and the Eucharist. In that regard, the church should have provided pastoral service to help the victim regain her spiritual life and restore her rights as a member of the church to receive and be involved in church services. That way, there would be sense of theological absolution, if the victim as a mother has undergone church sanctions, while there are still other church rules that limit the baptism sacrament for the child born out of wedlock.

In addition, the church also refuses to baptize children being born out of wedlock. If to be baptized, the child will take the name of the grandparents. This means that isolation befalling the woman causes further deprivation of her rights with regard to the status of her child.

Based on the report from the organizations supporting victims in Poso, the Special Rapporteur noted difficulties of women single parents to obtain free birth certificates for their children, especially for those born as a result of sexual exploitation and sexual violence. There has not been any significant progress to date in this regard, despite attempts to advocate such cases with the local government of Poso District.

4. Deprivation of the Right to Education

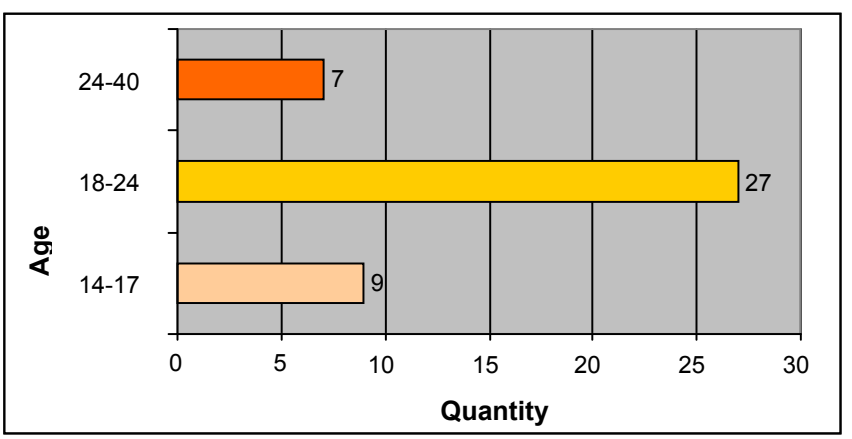
From many cases, *Komnas Perempuan* found that almost every teenage victim of sexual exploitation have lost their right to education when it was found that she has become a victim, even more so when she becomes pregnant. This happens either because the parents forbid them to continue their education or they have been expelled from the school .

In Poso context, the Special Rapporteur documented at least three victims who were still in junior and senior high school expelled from school after it was found that they had become pregnant. One victim continued her education after giving birth, but the other two dropped out of school.

5. Marginalization of Women as Single Parents

Due to the general lack of proper interventions in cases of sexual exploitation and sexual violence, women victims become single parents. From 42 woman single parents, 9 were still underage (between 14 to 17 years old). The rest of them, 27 women were between 18 and 24 years old and 7 women between 25 and 40 years old (see graph 8). Generally, victims did not have access to work and were still students.

Graph 8
Number of Sexual Violence Victims who Became Single Parents by Age



A woman victim who becomes a single parents has to support her child by herself. This happens because they do not know where to find the perpetrators, and even if they do, they do not have the power to demand the perpetrator to provide support for the child. This would still be true even when there is a court decision compelling the perpetrator to pay child support. No such mechanism is has been established by the perpetrator's institution or by the court system to ensure the enforcement of such decisions.

Another situation that turns a woman into a single parents is when the perpetrator abandons the victim and the newborn child shortly after *nikah siri* or *nikah turun*. Without any legal documents, the victim cannot demand the perpetrator's responsibility. In *nikah turun* the victim is forced to agree that the perpetrator will only be to her married until after the child is born just to gain a degree of social acceptance for the child.

6. Impoverishment of Women

As many as 12 women victims of sexual violence and 9 women victims of sexual exploitation became single parents at the age of 14 to 18 years. Some of them had to drop out of school. Generally they came from poor families. Not only they do not have financial means to handle their cases, they also cannot work because they have limited skills. On top of this they also experience stigmatization and isolation, which further complicates their access to available support. Marginalization of women single parents leads to impoverishment of these women.

Impoverishment also happens to women victims of conflict in general. Most of them have to become head of the household and the sole breadwinner because the violence in Poso has taken away their husbands and sons.

Earning a livelihood becomes even more difficult because they had to abandon their farm, land and house for security reasons. With limited skills, many of them have to work as in rubber plantations or as laundresses.

> *I only have one child left; I don't know what would become of his future. I've struggled, doing anything to make a living, from washing people's clothes, only to support my child. Now I'm growing vegetables. It has been a year and a half that I no longer have a house. I'm living with my father. My father is the only hope I've got…* (Mrs. R, victim of forced nudity, 2000)
>
> *Now I am married again so there would be someone to help me feeding my children. I washed people's clothes; I worked as a domestic helper. If I did not remarry I cannot take it any longer having to work for other people. I once made cakes to sell and used the money for food and to by clothes for my children. I am so sad that my husband and I still have to live in someone else's house. I used to have a house of my own back then, though very modest...* (Mrs. T, victim of Sintuwu Lembah Attack, 2000)

Meanwhile, the piecemeal approach to post-conflict intervention, the corruption and lack of sensitivity toward the needs of women has done little to help the women victims of conflict get out of poverty (see chapter VI, section on Rehabilitation for IDPs). They also must wait for legal assurance about their economic assets, but they are often denied of this rights as they do not have land certificate to show for. To date, the government has not yet made much progress in fulfilling the people's civil legal rights. These assets are expected to help sustain their livelihoods.



doc. Komnas Perempuan, 2007

VIII. State Responsibility

In human rights law, the State is the first and primary holder of responsibility to fulfill and uphold human rights. This responsibility includes preventing and intervening cases of human rights violation, both in cases of discrimination and violence. This responsibility is continuous, and does not stop even during conflict because conflict situations are prone to human rights violations. Women are particularly vulnerable to becoming victims of human rights violations as their bodies and sexuality are seen as symbol of virtue for their community as well as a indicator the community's ability to defend themselves or to control their enemies. As such, special attention must be given to the State's responsibility for the various forms of human rights violations, particularly the gender-based ones, including:24

- sexual crimes such as rape, sexual slavery, crime against reproductive freedom, sexual torture and other sexual violence,
- crime that violates reproductive rights, including forced sterilization and forced pregnancies,
- persecution or gross intentional denial of basic rights due to victim's identity as a member of a certain population, including gender-based denial of rights,
- forced displacement, as well as stealing, looting and other crimes aimed at a specific population, pertaining to the role of women to look after the family and the house,so they are often abandoned by the men who have fled or went into hiding for safety reasons or have been captured or killed,
- killing and forced disappearance, although it is men who are usually prone to become such victims,
- starvation and deprivation of basic needs, both during displacement or remaining in the house.

In the context of human rights violation, the first focus should be on the position of the State in cases of human rights violation during conflict. The State could be directly involved by commission in human rights violations when its personnel directly commits, gives orders, endorses, helps or conspires in the act of human rights violation, including arbitrary arrest and detention, inhuman treatment, torture, extra-judicial killing and random killing, in addition to other forms human rights violations. The State can also be indirectly involved in human rights violations by omission, when its apparatus fail to prevent, or stop despite

[24] These forms of violations were extracted from Wandita et.all, *Hukum Pidana Internasional dan Perempuan: Sebuah Buku Acuan untuk Praktisi* , Jakarta: *Komnas Perempuan*, p. 40

the knowledge of the violation, or sustain impunity by obstructing demands for accountability of the perpetrators.25

The Special Rapporteur for Poso documented indications of the involvement of the State apparatus, both direct and indirect, in the gender-based human rights violations throughout Poso conflict escalation and intervention. Indications of such involvement are reported based on the type of the documented cases and the phases of case intervention. Additionally, this section also presents a brief report on the effort on post-conflict community recovery, especially for victims of violence, including and particularly women. This report is expected to provide a description about the extent to which the State has faced the challenge of carrying its responsibility in fulfilling and upholding human rights in the context of Poso conflict.

1. Involvement of the State in Gender-Based Human Rights Violation

From the documented cases of gender-based human rights violations, the Special Rapporteur found indications of the involvement of State authorities in human rights violations in Poso, both directly and indirectly by omission, including:

1.1. Violence against Women in the Context of Poso Conflict Escalation

The indication of State participation in human rights violation was found in the gender-based forced nudity case in Sintuwu Lembah as part of the series of attacks against the community (see Chapter III. Specific Findings 1). When the forced nudity incident was taking place, no security personnel were present indeed. However, this implies that security personnel were allowing the civilians to be taken hostage, including women and children26. This omission opened up an opportunity for forced nudity incident to occur on the third day after the victims were taken hostage by the attacking group.

The assumption of omission by the State is supported with the nature of the attack and the position of the security personnel. The attack was executed in an organized and planned manner as shown by events that developed prior to the attack. Some villagers changed their minds about seeking refuge because there was a security

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25 When the direct or indirect acts occur in a widespread or systematic manner, and targeted against a civilian population within the context of conflict or not, then such human right violations can be fall under severe human rights violation in the form of crime against humanity. *Ibid,* page 10-12

26 Referring to the testimony of S, the surviving victim of Sintuwu Lembah attack in May 2000: "…When we were tortured in Ranononcu, I recognized one man, a TNI 711 member. But even today now I don't want to mention his name, because I am afraid. He is still around, and all my family still lives in the city…" (interview by the Special Rapporteur and team with S, 2007)

guarantee from local authorities that came directly from the Head of Lage Sub-district and the Sub-district Police Chief. This guarantee did not materialize. During the attack, the civilians did not see any security personnel anywhere on the site when in fact the Lage Sub-district Police Office was a mere 100 meters away, the Lage *Koramil* only 200 meters and the Poso *Kodim* 711 only 5 kilometers from the scene. The victims of forced nudity were people who decided against leaving the village and choosing only to cross the river close to the village where there were easily found by the attackers.

Indication of omission by the State is also supported by the information that in another incident one security personnel was seen among the attackers and did not do anything to prevent the violence.

1.2. Violence against Women in connection with the Assignmentof Security Personnel

In its response to Poso conflict, the government employed a security approach of adding the numbers of security personnel in Poso. Using various codes for these security operations, these additions totaled more than 200 personnel, assigned to posts among civilians. The Special Rapporteur's documentation shows that of the 72 documented cases of violence against women, 58 were perpetrated by security personnel (police and military). Almost a quarter of the victims were girls below 18 years old. The violence includes cases of rape, forced abortion and sexual exploitation, including gender-based labor exploitation. In the case of sexual exploitation and forced abortion, acts of violence were always preceded with personal relationships between the perpetrators and victims. Perpetrators used their position as security personnel to manipulate and/or intimidate victims. This position was also abused to avoid responsibility by manipulating traditional and religious mechanisms and practices such as *nikah siri* and *nikah turun*. Considering these facts, acts of sexual exploitation and forced abortion cannot therefore be merely considered as cases of violence in personal relations, but rather as a acts of crime in the public domain perpetrated by State authorities.

2. The Role of the State in Preserving Perpetrator's Impunity

Aside from highlighting the involvement of the State apparatus in human rights violations, the Special Rapporteur for Poso also received information the involvement of a number of state apparatus, especially the law enforcement, in obstructing the women victims' access to fulfilling their rights to truth and justice. This was evident in the handling of several cases, such as:27

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27 A more detailed explanation can be found in Chapter VI, Case Intervention of Violence against Women during Poso Conflict.

2.1. Cases of violence against women in the context of Poso conflict escalation. The legal process to bring to justice the individuals involved in cases of violence pertaining to Poso conflict did not integrate the truth seeking and the responsibility for the forced nudity case of 200 women in Baruga Village Hall, Lembomawo. The repeated questioning of rape victims in Poso during conflict escalation became a mere footnote and never seen a day in court.

Separately, the Special Rapporteur for Poso was asked to raise the issue of law enforcement intervention of the court process in the mutilation case of three female students of Poso Christian High School. In that case, the surviving victim and victims' families felt intimidated by pressures from the Police and the Judge to forgive the perpetrators. Such intimidations undermined the victim community's trust in the ongoing legal process. Furthermore, there was a perception in the community that the ongoing legal process was merely a "kangaroo court" although eventually the perpetrators were sentenced28.

2.2. Violence against Women in Connection with the Assignment of Security Apparatus

Although such cases are familiar to the security institution, considering many similar cases in the past in areas of military and security operations,29the perpetrator's institution often becomes the obstacle for initiatives to seek accountability. There are heads of these institutions refusing to handle cases with the excuse that the perpetrator was from a different unit. Others give the excuse that the perpetrator had been transferred to another location and that there was no means of where he was moved or how to contact the perpetrator. Even when the report was received, victims say that their report was not followed up. There was even a commander who used his weapon to intimidate the victim and her family to drop their charges against the perpetrator.

2.3. Other forms of sustaining perpetrator's impunity by the security institution is by aiding perpetrators to evade responsibility through the use of traditional mechanisms and the practice of unregistered marriage (*nikah siri* and *nikah turun*). No sanctions were given to perpetrators for such violation of discipline in carrying out their duty, as enshrined in the *Tribrata Kepolisian, Catur Prasetya* (Oath of Duty), Polri Vision and Mission, Polri professional code of ethics, Law No. 2/2002 on the National Police of the Republic of Indonesia, and (for the military) TNI Soldier's Guidelines on Human

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[28] Perpetrators were sentenced to prison: Hasanudin (20 years), Rahman Kalahe (19 years), Lilik Purnomo/Haris, Irwanto Irano, Agus Jenggot (14 years).

[29] Those security institutions, both the police and military, were aware of the sexual exploitation perpetrated by their personnel was stated to Komnas Perempuan on different occasions, including through the Special Rapporteur's mechanism for Poso and other occasions.

Rights30, Indonesian Army Soldier's Guidelines for the Application of Human Rights and violations to the mission of the security apparatus presence as stipulated in various TNI regulations.31

Responding to reports on the handling of sexual exploitation cases, the Special Rapporteur for Poso corresponded with the National Police Headquarters and TNI Headquarters on July 20th, 2007. On August 23rd, 2007, the National Police Headquarters replied to the Special Rapporteur stating that the Police was committed to "taking stern measures against its personnel, including disciplinary sanctions or criminal proceedings in court of the personnel is be proven to have committed violations of discipline or the law", including those who were assigned in Poso.

Afterward, the Special Rapporteur for Poso received information from the victim community in Poso that in September 2007, two officers from Poso Subdistrict Police and Central Sulawesi Regional Police picked up the three women victims of sexual exploitation from Tangkura, Batelembe and Patiwunga villages in South Coast Poso Sub-district. They were taken to Poso Sub District Police Headquarters and were questioned about their cases. According to one officer at in Poso Police Headquarters, all papers would be sent to Central Sulawesi Regional Police for them to further handle the case. Finding out about these developments, the perpetrators tried to contact victims and their facilitators by phone and offered to pay seven million rupiahs. The victims turned it down.

According to the latest information from their facilitators in Palu, the victims were arranged to meet with the perpetrators at Central Sulawesi Regional Police. The officer who managed the case also offered a settlement by offering a sum of money to those victims. The victims then agreed to this settlement. Their facilitators did not receive any information whether the victims were intimidated to take the offer and whether the perpetrators were punished for their actions.

At around the same time, the Special Rapporteur for Poso also received information that an officer from Central Sulawesi regional Police held a meeting with community members of Kawende village (Poso Pesisir Utara sub-district) to try to find out the identities of women who had become pregnant from relationships with security personnel assigned there. These sudden actions of documenting and taking women victims from Poso Pesisir Selatan Sub-district left the victim community feeling uneasy. This uneasiness is understandable because in the context of post-conflict Poso, such actions are similar to investigations of violence perpetrators and suspected terrorists. Victims were not only fearful of being cornered but

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30 Soldier's Guideline on Human Rights, published by TNI Headquarters, TNI Office of Legal Affairs, February, 2001.

31 Army Soldier's Guideline on the Implementation of Human Rights, published by TNI Army Headquarters, 2000.

also of the possibility of retaliations by the perpetrator if they find out their cases were reported.

On different occasion, *Komnas Perempuan* conveyed these problems about how cases of sexual exploitation were managed to the TNI Headquarters Legal Office.32At this meeting, the TNI expressed its commitment to uphold human rights and to take necessary measures about the violations committed by its personnel. The TNI institution welcomed the invitation of *Komnas Perempuan* to establish a mechanism of resolving cases that will provide a sense of justice for victims of sexual exploitation perpetrated by military personnel.

For the Special Rapporteur for Poso, the response of the National Police and TNI was a step forward to ensuring the State's role in breaking the chain of impunity. As representation of the State, the Police and Military institutions must take firm and appropriate measures against all personnel who have committed acts of sexual exploitation and other violence against women, including administrative measures and/or criminal case. A strategic step to take into consideration is to develop a mechanism to prevent perpetrators of sexual exploitation and other sexual violence from being employed or re-assigned to other locations33, especially perpetrators who exploit socio-cultural means and power structures within the community to settle their cases without any intention to honor victim's rights. The whole set of preventive measures should become part of the State's duty to remember so that such violations will not take place in the future.

Prosecution of perpetrators should be conducted to build trust in the victims' communities and followed by actions that provide sense of justice and means for recovery for women victims. Such measures should also ensured that children born from sexual exploitation and other acts of sexual violence be provided, according to their individual needs, with care and support to address the medical, legal, psychological and social impacts of sexual exploitation and violence for the best interests of these children. This is in line with the initiative to honor human rights as it relates to the support for parents and children in similar cases at the International level.34

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32 Stated directly to *Komnas Perempuan* Chairperson and Special Rapporteur for May 1998 incident at TNI headquarters on March 17th, 2008.

33 Compare this with the Protection from Sexual Exploitation and Sexual Abuse published in the UN Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, ST/SGB/2003/13, October 9th, 2003.

34 UN General Assembly Resolution No 62/214 on UN Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel.

The government should also ensure that every child born out of sexual exploitation and other acts of sexual violence are given their rights to identity and citizenship as mandated by Law No. 23/2002 on Child Protection35.

3. State's Negligencein Conflict Intervention

While faced with various challenges in intervening gender-based human rights violation, the State needs to take effort in managing conflict that has created situations vulnerable for human rights violation. In that regard, the State has been repeatedly condemned for failing to put a stop to the conflict and violence in Poso. In this context, the State is responsible not only to make effective efforts to handle the conflict but also to reveal and clarify why its policies have run into obstacles or even failed.

Upon a closer look, from the beginning the central government has made a number of policies to handle and stop the conflict and sectarian violence in Poso. One of the strategic steps taken was to produce an agreement between the two conflicting communities through the signing of Malino Declaration on December 20th, 2001. The declaration also agrred to deliver humanitarian assistance involving the local government, including the local office of social affairs.

The second step was security (recovery) policy handled directly by the military. A number of National Police and TNIpersonnel were assigned specifically to deal with the conflict and sectarian violence in Poso. The Police's Special Anti-terror Detachment 88 (*Densus*) 88 was also assigned to eradicate terrorism. The presence of anti-terror forces was related with Poso's status as an operational field of the *Jamaah Islamiyah* network. TNIspecial forces, *Komando Pasukan Khusus* (*Kopassus*), the Army Special Command, was also assign to ansure security there.

The security approach option as recorded in this documentation is perceived to be in-effective and has actually brought added tension to the community.36 Early in the conflict,

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35 Article 27 states that: (1) Every child's identity shall be provided at birth; (2) the identity as referred to in Article (1) shall recorded in a birth certificate; (3) the production of the birth certificate production shall be based on a letter of attestation from those persons witnessing and/or aiding the delivery process; (4) In the event that the delivery process of the child is unknown, and the parents' whereabouts is unknown, the birth certificate shall be based on the attestation of the person who discovered the child. Article 28 states that: (1) The production of the birth certificate is the State responsibility and its implementation shall be conducted at the village level as the lowest level in the government structure; (2) The production of the birth certificate as referred to in article (1) shall be carried out at the latest 30 (thirty) days from the day the request was made; (3) The production of the birth certificate as referred to in article (1) shall be free of charge; (4) Regulations on procedures and conditions of producing a birth certificate as referred to in article (1), shall be regulated in laws and regulations.

security personnel was seen as irresponsive in preventing attacks and violence, or in providing protection to communities despite having plenty of opportunities to take action. Disarming community groups did not succeed much in reducing terror against civilians, as recorded in incidents of arbitrary killings and bombing of public facilities. There was a strong impression in the community that security forces chose to turn a blind eye and let the violence go on leading to a lengthy conflict in Poso.

Amid the public distrust of the Indonesian legal system in punishing those responsible for the conflict escalation and violence in Poso, people also began to doubt the integrity of security personnel due to their lack of transparent and institutional accountability about every military operation, its effectiveness and operational costs, and low appreciation for community participation. This also relates to the finding that attackers used weapons that only authorized security personnel can legally use.

4. The Policy of IDP Rehabilitation that Marginalized Women

While intervention for violence against women still left plenty of challenge for the fulfillment of women's rights, the rehabilitation process for IDPs during Poso conflict also caused marginalization of women victims. In both rehabilitation and reconciliation processes, women victims are usually only represented by only a few appointed people. Whereas,it was women who experienced the biggest impact of Poso conflict because many men died and women became heads of the household and the backbone for the survival of their family and community.

The fact that women were not involved from the beginning in every process of conflict intervention has led to policies that often overlook the needs and interests of women. For example, the government's reconstruction program that would only provide temporary housing aid only to those who are willing to return to their home villages, restricting women in accessing the aid. Whereas the deep trauma of losing their husbands, children and possessions, the absence of security guarantee left women with the unlikely choice to return home. On top of this, the women's rights to ownership of their assets was often not recognized. A woman who was displaced to Palu told of how authorities in her home village denied her ownership of the land and farm abandoned by her father. She chose to not further process the ownership status, since she felt she could no longer return to Poso,

[36] A number of NGO concerned about advocacy in the Poso conflict condemned the government decision to extend security operations without a comprehensive evaluation of the previous operation and the performance of security personnel. From the security perspective it was seen that between 2000 and 2005 cases of violence occurred, including 36 cases of mysterious shootings and 32 bombing cases. Meanwhile, as a result of violence in the form of torture, cruel and inhuman treatment between 2002-2005, 79 deaths and 207 injuries were recorded (Press Conference, KontraS, PBHI, LPSHAM Central Sulawesi "*Sesat pikir Perpanjangan Operasi Sintuwu Maroso*", July 21st, 2005).

especially now that her land and field are occupied by the community formerly opposed to hers, which made her uncomfortable and insecure living there.

The second example is the government's 58 billion-rupiah fund for Poso post-conflict recovery aimed for economic empowerment; only 10 billion rupiahs of it was distributed to the people in the form of direct cash transfers while the remaining 48 billion was delivered in the form of projects. This pattern is considered inappropriate by many.37

The Special Rapporteur and the team also found indications of power abuse and corruption in aid distribution for women victims of Poso conflict. One woman reported that her disabled child has not received any support to this day and she has reported this fact to the local social affairs office several times. The officer in charge of the aid was later sentenced to jail for embezzling aid for victims of Poso conflict. Another woman also reported that she did not receive the living allowance support (JADUP and house material support (BBR) because when officers came to conduct the assessment she was not home. The Social Office officer later promised that she would get the aid in the next-phase, but it never materialized.

The IDP rehabilitation policy that marginalized women and abuse of power in humanitarian aid delivery has caused many women (and children) to be denied their rights to basic needs. Improvements and revisions should be made to IDP rehabilitation policy and the control mechanism for aid delivery. This holds the same importance as preventing all forms of violence against women and breaking the cycle of impunity as a manifestation of state's responsibility to fulfill women's basic rights in post-conflict Poso.

37 Kompas, May 30th, 2007.

IX. Conclusion

1. In her observations, the Special Rapporteur for Poso found 72 cases of violence against women: (a) five cases related with the context of Poso conflict escalation, including 1 forced nudity case experienced by around 200 women in Sintuwu Lembah village, 1 rape case, 2 shooting cases and 1 mutilation case; (b) 50 cases related with the posting of security personnel, including 43 sexual exploitation cases, 9 rape cases, 1 attempted rape case, 5 forced abortion cases; (c) 9 cases in the context of internal displacement, including 6 cases of domestic violence perpetrated by husbands, 1 rape case and 2 sexual exploitation cases.
2. Victims are women of between 14 to 54 years old, with various background based on their education, occupation and marriage status. Perpetrators in the conflict context are members of the conflicting communities. Almost of all perpetrators in the context of posting of security forces are police and military personnel that had personal relationship with the victims.
3. Attacks against a woman's body is part of the strategy to conquer the opponent, as found in the case of forced nudity against women of Sintuwu Lembah and the mutilation of 3 female students of SMU Kristen Poso. Rape on women used as the symbol of the destruction of community's dignity and, as such, is a means of provocation for attacks, including justification for retaliation by the opposing groups. This is clearly seen in the use of rape in *Pesantren Walisongo*.
4. The assignment of security personnel without any effective control mechanism for the personnel behavior have made women vulnerable to sexual exploitation and other acts of violence and personnel abuse of their position as symbol of security/protection.
5. As a result of rampant sexual exploitation *dero* events are now banned because the security personnel have used it to make advances to local women. This distortion of *dero* as a place for socio-cultural interaction is a direct implication of security personnel violating the code of conduct.
6. Security institutions have sustained the impunity of sexual exploitation perpetrators by neglecting victims' reports, providing institutional protection for perpetrators and manipulating traditional, religious and family mechanisms to settle cases while never intending to fulfill the victims' sense of justice. The public and military court systems failed to provide any meaningful opportunity and failed to play a role to advance women's access to their rights to justice, truth and recovery, leading to women's distrust toward legal process.

7. The government's reconciliation and reconstruction effort has treated women victims of conflict as mere objects in the issue, failing to actively involve them in decision making and has been insensitive to specific vulnerabilities of women, particularly in psycho-social recovery initiatives, peace dialogue, and provision of humanitarian aid. These has lead to new forms of discrimination and marginalization of women victims.
8. In its effort to provide recovery for women and children victims of violence, the District Government of Poso implemented the District Bylaw No. 6/2008 on protection, provision of services and recovery for women and children victims of violence.
9. Women victims of conflict experienced re-victimization through silencing, isolation and impoverishment, especially women who have become single parents as a result of sexual exploitation.
10. Although measures were taken to address Poso conflict, the State has failed to exercise its responsibility to fulfill women's rights as the citizens as stipulated in the 1945 Constitution of the Republic of Indonesia, particularly the rights to life, to be free from discrimination and violence, the rights to legal certainty and justice, and the rights to a proper livelihood.

X. **Recommendations**

Based on findings in her monitoring, the Special Rapporteur for Poso recommends the following to:

1. The President of Indonesian Republic to:
    1.1. integrate human rights of women into the entire framework of security sector reform;
    1.2. take special measures to ensure the rights of children born as a result of sexual exploitation or rape, and to protect them from new forms of discrimination;
    1.3. referring to Law No. 24/2007 on Disaster Management, develop comprehensive policies and programs of empowerment for women victims of Poso conflict, including women heads of households and women single parents by involving women from victim community and advocacy/facilitation organizations, starting from the planning, implementation, to evaluation phases;
    1.4. support the strengthening of initiatives by women victims of conflict in the process of reconciliation and efforts to prevent and mitigate the impacts of conflict;
    1.5. work together with *Komnas Perempuan* to formulate Government Regulation pertaining to Law No. 24/2007 on Disaster Management in order to effectively respond to women-specific vulnerabilities and to provide access and affirmative actions to get equal opportunity and benefits to achieve equality and justice in every phase of disaster management;
    1.6. develop programs to end poverty by taking special measures to support women victims of violence impoverished in the context of conflict;
    1.7. ensure women victims' participation in the development of government policies that influence their lives as part of recovering their political rights.

2. House of Representatives of the Republic of Indonesia to:
    2.1. integrate human rights of women into the entire framework of security sector reform; and,
    2.2. ensure that Draft Law on the Military Court affirms that military personnel committing an act of crime are subject to trial in civil court.

3. TNI and POLRI to:

   3.1. amend the entire set of operational procedures for personnel to be in line with international standards that are developed to ensure women's rights (such as the UN Security Council Resolution of February 2008 on sexual violence in conflict), including the elaboration to Article 8 Section 2 of Soldier's Duty to respect women's rights into Rules of Engagement;

   3.2. integrate *Komnas Perempuan* findings on violence against women in conflict situation and the human rights of women into the curricula at all levels of education, including the preparatory sessions for personnel prior to deployment;

   3.3. involve women organizations in developing standards and instruments for implementation and supervision of security personnel conduct in order to prevent human rights violations, especially against women;

   3.4. treat acts of sexual exploitation as serious misconduct of security personnel, in line with UN standards (The UN Secretary General Bulletin: ST/SGB/2003/13) that demands imposing sanctions and specific measures for prevention and intervention;

   3.5. resolve cases of sexual exploitation and other sexual violence during Poso conflict; and

   3.6. make special efforts to protect the rights of children born as a result of sexual exploitation or rape, and to protect them from new forms of discrimination.

4. The Supreme Court to take special measures, together with women organizations, including *Komnas Perempuan*, to enhance the overall effectiveness of the court system in handling cases of violence against women in the conflict and post-conflict contexts.

5. The Ministry of Defense to ensure that the Draft Law of the Military Court affirms that military personnel committing crime shall be subject to the civil court.

6. The Witness and Victim Protection Institution to develop gender-sensitive standards and system for witnesses and victims in the resolving cases of violence in conflict areas, including sexual violence committed by state apparatus.

7. The National Disaster Management Body in collaboration with *Komnas Perempuan* to develop specific policies for fulfilling the human rights of women in all phases of disaster management.

8. The Government of Central Sulawesi Province and Poso District to:

   8.1. make special efforts to ensure the rights of children born from cases of sexual exploitation or rape, and protect them from new forms of discrimination;

8.2. referring to Law No. 24/2007 on Disaster Management, develop comprehensive policies and programs of empowerment for women victims of Poso conflict, including women heads of households and women single parents by involving women from victim community and advocacy/facilitation organizations, starting from the planning, implementation, to evaluation phases;

8.3. support the strengthening of initiatives by women victims of conflict in the process of reconciliation and efforts to prevent and mitigate the impacts of conflict;

8.4. develop programs to end poverty by taking special measures to support women victims of violence impoverished in the context of conflict;

8.5. encourage a more conducive situation for IDPs return to their home communities, including continuing reconciliation at grassroots level;

8.6. create comprehensive intervention to encourage developing relations between IDPs and the local population.

9. The National Commission on Violence against Women to:

9.1. facilitate awareness raising for the public, State apparatus and Human Rights organizations about the gender dimension of armed conflict and how the experience of women in Poso relate to other conflict situations within the general context of militarism in Indonesia;

9.2. encourage recognition and treatment of sexual exploitation as an act of crime in the of national legal system; and,

9.3. facilitate the development of comprehensive recovery concept based on the experience of women victims in Poso and in other conflict situations.

9.4. provide human rights and gender justice materials for the formal education curricula for schools and non-formal education for civil organizations, including religious and traditional institutions as a step to prevent all forms of violence.

10. The National Commission for Child Protection to take specific efforts to protect the rights of children born as a result of sexual exploitation or rape and to protect them from new forms of discrimination.

11. The National Commission on Human Rights to:

11.1. integrate the report of *Komnas Perempuan* Special Rapporteur for Poso into the development of standards and instruments to investigate human rights violations in line with its mandate;

11.2. encourage recognition of sexual exploitation as an act of crime in the national legal system;

11.3. conduct human rights investigation with the scope that goes beyond human rights violations, extending to the new forms of violence and discrimination after the incident, and to ensure the integration of the "do no harm" principle into human rights investigation methods;

11.4. provide human rights and gender justice materials for the formal education curricula for schools and non-formal education for civil organizations, including religious and traditional institutions as a step to prevent all forms of violence.

12. Traditional and religious institutions to:

12.1. build comprehension of gender-based violence and discrimination practices in the community and adopt appropriate views in resolving cases in order to contribute in the fulfillment of women's rights to truth, justice and recovery;

12.2. spread the understanding of sexual violence and its impacts as the ground for preventing re-victimization and building support for the fulfillment of victims' rights; and,

12.3. take specific measures to encourage local initiatives to focus on the fulfillment of victims' rights.

13. The competent and relevant civil society organizations to:

13.1. take concrete steps to reflect the tendency of treating women as symbol of community's honor which potentially puts its members in the cycle of violence;

13.2. maintain an ongoing monitoring of violence and discrimination against women and the fulfillment of victims' rights;

13.3. produce specific efforts to protect the rights of children born as a result of sexual exploitation or rape, and to protect them from new forms of discrimination;

13.4. promote recognition of sexual exploitation as a crime in the national legal system;

13.5. develop programs to eradicate poverty, specifically to support women victims of violence impoverished as a result of the conflict;

13.6. develop a comprehension on sexual violence and its impacts as grounds for preventing re-victimization and to develop support for the fulfillment of victims' rights, especially for media organizations, social organizations and educational institutions.

14. Competent women organizations at the local level to maintain ongoing monitoring on violence and discrimination against women and fulfillment of victims' rights.

15. International human right advocacy organizations and donors to:

    15.1. develop specific efforts to strengthen local initiatives that focus on the fulfillment of victims' rights; and

    15.2. develop programs for poverty eradication and make a specific effort to support women victims of violence impoverished by the conflict.

XI. Responses

Civil Society Organizations in Poso

These responses were expressed during the launching of the Special Rapporteur's report for Poso on March 19th, 2009 in Poso, held in Wisata Poso Hotel. Responses came from various civil society organizations in Poso and Palu including: KPKPST, LPMS, PRKP, YPAL, Wasantara, SKP HAM Central Sulawesi, KPPA Central Sulawesi, LPS HAM, GKST, Al-Khairaat, Solidaritas Perempuan, and Fatayat NU. The media in attendance included: Mercusuar daily newspaper, VOA radio, Metro TV, and Elshinta Radio. Also attending was the representative of CWS, an international organization. This discussion was moderated by Azriana, *Komnas Perempuan* Commissioner.

Participants' Responses

1. Budiman Maliki, *Lembaga Perberdayaan Masyarakat Sipil/LPMS – the Civil Society Empowerment Institute*

Thank you. *Assalamualaikum*. I see that a large number of cases were perpetrated by security personnel. But I don't see in the *Komnas Perempuan* report that it would be directed toward a Tribunal Woman [sic]. Is *Komnas Perempuan* supporting that, and is that at all possible? Secondly, I highly doubt the recommendations for TNI. To my knowledge the Draft of TNI Law is experiencing a tug of war of interests. Is TNI reluctant to adopt women protection measures in its draft law? For local government of Poso District, I highly doubt it. For your information, with regards to the right to birth certificate, at the local government level there is a local bylaw that requires a fee for every child that is born. I ask that the local government revise the local regulation especially for children victims of Poso conflict. Has the traditional council already adopted a new way of thinking, considering that the local cultural context of the community such as *padungku*, *dero* has been abused by perpetrators to make advances to local women, about ways to protect women from violence during those traditional events.

2. Mrs. Ratna, *Priest from Sayo Village Church*

The Special Rapporteur of *Komnas Perempuan*, such great work. I'd like to ask Komnas Perempuan for a recommendation that there be a follow up by the local government, because thus far all these recommendations received by the government is never followed up. There has to be new steps to provide a new assurance for women, to break the cycle of violence against women. We have got to break this cycle together. To a certain extent the

church has not been discriminating. The church would ash that children born from rape be baptized through the family who is willing to become the foster parent, so that it is clear who the parents are. Is there a possibility that *Komnas Perempuan* can provide input to the government of Poso District to establish an institution to protect women?

3. Daud Somba, *Pusat Rekonsiliasi Konflik Poso/PRKP– Poso Center for Conflict Reconciliation*

The placement of *POLMAS* (*Polisi Masyarakat*/community police) in Poso should receive the attention of *Komnas Perempuan*, because there are many problems arising from their placement. What has been the response of the relevant institutions with regard to these recommendations from *Komnas Perempuan*?

4. Bayu Yones Litha, *VOA Reporter*

How does *Komnas Perempuan* perceive the development of Brigade Infantry in Poso,as this will add more personnel in Poso? What will be done to protect women from past cases so that it will not happen again in Poso?

5. Iriani Thalib, *Fatayat NU*

To what extent have the sanctions been given for those perpetrators (out of 23 cases)? Is there any realization by TNI and the National Police? Has there been any legal sanctions for the perpetrators? Just as an additional input, there are three cases that has not been documented by Komnas Perempuan; they are the killing of several women and pregnant women in Buyung Katedo in Sepe village in Lage sub-district. The nature of recommendations has to be an urgent appeal or pressure so that there will be follow-ups from the government. What is the reporting procedure for individuals and groups in *Komnas Perempuan*?

6. Iyan, *Yayasan Panorama Alam Lestari (YPAL)–The Foundation of Nature Conservation*

I give my appreciation for *Komnas Perempuan*. There is one thing that needs to be communicated when we speak of violence against women. The problem is not just the military, why the military is present in Poso. It has to do with natural resources that are present. Is *Komnas Perempuan* concerned about the development of military installations, and its effect on increasing violence against women in Poso? Why isn't there any talk about empowerment at the grassroots level so that they can voice themselves louder about their rights?

7. Mufida, *Kontras Central Sulawesi*

Thank you. I would like to recommend *Komnas Perempuan*, as I can see there is an attached letter from the *Kapolri* in this report; is there a possibility for *Komnas Perempuan* to urge for

the establishment of MoU with the Kapolda of Central Sulawesi so that there is a point of reference for victims and the NGOs to care for victims.

8. Arbaim Latama, *Gerbang Timur/East Gate*

Komnas Perempuan should have been able to take actions by giving input to TNI and the National Police in creating their policy of assignment and addition of personnel in Poso district. *Komnas Perempuan* should not stop only at completing its program, but I also ask that Komnas Perempuan resolves cases. Don't just stop at seminars and workshops.

9. Salma Masri, *KPKPST*

Responding the previous questions, I'd only like clarify the mandate of *Komnas Perempuan*. If we look at it, it is not about resolving cases. We have to understand the mandate given to *Komnas Perempuan*.

Closing Response

1. Lies Marantika, Special Rapporteur

The strategy of this report delivery, we are presenting this report to the people today, and with the local government and other parties tomorrow. So they are not present meeting today. Our position regarding the assignment of [security] apparatus that we see a lot in Poso, we've discussed this in *Komnas Perempuan*, and we have sent a letter to the National Police and TNI through their top official, and the National Police has replied. For these two institutions, command mechanism applies, so we have to approach the leaders. As for the Police, the Central Sulawesi Regional Police had summoned the victims and give compensation for them. As for this report, generally there was a presentation about interventions, about sanctions. Some cases went as far as the Military Court which gave a prison sentence of three months for the perpetrator. Some followed traditional mechanism, followed traditional sanctions, and there were many without any legal sanctions. As far as additional military personnel in connection with exploitation of natural resources, we did not get into that. The local community are effective and proper monitors, and we have done that and we agree with our friend's suggestion there, that is to empower local people to conduct monitoring.

In the context of sectarian conflict in Poso, lots of information was circulating and we faced difficulty getting concrete data. For the case of Buyung Katedo, one victim who was not able to provide sufficient information, so we thought it would be better to wait until we gain more facts. But then there were difficulties conducting further verification. We are sure that documentation process would not stop here and we hope that there will be ongoing documentation, especially to record those cases that has not been fully documented.

RESPONSES FROM THE LOCAL GOVERNMENT OF POSO DISTRICT

This response was presented during the consultative meeting between the Special Rapporteur for Poso and Komnas Perempuan Team with the local government of Poso District, in a series of events to launch the Special Rapporteur for Poso Report, on March 20th, 2009, that took place in Pogombo room at the office of the Head of Poso District. The response was addressed by various officials in the local government of Poso District. The consultative meeting was attended by: the Secretary of Poso District, the representative of Poso District Court, the Head of Women Empowerment and Family Planning Body of Poso District, the Customary Leaders Assembly of Poso District (*Majelis Adat*), PKK of Poso District, GOW of Poso District, The Regional Social Office and Office of Labor and Transmigration of Poso District, DWP of Poso District, the Population and Civil Registry of Poso District, representatives of Social Welfare Office of Poso District, and Women Crisis Center of Poso District. This consultative meeting was opened and welcomed by the speech of the Secretary of Poso District, representing the Head of Poso District. The moderator of the meeting was dr. Asnah Awad, the Head of Women Empowerment and Family Planning Body of Poso District.

Participants' Responses

1. Yahya Mangun,Traditional Leader in Poso District

Thanks for the presentation delivered by *Komnas Perempuan* this morning. A complete information has been presented about findings in Poso. In my opinion, these findings have not produced any solutions about how to overcome [the problems]. What we need right now is how to solve these problems, which we can use as material as leaders of community, traditional and religious institutions, in collaboration with the local government. Whether it has to do with budgeting, regular meetings to share ideas or guidance for the victims. There are two aspects here: first, how we would rehabilitate the victims so their religion, faith and household issues would improve. Second, the issue of children has to become the focus of parents' attention, so they would not be employed anymore.

Next is the health issue, so people could get medication. If need be,the poor should be paid for by the local government. Perhaps *Komnas Perempuan* could provide stimulation[sic] especially for the victim community. For problems related with domestic violence and child protection, those can be solved in two ways. *First*, economic problems. If we rely on the Regional Budget alone, it's not that it would not be feasible, but judging from the scope of the damage, that Budget alone cannot possibly resolve it all. For that, the support from the

central government is needed. Maybe, *Komnas Perempuan* and the National Commission for Child Protection can have a dialogue [sic] with the central government, so that the budget allocation conflict areas, especially Poso, can be increased. Second, the mental [sic] issue. We have been mentally destroyed due to the conflict. Maybe this can be restored with guidance [sic] and refreshment[sic] from the central government, especially for those who have experienced a misfortune, those who have been sexually violated, also problems about education. *Wassalam.*

2. Mrs. Ruwaidah,PKK Mobilizer Team, Poso District

Assalamualaikum Wr.Wb. We'd like to get some information from *Komnas Perempuan*. Having seen this report, there was a letter sent to the Chief of National Police, and his response was to ask *Komnas Perempuan* to present concrete data. What did *Komnas Perempuan* do? During past discussions, *Komnas Perempuan* findings have been actual issues and always highlighted by women activists in Poso. Through this opportunity, allow me to refer this issue legally to the gentleman representing the court. When women victims demand legal papers for the status of their children, what legal procedures can be taken? Because this is an ongoing trauma for women.

We hope that *Komnas Perempuan*can continue to oversee these problems and not only limited to recommendations, but to have follow up for economy recovery. After the conditions in Poso improved, we have not worked much about women economy empowerment. But, there are still two institutions working for women empowerment; there is one that was mandated by the Ministry of Women Empowerment. With its limited budget still manages to carry on. And the other one is managed by a Muslim community which has now become a cooperative for women. We serve women victims and based on the latest data, one woman succeeded in sending her child to college. With this opportunity, perhaps *Komnas Perempuan* can provide us access for economic empowerment. There is still another opportunity that we all have been waiting for, that is the Presidential Instruction on the Acceleration of Central Sulawesi Intervention, which seems to be progressing slowly.

There are at least two aspects that we have to do simultaneously. The physical and trauma recovery needs to be done together by joining the strength of all women organizations in Poso District. It is important to integrate gender curriculum into educational institutions. In Poso, we did not only include the gender curriculum but also the peace curriculum into school curriculum as the local content in this region. Everything has been assessed together, all that remains is the work of implementing it. Maybe through the Local Regulation if we are to make it specific for this region.

3. Mr. J. Santo, *Traditional Leaders' Assembly of Poso District*

On discussing of how we can end and prevent violence against women and children, women are afraid to report their cases to authorities about the violence they experience especially when the perpetrators are the husbands. That is why we have established posts throughout the Poso District, consisting of elements in the village whose duty is to productively [sic] find information if there are cases of violence against women and children in the village. The community can monitor and report to authorities. Some villages already have these and some others not yet. This has been very good and we will work together with the head of the Women Empowerment Body. I have to tell you that the traditional community in Poso used to uphold the tradition. The tradition protected the women. We even recognize a number of wrongdoings toward others, including toward women and children: *sala nguju* (speaking ill) such as cursing; *sala pale* (misbehavior), such as beating; *sala sangkoro* (the body doing wrong) such as beating until bleeding, rape. Such misconducts are imposed traditional sanctions so the perpetrator would not repeat the same thing.

4. Rusnah Mangun, *Head of WCC Poso District*

Assalamualaikum, good morning and greetings. I would like to convey some information in appreciation of *Komnas Perempuan* effort. Some of the recommendations put forth have already been implemented in the field, namely the socialization of the Law on Domestic Violence and Child Protection, skills training for economic empowerment of widows and victims of conflict, young women who dropped out of school, as well as victims of violence perpetrated by TNI and the Police. We coordinate with the Local Government, NGOs and women organizations in Poso District. Secondly, I'd like to stress here that local bylaws as referred to by Ibu Ruwaida are actually complete. We have formulated that against the background that included cases that were found. There should not even be a pinhole for perpetrators of violence to escape through. These local bylaws were drafted from the bottom-up, from discussions in villages up to the higher level.

The establishment of P2TP2A was one of the mandates of the Bylaw on Intervention and Recovery of Women Victims of Conflict. I wanted to raise the suggestion from Ibu Ruwaida that was responded by *Komnas Perempuan* that we need an institution or a place where we can get together and discuss results of this study. Actually the P2TP2A can be used for those purposes, a place where we can gather and talk about how to support women and children victims of violence. The P2TP2A structure is actually complete. There is the economic division, health, education, prevention of violence divisions. We also ensure that there are representatives from relevant community organizations, NGOs, community leaders, traditional leaders. The Women Empowerment Body can take note to make P2TP2A active again, because we are already facilitated by the Ministry of Women Empowerment. P2TP2Astaff has already trained counselors to help victims of violence.

About the economic empowerment issue, we have already executed the economic assistance provided by the local government in collaboration with the Coordinating Ministry of People's Welfare, as already stated by Ibu Ruwaida,economic empowerment along with trauma healing, trauma counseling. So, we empower them and we heal their trauma. This program is run in Lage Sub-district,in line with reconciliation efforts between two communities living side by side in this area.

We have also coordinated with the traditional community in Poso District so that the Traditional Leaders' Assembly can hold deliberations to review the existing traditional settlements in this district especially in villages where perpetrators live. Frankly, these traditional settlements have been very discriminative, very unfair for one sex. When Traditional Leaders' Assembly holds discussions, we expect that they would be willing to refer to the Law on Domestic Violence Intervention and the Law on Child Protection for such cases to be settled. We have done socialization of the Domestic Violence Intervention Law in schools, but with limited reach due to limited resources that we have. Our recommendation for the Women Empowerment Body is to continue such programs in the future.

Closing Response

1. Yoga D.A. Nugroho, *Poso State Court*

We have conducted community education from sub-district to sub-district to guide the communities, the community leaders to respect and appreciate each other. There should be no more harassment and violence against fellow human, especially toward women and children. I need not say much more because this is actually the space for women, so I would say thank you for this opportunity. Hopefully going forward we can continue working together with this new institution. The hope is that there will be increased awareness in the community to protect itself from violence, and in case settlements to always refer to prevailing laws by presenting evidence.

2. Lies Marantika, Special Rapporteur

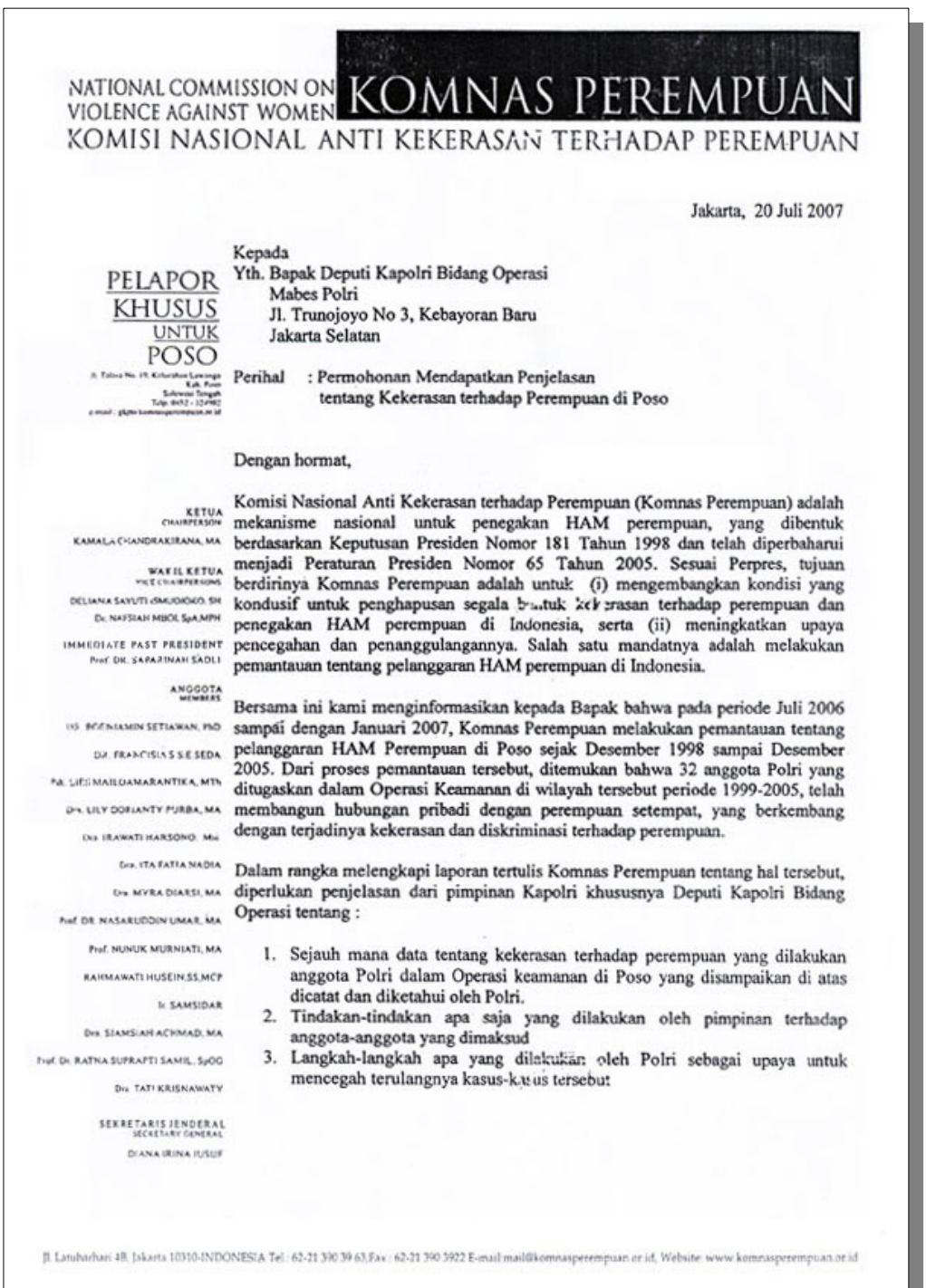
Thank you to all leaders in Poso, the traditional council. For the incidents that took place where there have been agreements struck,we also agree that there needs to be empowerment for women victims. The victims want to be welcomed back by the society without any discrimination toward them and their children. That is the importance of the role played by strategic institutions in ensuring the work to promote a society where the victims are supported and not discriminated. As we all know, victims face stigmas as a form of isolation against them.

We hope that there will be initiatives to address what has happened. This is important for victims whose cases have been reported to the leadership of TNI and the National Police. All of our data is complete and the Police has conducted a verification where several victims were summoned to the local police office and compensated by the perpetrators in the form of money to settle the cases. We think such mechanism sides with the perpetrators. So we sent a letter to the National Police. But some victims decided against following up their cases, certainly with their own considerations. So we do appreciate their rights, because that is what they think is best for them. But for those who are still willing to pursue [their cases] and also need support for their children, then we would try to generally support them.

We would also like to ensure that non-formal mechanisms such as the 'amicable' solution is no longer practiced, including, what we need to stress with security institutions, the tendency of perpetrators to abuse the traditional mechanism to legitimize getting away from their responsibilities toward victims and their children. Even in the absence of any accountability mechanism, we expect that traditional laws can provide justice for the victims. So we need to evaluate this together with the victims and women organizations,to what extent this system has given the victims a sense of justice. Such evaluation will also support empowerment for victim facilitators.

Annexes

Letter from Special Rapporteur for Poso to Leaders of State Institution and Responses



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

KOMNAS PEREMPUAN

Jakarta, 20 Juli 2007

PELAPOR KHUSUS UNTUK POSO

Kepada
Yth. Bapak Deputi Kapolri Bidang Operasi
Mabes Polri
Jl. Trunojoyo No 3, Kebayoran Baru
Jakarta Selatan

Perihal : Permohonan Mendapatkan Penjelasan tentang Kekerasan terhadap Perempuan di Poso

Dengan hormat,

Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan) adalah mekanisme nasional untuk penegakan HAM perempuan, yang dibentuk berdasarkan Keputusan Presiden Nomor 181 Tahun 1998 dan telah diperbaharui menjadi Peraturan Presiden Nomor 65 Tahun 2005. Sesuai Perpres, tujuan berdirinya Komnas Perempuan adalah untuk (i) mengembangkan kondisi yang kondusif untuk penghapusan segala bentuk kekerasan terhadap perempuan dan penegakan HAM perempuan di Indonesia, serta (ii) meningkatkan upaya pencegahan dan penanggulangannya. Salah satu mandatnya adalah melakukan pemantauan tentang pelanggaran HAM perempuan di Indonesia.

Bersama ini kami menginformasikan kepada Bapak bahwa pada periode Juli 2006 sampai dengan Januari 2007, Komnas Perempuan melakukan pemantauan tentang pelanggaran HAM Perempuan di Poso sejak Desember 1998 sampai Desember 2005. Dari proses pemantauan tersebut, ditemukan bahwa 32 anggota Polri yang ditugaskan dalam Operasi Keamanan di wilayah tersebut periode 1999-2005, telah membangun hubungan pribadi dengan perempuan setempat, yang berkembang dengan terjadinya kekerasan dan diskriminasi terhadap perempuan.

Dalam rangka melengkapi laporan tertulis Komnas Perempuan tentang hal tersebut, diperlukan penjelasan dari pimpinan Kapolri khususnya Deputi Kapolri Bidang Operasi tentang :

1. Sejauh mana data tentang kekerasan terhadap perempuan yang dilakukan anggota Polri dalam Operasi keamanan di Poso yang disampaikan di atas dicatat dan diketahui oleh Polri.
2. Tindakan-tindakan apa saja yang dilakukan oleh pimpinan terhadap anggota-anggota yang dimaksud
3. Langkah-langkah apa yang dilakukan oleh Polri sebagai upaya untuk mencegah terulangnya kasus-kasus tersebut

KETUA CHAIRPERSON
KAMALA CHANDRAKIRANA, MA

WAKIL KETUA VICE CHAIRPERSONS
DELIANA SAYUTI OMUJONO, SH
Dr. NAFSIAH MBOI, SpA,MPH

IMMEDIATE PAST PRESIDENT
Prof. DR. SAPARINAH SADLI

ANGGOTA MEMBERS
(15) BOEDIMAN SETIAWAN, PhD
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Pdt. LIES MAILOAMARANTIKA, MTh
Drs. LILY DORIANTY PURBA, MA
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Drs. ITA FATIA NADIA
Drs. MYRA DIARSI, MA
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Prof. NUNUK MURNIATI, MA
RAHMAWATI HUSEIN,SS,MCP
Ir. SAMSIDAR
Drs. SIAMSIAH ACHMAD, MA
Prof. Dr. RATNA SUPRAPTI SAMIL, SpOG
Drs. TATI KRISNAWATY

SEKRETARIS JENDERAL SECRETARY GENERAL
DIANA IRINA IUSUF

Jl. Latuharhari 4B, Jakarta 10310-INDONESIA Tel : 62-21 390 39 63,Fax : 62-21 390 3922 E-mail:mail@komnasperempuan.or.id, Website: www.komnasperempuan.or.id

Bila Bapak berkenan, Pelapor Khusus Komnas Perempuan untuk Poso dan timnya akan melakukan audensi ke Kantor Bapak tetapi bila tidak memungkinkan, kiranya jawaban atau penjelasan tertulis terhadap pertanyaan tersebut dapat kami terima paling lambat tanggal 26 Juli 2007

Atas kesediaan Bapak menjawab pertanyaan-pertanyaan ini, kami ucapkan terima kasih.

Hormat Kami,

Lies Marantika
Pelapor Khusus Poso

Tembusan :
1. Kapolri
2. Wakapolri
3. Deputi Kapolri Bidang SDM

FAX NO. : 0217396242 Aug. 23 2007 10:39AM P1

...UBLIK INDONESIA
MARKAS BESAR
Jl. Trunojoyo No. 3 Keb. Baru Jakarta Selatan 12110

Jakarta, 27 Agustus 2007

No.Pol. : B/2099 /VIII/2007/Sdeops
Klasifikasi : BIASA
Lampiran : -
Perihal : Kekerasan terhadap perempuan di Poso.

Kepada

Yth. **KETUA KOMISI NASIONAL ANTI KEKERASAN TERHADAP PEREMPUAN**

di

Jakarta

U.p. Pelapor Khusus Untuk Poso.

1. Rujukan Surat Pelapor Khusus Untuk Poso Komnas Perempuan Nomor : tanggal 20 Juli 2007 perihal Permohonan mendapatkan penjelasan tentang kekerasan terhadap perempuan di Poso.

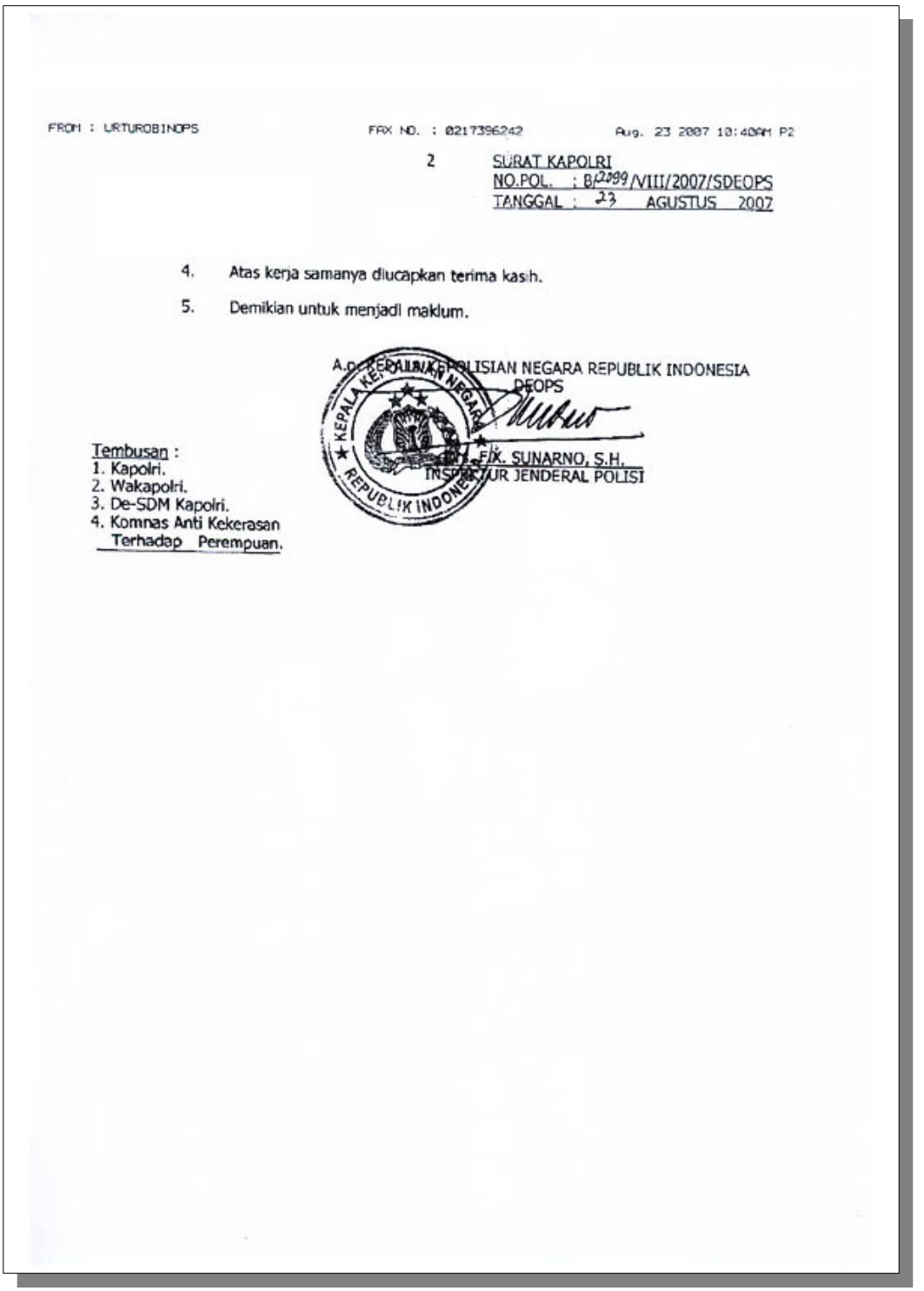
2. Sehubungan dengan rujukan tersebut di atas, menanggapi permintaan Saudara yang berkaitan tentang kekerasan terhadap perempuan yang dilakukan oleh anggota Polri dalam Operasi keamanan di Poso dapat dijelaskan sebagai berikut :

   a. Pimpinan Polri selalu mengambil tindakan tegas terhadap anggotanya baik penjatuhan sanksi disiplin maupun proses pidana apabila anggota tersebut terbukti melakukan pelanggaran disiplinmaupun pidana.

   b. Terhadap anggota yang bertugas di Poso apabila terbukti melakukan pelanggaran disiplin maupun pidanam juga akan ditindak sesuai dengan ketentuan yang berlaku.

   c. Setiap penugasan terhadap anggota Polri pada daerah operasi selalu ditekankan melalui arahan-arahan dan penekanan untuk menghindari hal-hal yang dapat merusak citra dan wibawa Polri termasuk pelanggaran/kekerasan terhadap perempuan maupun pelanggaran norma adat kebiasaan dan etika pergaulan.

3. Mohon kiranya Komnas Perempuan dapat memberikan data-data yang rinci dan mendetail tentang pelanggaran disiplin/hukum yang dilakukan oleh anggota Polri yang terjadi di daerah operasi khususnya Poso, untuk dapat ditindak lanjuti.



FROM : URTUROBINOPS FAX NO. : 0217396242 Aug. 23 2007 10:40AM P2

2 SURAT KAPOLRI
NO.POL. : B/2999/VIII/2007/SDEOPS
TANGGAL : 23 AGUSTUS 2007

4. Atas kerja samanya diucapkan terima kasih.

5. Demikian untuk menjadi maklum.

A.n. KEPALA KEPOLISIAN NEGARA REPUBLIK INDONESIA
DEOPS

F/X. SUNARNO, S.H.
INSPEKTUR JENDERAL POLISI

Tembusan :
1. Kapolri.
2. Wakapolri.
3. De-SDM Kapolri.
4. Komnas Anti Kekerasan Terhadap Perempuan.

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

KOMNAS PEREMPUAN

Jakarta, 20 Juli 2007

PELAPOR KHUSUS UNTUK POSO

Kepada
Yth. Bapak Kepala Staf TNI AD
Jl. Medan Merdeka Utara No 2,
Jakarta Pusat

Perihal : Permohonan Mendapatkan Penjelasan tentang Kekerasan terhadap Perempuan di Poso

Dengan hormat,

Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan) adalah mekanisme nasional untuk penegakan HAM perempuan, yang dibentuk berdasarkan Keputusan Presiden Nomor 181 Tahun 1998 dan telah diperbaharui menjadi Peraturan Presiden Nomor 65 Tahun 2005. Sesuai Perpres, tujuan berdirinya Komnas Perempuan adalah untuk (i) mengembangkan kondisi yang kondusif untuk penghapusan segala bentuk kekerasan terhadap perempuan dan penegakan HAM perempuan di Indonesia, serta (ii) meningkatkan upaya pencegahan dan penanggulangannya. Salah satu mandatnya adalah melakukan pemantauan tentang pelanggaran HAM perempuan di Indonesia.

Bersama ini kami menginformasikan kepada Bapak bahwa pada periode Juli 2006 sampai dengan Januari 2007, Komnas Perempuan melakukan pemantauan tentang pelanggaran HAM Perempuan di Poso sejak Desember 1998 sampai Desember 2005. Dari proses pemantauan tersebut, ditemukan bahwa 31 anggota TNI AD yang ditugaskan dalam Operasi Keamanan di wilayah tersebut periode 2000-2005, telah membangun hubungan pribadi dengan perempuan setempat, yang berkembang dengan terjadinya kekerasan dan diskriminasi terhadap perempuan.

Dalam rangka melengkapi laporan tertulis Komnas Perempuan tentang hal tersebut, diperlukan penjelasan dari Pimpinan TNI AD khususnya tentang :

1. Sejauh mana data tentang kekerasan terhadap perempuan yang dilakukan anggota TNI AD dalam Operasi keamanan di Poso yang disampaikan di atas dicatat dan diketahui oleh TNI AD.
2. Tindakan-tindakan apa saja yang dilakukan oleh pimpinan terhadap anggota-anggota yang dimaksud
3. Langkah-langkah apa yang dilakukan oleh TNI AD sebagai upaya untuk mencegah terulangnya kasus-kasus tersebut

Bila Bapak berkenan, Pelapor Khusus Komnas Perempuan untuk Poso dan timnya akan melakukan audensi ke Kantor Bapak tetapi bila tidak memungkinkan, kiranya

KETUA
KAMALA CHANDRAKIRANA, MA

WAKIL KETUA
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jawaban atau penjelasan tertulis terhadap pertanyaan tersebut dapat kami terima paling lambat tanggal 26 Juli 2007

Atas kesediaan Bapak menjawab pertanyaan-pertanyaan ini, kami ucapkan terima kasih.

Hormat Kami,



Lies Marantika
Pelapor Khusus Poso

Tembusan :
1. PANGAB TNI
2. KEPALA BIDANG PEMBINAAN HUKUM MABES TNI

Thanks To

Komnas Perempuan, the Special Rapporteur for Poso and the Working Team in Poso would like to extend their appreciation and gratitude for all the support and collaboration during the entire process of documentation. Thanks to:

- Head of *KPKPST* (*Kelompok Perjuangan Kesetaraan Perempuan Sulawesi Tengah*/Women Equality Struggle Group for Central Sulawesi) in Palu and Poso,
- Head of *LPMS* (*Lembaga Pemberdayaan Masyarakat Sipil*/Civil Society Empowerment Institution) in Poso,
- Head of *PRKP* (*Pusat Resolusi Konflik Poso*/Center for Poso Conflict Resolution) in Poso,
- Head of *YPAL* (*Yayasan Panorama Alam Lestari*/Foundation for Nature Conservation) in Tentena,
- Coordinator of *CC-GKST* (*Crisis Center – Gereja Kristen Sulawesi Tengah*/Crisis Center – Central Sulawesi Christian Church) in Tentena,
- Head of Wasantara in Tentena,
- Head of *LPS-HAM* **(***Lembaga Pusat Studi Hak Asasi Manusia*/Center for Human Rights Study) in Palu,Sitti Khadijah Toana and Head of *Pesantren Aisyiyah* in Palu,
- Rev. Damanik, (former Chair of *GKST* Synod),
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Documentation Team

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1. (The late) Astin Tarore
2. Anggriani
3. Asniwati
4. Ester
5. Lenida Tada
6. Masna
7. Miranti Torile
8. Misdeisy Karepuan
9. Noldin Tasungki
10. Novita Dewi Hado
11. Nur Aseh
12. Ramlah
13. Randa Maeka
14. Ronanti Bakumawa
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16. Sunarti Pakanangi
17. Tety
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2. Heidy Maeka
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5. Sofyan

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1. Lies Marantika (Special Rapporteur for Poso)
2. Selviana Yolanda (Program Coordinator)
3. Soraya Ramli (Field Coordinator)

List of Abbreviations

1.	Brimob	:	Brigade Mobil (Mobil Brigade)
2.	Bharatu	:	Bhayangkara Satu (First Constable)
3.	Bripda	:	Brigadir Polisi Dua (Second Police Brigadier)
4.	Briptu	:	Brigadir Polisi Satu (First Police Brigadier)
5.	Bareskrim	:	Badan Resort dan Kriminal (Criminal Investigation Body)
6.	BKO	:	Bawah Kendali Operasi (Under Operation Control, Under Secondment)
7.	BAIS	:	Badan Intelijen Strategis (Strategic Intelligence Body)
8.	BIK	:	Badan Intelijen Kepolisian (Police Intelligence Body)
9.	BIN	:	Badan Intelijen Negara (State Intelligence Body)
10.	BBR	:	Bahan Bangunan Rumah (House Construction Material)
11.	CEDAW	:	Convention on Elimination of All Forms of Discrimination Against Women
12.	ICCRP	:	International Covenant on Civil and Political Rights
13.	ICESCR	:	International Covenant on Economic, Social and Cultural Rights
14.	CERD	:	Convention on the Elimination of All Forms of Racial Discrimination
15.	CWS	:	Church World Service
16.	Densus	:	Detasemen Khusus (Special Detachment)
17.	Danki	:	Komandan Kompi (Company Commander)
18.	Danramil	:	Komandan Rayon Militer (Sub-district Military Commander)
19.	Ekosob	:	Ekonomi Sosial Budaya (Economy Social Cultural)
20.	GKP	:	Gugus Kerja Poso (Poso Working Group)
21.	GKST	:	Gereja Kristen Sulawesi Tengah (Central Sulawesi Christian Church)
22.	HAM	:	Hak Asasi Manusia (Human Rights)
23.	HAP	:	Hak Asasi Perempuan (Women's Rights)

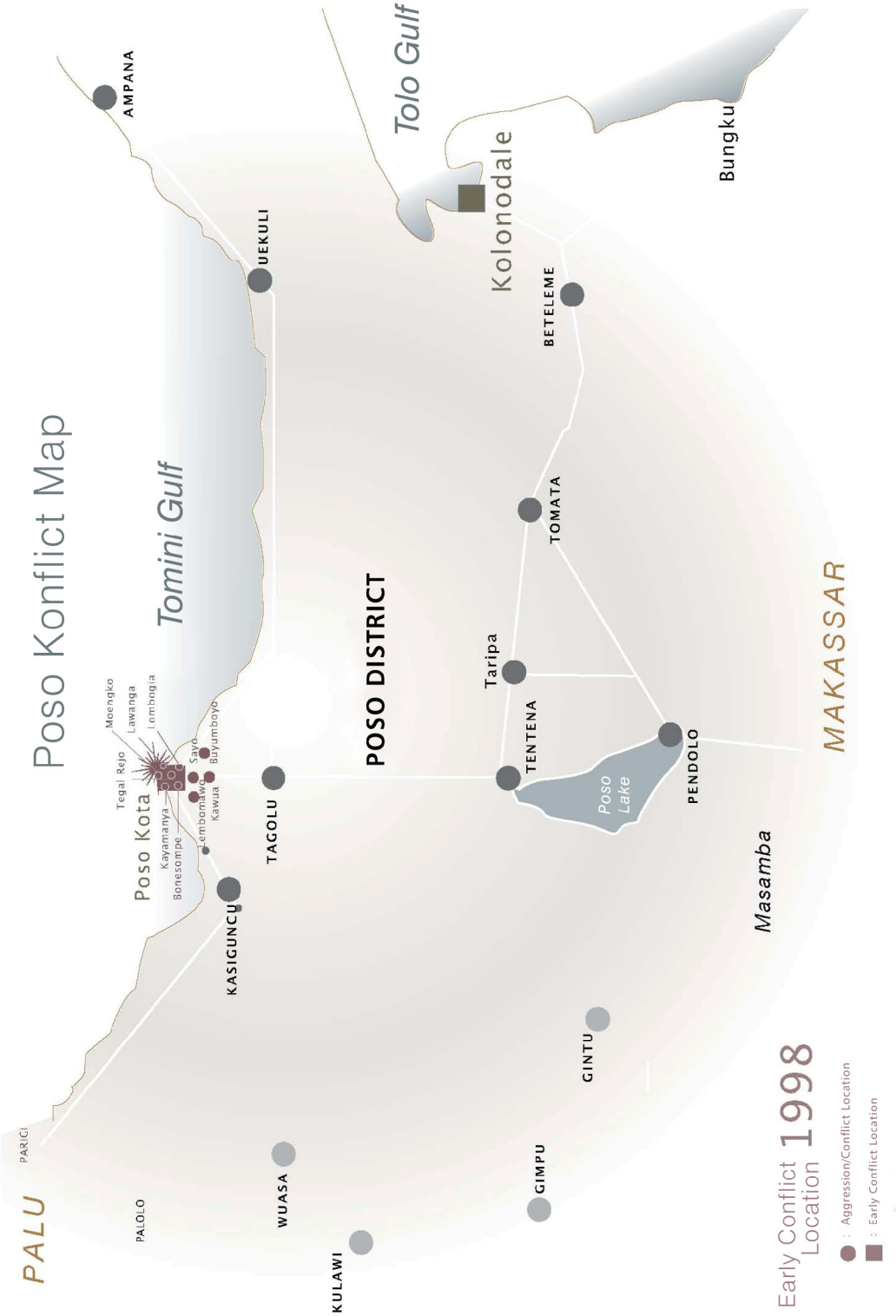
24. HIV : Human Immunodeficiency Virus
25. Jadup : Jatah Hidup (Allowance Support)
26. KUHP : Kitab Undang-Undang Hukum Pidana (Criminal Code)
27. KUHAP : Kitab Undang-Undang Hukum Acara Pidana (Criminal Code Procedure)
28. KTP : Kekerasan Terhadap Perempuan (Violence against Women)
29. Komnas HAM : Komisi Nasional Hak Asasi Manusia (National Commission on Human Rights)
30. Komnas Perempuan: Komisi Nasional Anti Kekerasan Terhadap Perempuan (National Commission on Violence Against Women)
31. Kopka : Kopral Kepala (Chief Corporal)
32. Koptu : Kopral Satu (First Corporal
33. Kopda : Kopral Dua (Second Corporal)
34. Kapolres : Kepala Polisi Resort (Chief of Sub-district Police)
35. Kopassus : Komando Pasukan Khusus (Special Forces Command)
36. KDRT : Kekerasan Dalam Rumah Tangga (Domestic Violence)
37. KP : Komnas Perempuan
38. Koramil : Komando Rayon Militer (Sub-district Military Command)
39. KPKP-ST : Kelompok Perjuangan Kesetaraan Perempuan – Sulawesi Tengah (Women's Struggle for Equality Group for Central Sulawesi)
40. LSM : Lembaga Swadaya Masyarakat (Non Government Organization/ NGO)
41. LPMS : Lembaga Pemberdayaan Masyarakat Sipil (Civil Society Empowerment Institution)
42. LPS-HAM : Lembaga Pusat Studi Hak Asasi Manusia (Center for Human Rights Study)
43. Mapolsek : Markas Kepolisian Sektor (Police Precinct)
44. Mabes : Markas Besar (Headquarters)
45. NTT : Nusa Tenggara Timur (East Nusa Tenggara)
46. PK : Pelapor Khusus (Special Rapporteur)
47. Perpres : Peraturan Presiden (Presidential Decree)
48. Polda : Polisi Daerah (Regional Police)

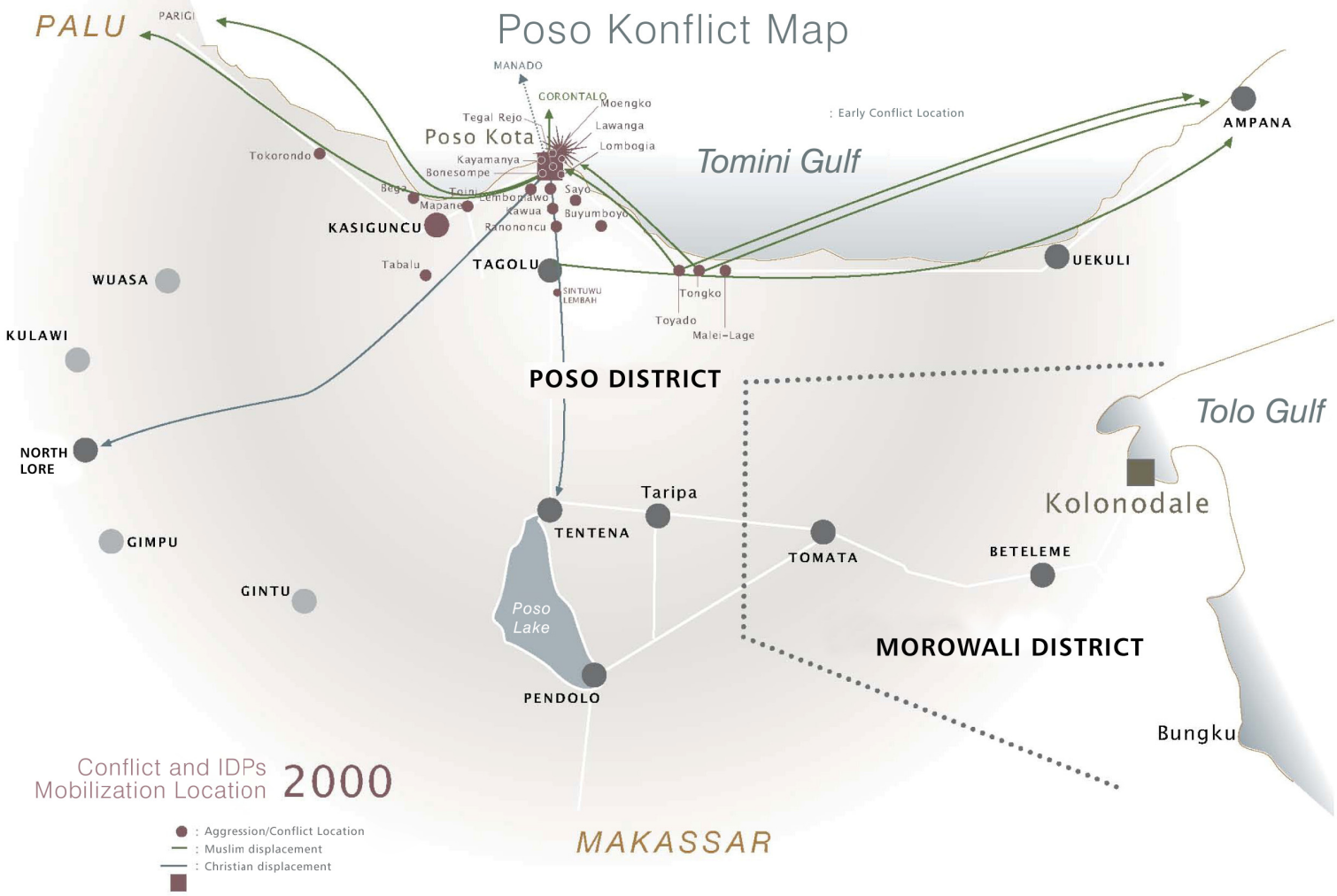
49.	Polsek	:	Kepolisian Sektor (Police Precinct)
50.	Polres	:	Kepolisian Resort (Sub-district Police)
51.	Polri	:	Kepolisian Negara Republik Indonesia (Indonesian National Police)
52.	Pokja	:	Kelompok Kerja (Working Group)
53.	Praka	:	Prajurit Kepala (Chief Private
54.	Prada	:	Prajurit Dua (Second Private
55.	PBB	:	Perserikatan Bangsa-Bangsa (United Nations/UN)
56.	PRKP	:	Pusat Resolusi Konflik Poso (Center for Poso Conflict Resolution)
57.	PPRC	:	Pasukan Pemukul Reaksi Cepat (Rapid Reaction Force)
58.	RTS	:	Rumah Tinggal Sementara (Temporary Housing)
59.	SOP	:	Standar Operasional Prosedur (Standard Operating Procedure)
60.	Sertu	:	Sersan Satu (First Sergeant)
61.	Serda	:	Sersan Dua (Second Sergeant)
62.	Serka	:	Sersan Kepala (Chief Sergeant)
63.	SM	:	Sintuwu Maroso (Poso : Bersatu Kita Kuat) / (In Unity We are Strong)
64.	STQ	:	Seleksi Tilawatil Qur'an (Qur'an Reading Competition Selection)
65.	SSK	:	Satuan Setingkat Kompi (Company-level Unit)
66.	Satgas	:	Satuan Tugas (Task Force)
67.	SD	:	Sekolah Dasar (Elementary School)
68.	SMU	:	Sekolah Menengah Umum (Senior High School)
69.	SMK	:	Sekolah Menengah Kejuruan (Vocational High School)
70.	SMP	:	Sekolah Menengah Pertama (Junior High School)
71.	TNI	:	Tentara Nasional Indonesia (Indonesian National Armed Forces)
72.	TNI AD	:	Tentara Nasional Indonesia Angkatan Darat (Indonesian Army)
73.	TGPF	:	Tim Gabungan Pencari Fakta (Fact Finding Team)
74.	UU	:	Undang - Undang (Law)
75.	YTM	:	Yayasan Tanah Merdeka (Liberated Land Foundation)
76.	Yonif	:	Batalyon Infanteri (Infantry Battalion)

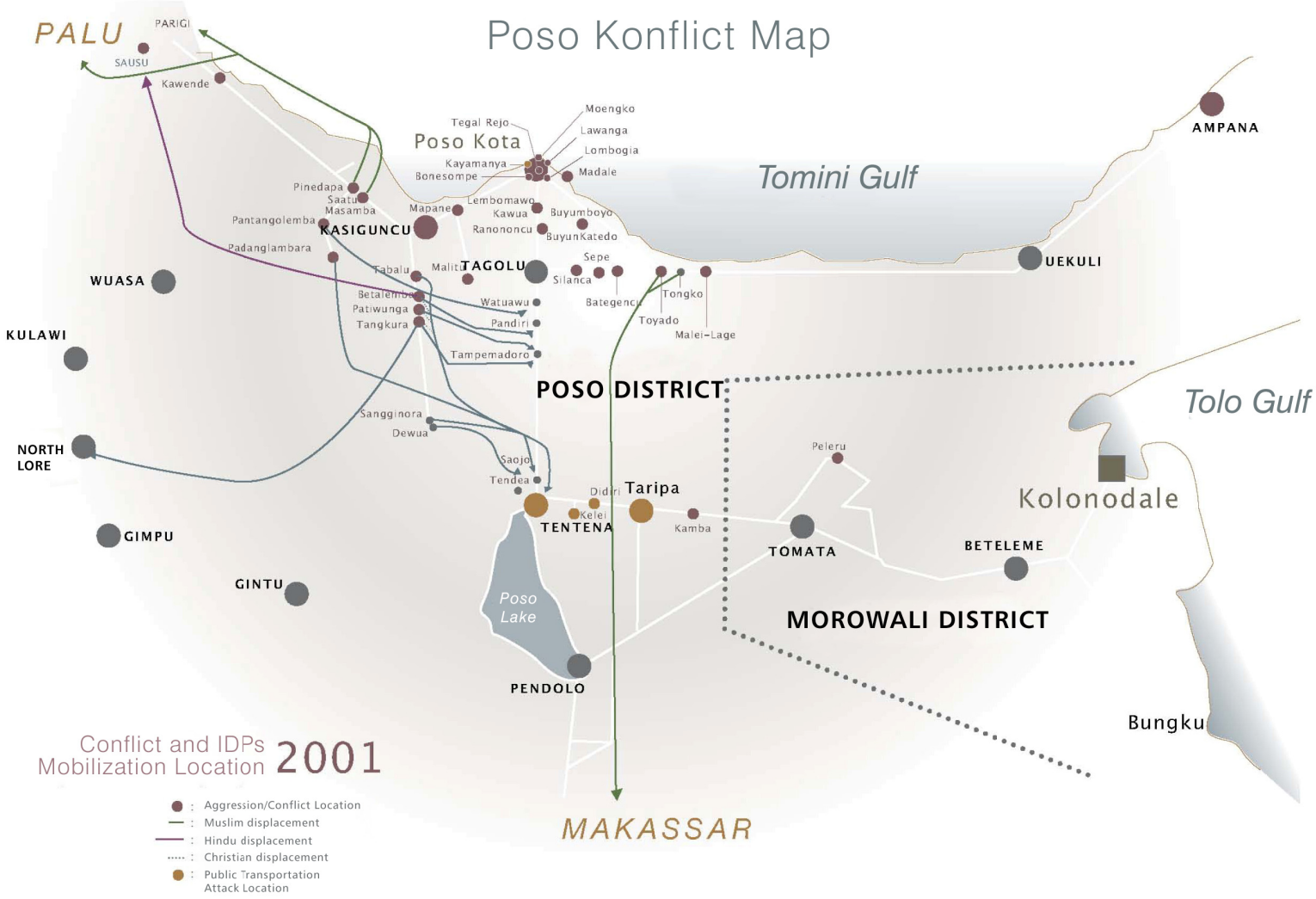
Glossary

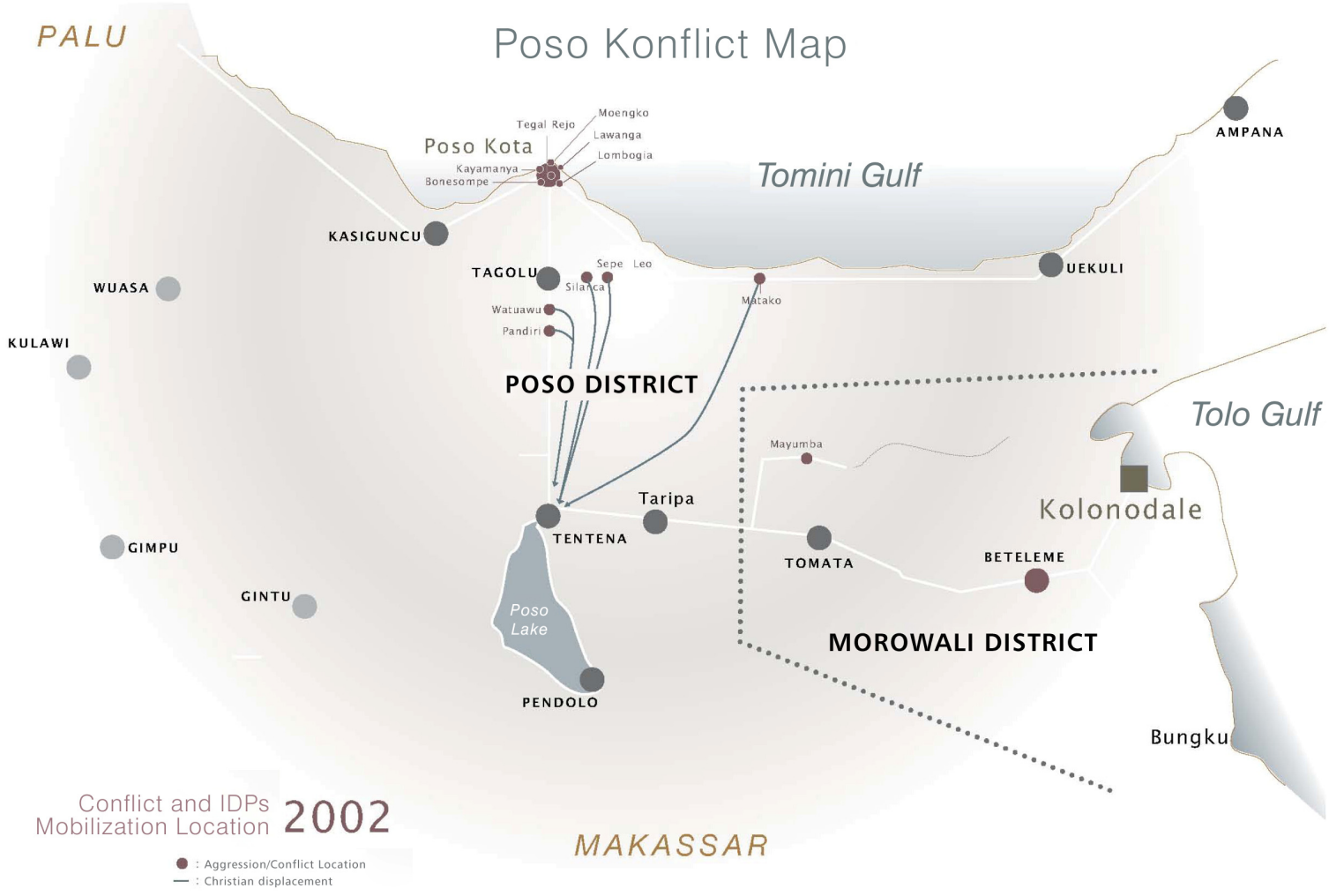
1. Baruga	:	Village Center.
2. CAKRA	:	the code used by Intelligence during Poso recovery operation.
3. Dero	:	Poso traditional folk dance.
4. Discrimination	:	Every direct and indirect restriction, harassment or isolation based on the different approach on human on behalf of religion, tribe, race, ethnic group, social status, economy status, sex, language, political belief, which affect on the reduction, alteration or the elimination of recognition, execution or practice of human rights and basic freedom in life whether individually as well as collectively in the aspects of politic, economy, law, social, culture and other aspects in life.
5. Impartial	:	to preserve neutrality, taking side to life and humanity values and not to certain individual or parties.
6. Impunity	:	a condition where punishment for Perpetrator is absent or inadequate and or compensation given for the victims of severe and systematic human rights violation which is suffered by a person or a group of persons.
7. Sexual Violence	:	All forms of assault aimed at one's sexuality (of man or woman) which is performed under pressure. Sexual violence is, but not necessarily limited to, rape, sexual slavery, human trafficking for the purpose of sexual exploitation, sexual harassment, forced sterilization, forced pregnancy and forced prostitution.
8. Kuala	:	River.
9. Koster	:	Church caretaker.
10. Abandonment	:	disregarding one's responsibility for the wife and or the children.
11. Forced Abortion	:	Intentional fetal discharge prior to the set date by the mother due to pressure from other person(s).
12. Sexual Harassment	:	unwanted sexual behavior that is delivered by physical contact or by gaining a certain benefit from using sexual utter, exhibiting porn materials and sexual desire. This act is degrading one's worth and might have impacts on one's health and safety..

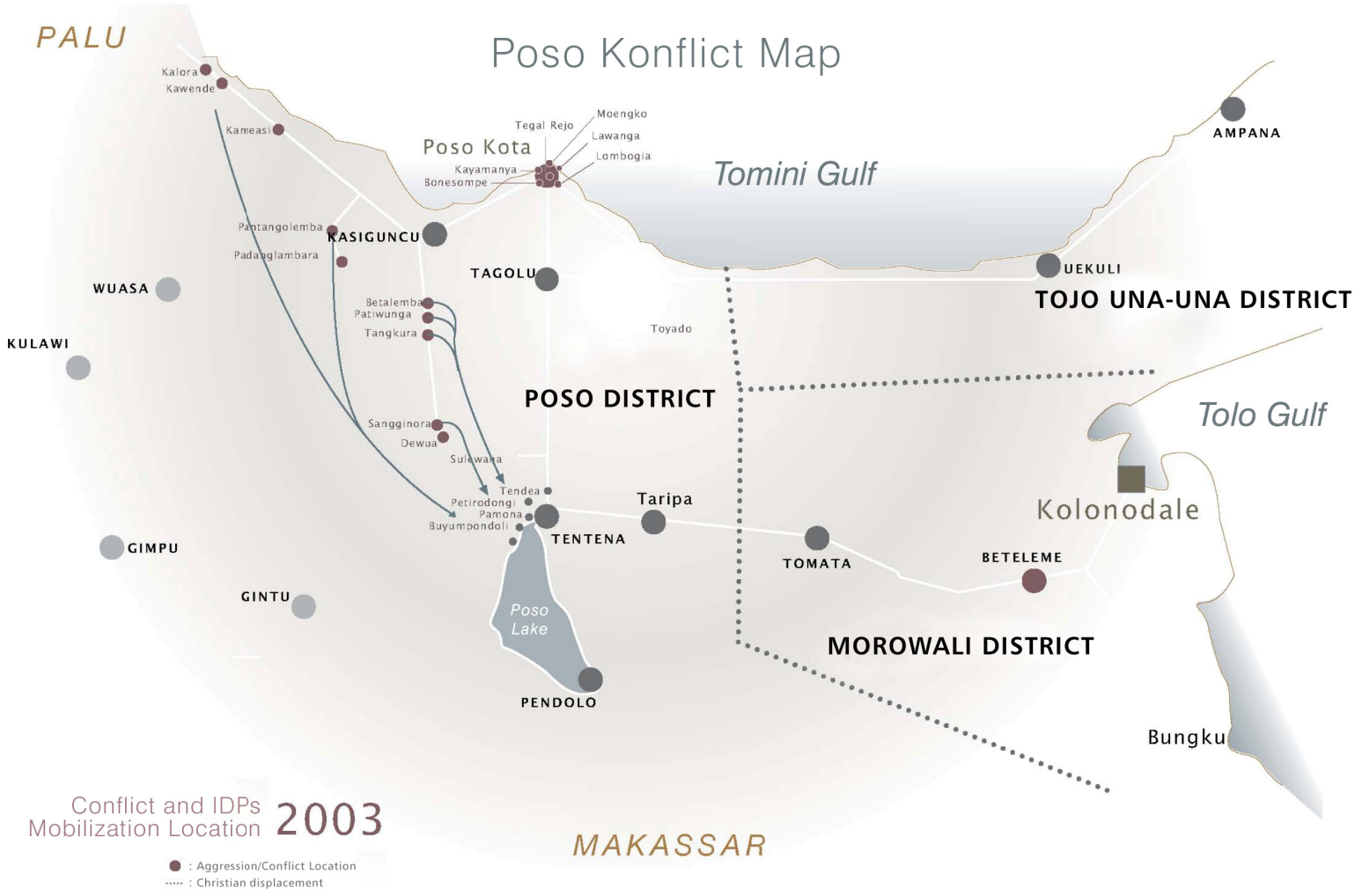
Map of Poso Conflict

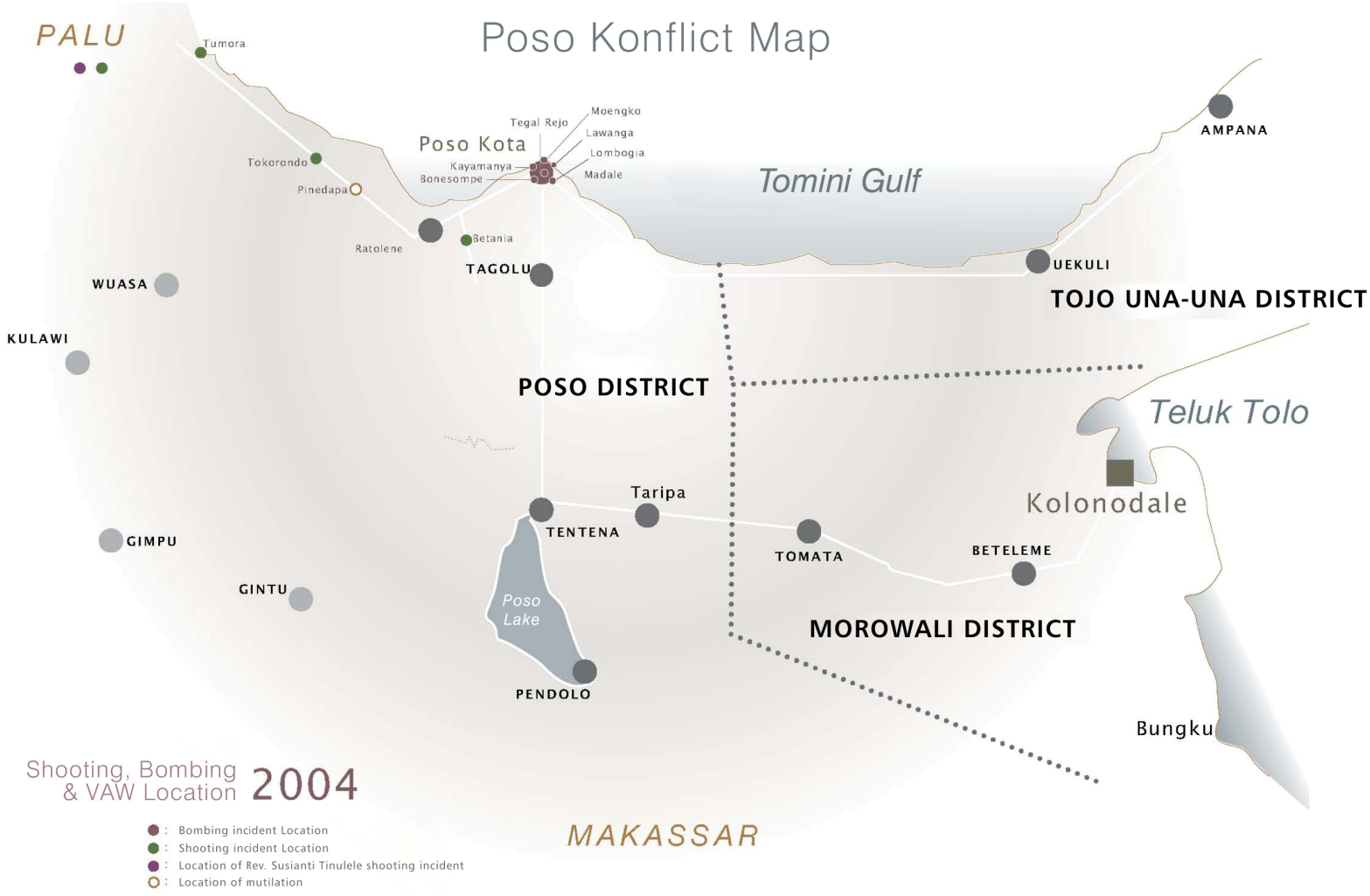


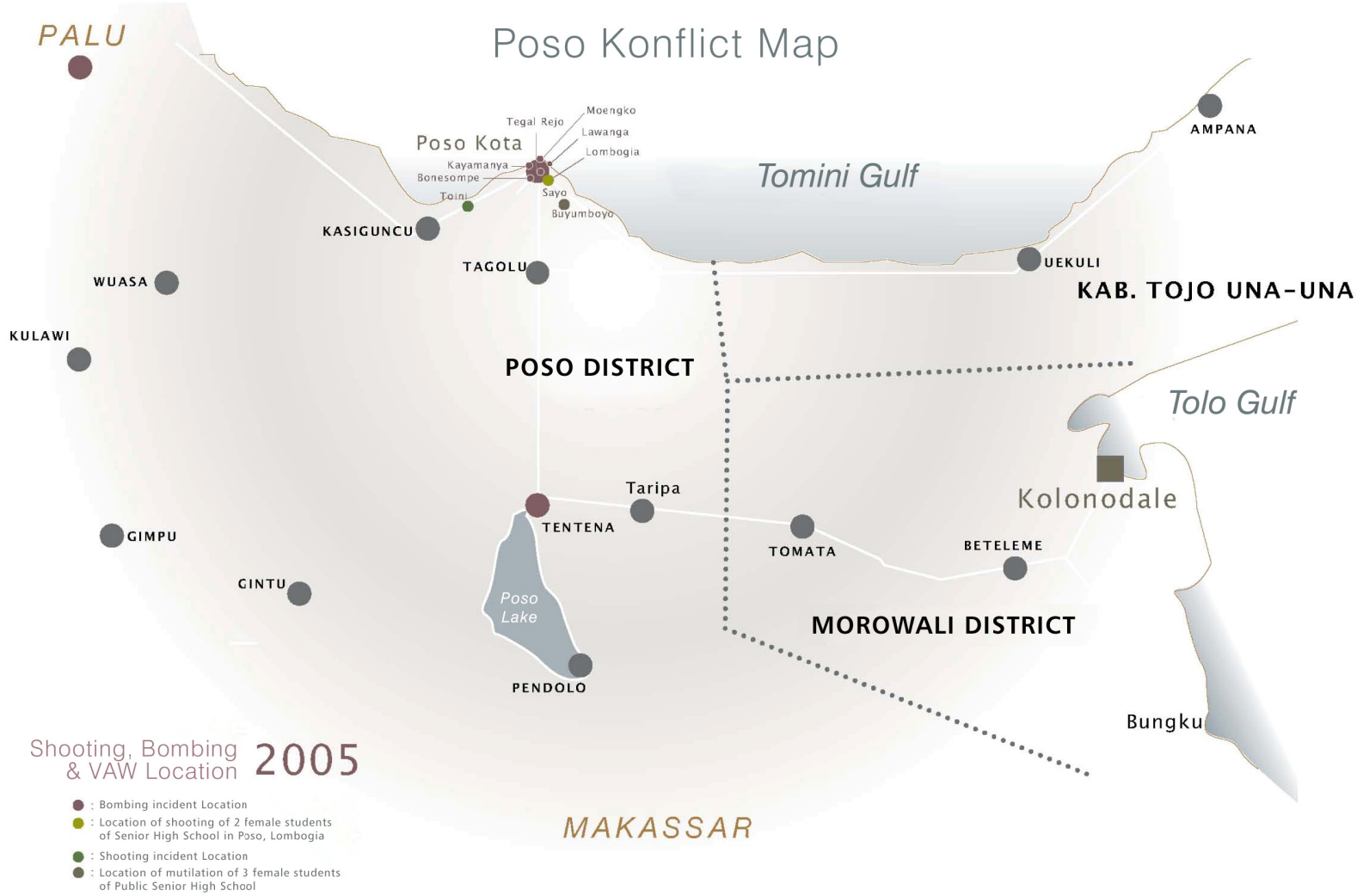

Poso Konflict Map
PALU
PARIGI
MANADO
CORONTALO
Moengko
Tegal Rejo
Poso Kota
Lawanga
Lombogia
: Early Conflict Location
AMPANA
Tomini Gulf
Tokorondo
Kayamanya
Bonesompe
Bega
Toini
Lembomawo
Sayo
Mapane
Kawua
Buyumboyo
KASIGUNCU
Ranononcu
Tabalu
TAGOLU
UEKULI
WUASA
SINTUWU LEMBAH
Tongko
Toyado
Malei-Lage
KULAWI
POSO DISTRICT
Tolo Gulf
NORTH LORE
Taripa
Kolonodale
TENTENA
GIMPU
TOMATA
BETELEME
GINTU
Poso Lake
MOROWALI DISTRICT
PENDOLO
Bungku
Conflict and IDPs Mobilization Location 2000
: Aggression/Conflict Location
: Muslim displacement
: Christian displacement
MAKASSAR

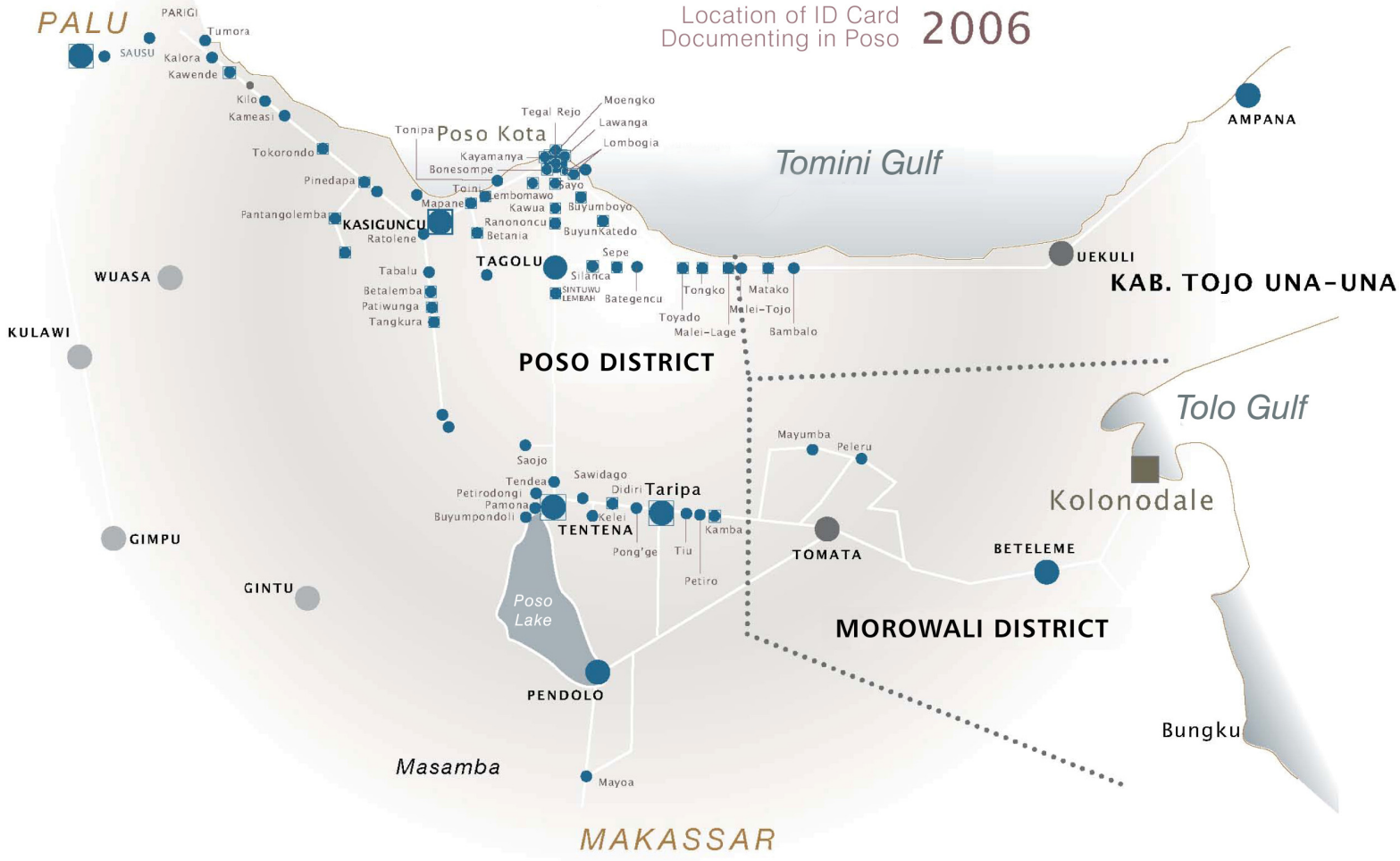

Poso Konflict Map
PALU
PARIGI
SAUSU
Kawende
Poso Kota
Tegal Rejo
Moengko
Lawanga
Lombogia
Kayamanya
Bonesompe
Madale
Tomini Gulf
AMPANA
Pinedapa
Saatu
Masamba
Mapane
Lembomawo
Kawua
Buyumboyo
Pantangolemba
KASIGUNCU
Ranononcu
BuyunKatedo
Padanglambara
Sepe
Silanca
UEKULI
WUASA
Tabalu
Malitu
TAGOLU
Bategency
Tongko
Toyado
Malei-Lage
Betalemba
Patiwunga
Tangkura
Watuawu
Pandiri
Tampemadoro
KULAWI
POSO DISTRICT
Tolo Gulf
Sangginora
Dewua
NORTH LORE
Peleru
Saojo
Tendea
Didiri
Taripa
Kolonodale
Kelei
TENTENA
Kamba
GIMPU
TOMATA
BETELEME
GINTU
Poso Lake
MOROWALI DISTRICT
PENDOLO
Bungku
Conflict and IDPs Mobilization Location 2001
: Aggression/Conflict Location
: Muslim displacement
: Hindu displacement
: Christian displacement
: Public Transportation Attack Location
MAKASSAR


Poso Konflict Map
PALU
Tegal Rejo
Moengko
Lawanga
Lombogia
Poso Kota
Kayamanya
Bonesompe
Tomini Gulf
AMPANA
KASIGUNCU
TAGOLU
Sepe
Leo
Silanca
UEKULI
Matako
WUASA
Watuawu
Pandiri
KULAWI
POSO DISTRICT
Tolo Gulf
Mayumba
Taripa
Kolonodale
GIMPU
TENTENA
TOMATA
BETELEME
GINTU
Poso
Lake
MOROWALI DISTRICT
PENDOLO
Bungku
Conflict and IDPs
Mobilization Location 2002
: Aggression/Conflict Location
: Christian displacement
MAKASSAR


PALU
Poso Konflict Map
Kalora
Kawende
Kameasi
Poso Kota
Tegal Rejo
Moengko
Lawanga
Lombogia
Kayamanya
Bonesompe
Tomini Gulf
AMPANA
Pantangolemba
KASIGUNCU
Padanglambara
TAGOLU
UEKULI
TOJO UNA-UNA DISTRICT
WUASA
Betalemba
Patiwunga
Tangkura
Toyado
KULAWI
POSO DISTRICT
Tolo Gulf
Sangginora
Dewua
Sulewana
Tendea
Petirodongi
Pamona
Buyumpondoli
Taripa
Kolonodale
GIMPU
TENTENA
TOMATA
BETELEME
GINTU
Poso Lake
MOROWALI DISTRICT
PENDOLO
Bungku
Conflict and IDPs Mobilization Location 2003
: Aggression/Conflict Location
: Christian displacement
MAKASSAR


Poso Konflict Map
PALU
Tumora
Tokorondo
Pinedapa
Poso Kota
Tegal Rejo
Moengko
Lawanga
Lombogia
Kayamanya
Bonesompe
Madale
Tomini Gulf
AMPANA
Ratolene
Betania
TAGOLU
UEKULI
WUASA
TOJO UNA-UNA DISTRICT
KULAWI
POSO DISTRICT
Teluk Tolo
Taripa
Kolonodale
TENTENA
GIMPU
TOMATA
BETELEME
GINTU
Poso Lake
MOROWALI DISTRICT
PENDOLO
Bungku
Shooting, Bombing & VAW Location 2004
: Bombing incident Location
: Shooting incident Location
: Location of Rev. Susianti Tinulele shooting incident
: Location of mutilation
MAKASSAR


Poso Konflict Map
PALU
Poso Kota
Tegal Rejo
Moengko
Lawanga
Lombogia
Kayamanya
Bonesompe
Toini
Sayo
Buyumboyo
Tomini Gulf
AMPANA
KASIGUNCU
TAGOLU
UEKULI
KAB. TOJO UNA-UNA
WUASA
KULAWI
POSO DISTRICT
Tolo Gulf
Taripa
Kolonodale
TENTENA
GIMPU
TOMATA
BETELEME
GINTU
Poso Lake
MOROWALI DISTRICT
PENDOLO
Bungku
Shooting, Bombing & VAW Location 2005
: Bombing incident Location
: Location of shooting of 2 female students of Senior High School in Poso, Lombogia
: Shooting incident Location
: Location of mutilation of 3 female students of Public Senior High School
MAKASSAR


Location of ID Card
Documenting in Poso 2006
PALU
PARIGI
Tumora
SAUSU
Kalora
Kawende
Kilo
Kameasi
Tonipa
Poso Kota
Tegal Rejo
Moengko
Lawanga
Lombogia
Kayamanya
Bonesompe
Toini
Sayo
Lembomawo
Kawua
Buyumboyo
Mapane
Ranononcu
Buyun Katedo
Betania
Tokorondo
Pinedapa
Pantangolemba
KASIGUNCU
Ratolene
TAGOLU
Sepe
Silanca
SINTUWU LEMBAH
Bategencu
Tongko
Matako
Malei-Tojo
Bambalo
Toyado
Malei-Lage
Tabalu
Betalemba
Patiwunga
Tangkura
WUASA
KULAWI
POSO DISTRICT
AMPANA
UEKULI
KAB. TOJO UNA-UNA
Tomini Gulf
Tolo Gulf
Mayumba
Peleru
Kolonodale
Saojo
Tendea
Sawidago
Petirodongi
Didiri
Taripa
Pamona
Buyumpondoli
Kelei
TENTENA
Kamba
Pong'ge
Tiu
Petiro
TOMATA
BETELEME
GIMPU
GINTU
Poso Lake
MOROWALI DISTRICT
PENDOLO
Bungku
Masamba
Mayoa
MAKASSAR