

Formulation of the Aceh Truth and Reconciliation Commission (TRC) in Seeking the Truth about Past Human Rights Violations in Aceh

M. Reza Fahlevi^{1,*} Ramzi Murziqin²

¹ Aceh Truth and Reconciliation Commission, Jalan Mayjen T. Hamzah Bendahara, Kuta Alam, Banda Aceh, Aceh, Indonesia 24415. Tel: +6282-320002229,.

²Faculty of Social Sciences and Government Sciences, Ar-Raniry State Islamic University Banda Aceh, Jalan Ar-Raniry Kopelma Darussalam, Syiah Kuala, Banda Aceh, Aceh, Indonesia 23111.

*Corresponding author. Email: mrfahleviasia@gmail.com

ABSTRACT

This journal describes the formulation and implementation of the Aceh Truth and Reconciliation Commission (KKR) in revealing the truth regarding human rights violations that occurred in Aceh in the past. Aceh is one of the regions in Indonesia that has experienced armed conflict for decades involving the government and the Free Aceh Movement (GAM) group. This period of conflict has led to many cases of human rights violations, and the Aceh TRC has an important role in revealing the truth and seeking reconciliation between the parties involved. This journal will use a research methodology combining a qualitative approach and document analysis to investigate the role and performance of the Aceh Truth and Reconciliation Commission (KKR). Apart from that, this journal also evaluates the challenges and obstacles faced by the Aceh TRC in the process of revealing the truth. The results of this research found that truth disclosure carried out by the Aceh Truth and Reconciliation Commission (KKR) can provide deeper insight into efforts to overcome human rights violations in Aceh and contribute to understanding the reconciliation process in areas that have been affected by conflict.

Keywords: *Truth Seeking, TRC of Aceh, human rights violation, challenge and obstacle*

1. INTRODUCTION

The protracted armed conflict in Aceh, Indonesia, for decades has caused numerous human rights violations that have shaken society and created deep wounds. In an effort to overcome the impact of the conflict and support the reconciliation process, the Indonesian Government established the Aceh Truth and Reconciliation Commission (KKR). The Aceh TRC has a leading role in revealing the truth about human rights violations that occurred in the past and helping to restore relations between the parties involved (Amnesty International, 2018; Human Rights Watch, 2007).

In developing policies and implementing its duties, the Aceh TRC faced a number of challenges that needed to be overcome, including how to collect evidence and listen to victims' stories (Kusumastuti & Purnama, 2019; Sulistiawati & Santoso, 2014). The Aceh TRC must also consider legal and ethical aspects in the process of revealing this truth (Orentlicher, 2007).

This research aims to evaluate the way the Aceh TRC carries out truth disclosure, analyze the methods and approaches they use, and assess the impacts and obstacles faced by this commission in carrying out the mandate of Aceh Qanun Number 17 of 2013 concerning the Aceh Truth and Reconciliation Commission (KKR). Apart

from that, this research will also relate the experience of the Aceh TRC in uncovering the truth in other areas after the conflict.

By analyzing the role and achievements of the Aceh TRC, this research is expected to provide a deeper understanding of efforts to overcome human rights violations in Aceh, as well as contribute to the understanding of the reconciliation process in areas that have experienced conflict.

2. RESEARCH METHODOLOGY

This research will use a method that will integrate a qualitative approach and document analysis to investigate the role and performance of the Aceh Truth and Reconciliation Commission (KKR) in uncovering the truth regarding past human rights violations in Aceh. A qualitative approach will be utilized to gain an in-depth understanding of the processes, experiences and views of the actors involved in the Aceh TRC. On the other hand, document analysis will be used to evaluate official documents and reports related to the activities of the Aceh TRC.

1. Discussion and Research Results

The conflict between the Free Aceh Movement (GAM) and the government of the Republic of Indonesia (RI) was the result of demands made by regional dissatisfaction with the central government in Jakarta. To reduce this conflict, the government in Jakarta used a military approach in responding to this problem. The movement proclaimed by Dr. Muhammad Hasan Di Tiro in Buket Halimon, Pidie Regency, Aceh Province on December 4, 1976, it can be concluded that this was a conflict with the aim of Aceh's independence (Khairil Akbar, 2017). The government's efforts to resolve the conflict through military means failed, due to renewed resistance by GAM. The military approach had a negative impact on Aceh's civil society. This conflict caused many casualties and violations of Human Rights (HAM) in Aceh (Eka Auliana Pratiwi, 2019).

The results of investigations carried out by human rights monitoring institutions found that there had been 7,727 cases of human rights violations in Aceh during the implementation of Operation Red Net (1989-1998) during the Aceh DOM period. This figure was quite fantastic and shocked all parties so that a number of other institutions also carried out investigations and verification of the initial evidence previously discovered. This data was obtained from the results of the collective investigation of the Human Rights Care Forum (FPHAM) in 1998-1999 (Eka Auliana Pratiwi, 2019) . KontraS also noted that there were 204 victims of forced

disappearances that occurred during the Aceh conflict period, and Amnesty International also noted that there were around 30 - 35 thousand victims of conflict as a result of the excesses of the conflict that occurred in Aceh.

After the earthquake and tsunami struck Aceh on December 26 2004, the world's eyes were focused on Aceh. The government of Susilo Bambang Yudhoyono and Jusuf Kalla, which took office in October 2004, began initiating peace as an effort to find a solution to the increasingly rampant humanitarian crisis in Aceh by involving the European Union as a mediator. The negotiations, which lasted five rounds, began on January 27 2005 and ended with the signing of a peace agreement on August 15 2005. The agreement which became known as the Helsinki MoU was represented and signed by three parties consisting of Hamid Awaluddin as Minister of Law and Human Rights on behalf of the government of the Republic Indonesia, Malik Mahmud as the leader of the Free Aceh Movement negotiating team and Martti Ahtisaari, the president of Finland at that time as well as chairman of the Board of Directors of the Crisis Management Initiative as facilitator of the negotiation process (Reza, 2022). The tsunami was quite a hard blow for both parties, both GAM and the Indonesian government, in the end it became a catalyst that brought both parties to the table to conclude a peace agreement and facilitate the Aceh recovery process (Lusia, 2010).

So the Aceh Truth and Reconciliation Commission (KKR) was born through the Aceh Qanun number 17 of 2013 as a derivative of Law Number 11 of 2006 concerning the Aceh Government (UUPA) which was the mandate of one of the points of the Helsinki MoU peace agreement and became one solution to answer regarding past incidents of human rights violations in Aceh (Reza, 2022).

2. Aceh Truth and Reconciliation Commission (KKR)

The Aceh Truth and Reconciliation Commission (KKR) or abbreviated as KKR Aceh is a non-structural institution at the regional level in Aceh Province. As mandated by Aceh Qanun Number 17 of 2013, the Aceh TRC has 3 (three) main points, (1) Strengthening peace by revealing the truth about human rights violations that occurred in Aceh, (2) Helping to achieve reconciliation between individual perpetrators of human rights violations. as well as institutions with victims; and (3) Recommend comprehensive reparations for victims of human rights violations, in accordance with universal standards relating to victims' rights.

Ifdal Kasim (2000), said that the Truth and Reconciliation Commission (KKR) is a transitional phenomenon emerging from the context of countries that are facing a transition from authoritarian to democratic regimes. The new government during the transition period is expected to be able to respond to society's demands regarding human rights crimes (gross violations of human rights). In several countries, these commissions each have different names, mandates and powers. Some of them have a mandate limited to only one type of human rights violation, for example the TRC in Chile and Argentina has a mandate limited to investigating cases of extrajudicial executions and enforced disappearances. However, most of the existing TRCs have very broad mandates covering almost all types of serious human rights violations, such as in South Africa, Guatemala and El Salvador.

According to Fadli Andi Natsif (2016), in essence the Truth Commission can bring a sense of justice to victims if it is run independently. This means that the state must reveal, explain and account for past actions, both those carried out by the government while in power and those carried out by the previous regime, in relation to victims and perpetrators of crimes. Then reconciliation is carried out, meaning that every community that is a victim of repressive actions must recover from their past experiences, and reach an agreement regarding the terms of a substantial resolution of the conflict and chaos that occurred.

As an official institution, the Truth and Reconciliation Commission (KKR) has a central role in realizing victims' rights in real terms. Based on its authority, the TRC plans important matters, such as: determining the scope of cases to be investigated; inventory and identify victims and perpetrators; designing forms of recovery; as well as preparing reports on the results of investigations and recommendations to be submitted to the government (Andrey Sujatmoko, 2016).

3. Seeking the Truth by the Aceh KKR

One of the most elegant definitions of truth was given by the German philosopher Jürgen Habermas. Truth, according to him, we realize in three aspects. First, truth is factual, relating to something that actually happened or exists. Second, truth is normative, related to what we feel is fair or not. Third, truth will only be truth if it is stated in the right way (Jurgen Habermas, 1984).

Based on the results of secondary data collection obtained by researchers sourced from Aceh Qanun Number 17 of 2013 CHAPTER V Article 21 Paragraph 1, it was found that disclosure of the truth referred to in the Aceh Truth and Reconciliation Commission (KKR)

was carried out using 3 (three) mechanisms, (1) Taking statements, (2) Investigation and (3) Collection of information and documents.

In addition to primary data from internal KKR Aceh to support the results obtained from secondary data obtained by the researchers above, the researchers have also interviewed one of the sources with the initials FT. FT said that:

"In general, the Aceh TRC's strategy for revealing the truth as mandated by the Aceh Qanun is only three, namely: Taking statements, investigating and accessing information and documents. "These three steps were taken to uncover events that occurred in 1976-2005 which were related to the Aceh conflict."

In addition, to see more about Truth Disclosure and its impact on two of the other three main work points, namely Reparation and Reconciliation, FT researchers also conveyed that:

"The disclosure of the truth carried out by the Aceh TRC is the first step towards two of the three main works of the Aceh TRC, namely Reparation and Reconciliation. In carrying out work in the Truth Disclosure section, the Aceh TRC does this by taking statements which are carried out in private and taking statements which are carried out openly. An example of this is taking open statements such as Hearing Testimony (DK). So, separating the work of Revealing the Truth from the other two main works, namely Reparation and Reconciliation, is so that the Aceh TRC is more effective in its work and can reduce problems that occur in the future, especially related to reconciliation which brings together the perpetrator and the victim, so some kind of pre-conditions are needed first. "

One other source of data from statement givers to the Aceh TRC which the researchers chose for reasons of representation from several other statement givers, namely F, who is the son of the late HS. HS was one of the victims who disappeared after being taken to Rumoh Geudong (one of the Sattis Posts used by Kopassus during the Aceh conflict). To provide feedback on the strategy carried out by the Aceh KKR to researchers, F said that:

"The presence of the Aceh TRC is too late to start revealing the events experienced by the victims of the Aceh conflict. Because many of the victims have died, or are old, so if we ask for information about conflict incidents, it is very difficult for us to provide information. "Like me, in fact perhaps the one who has the right to tell what happened to me is my mother, but because of my

mother's health condition and age, I represent my mother in telling what happened to our family."

According to Lederach, in the process towards reconciliation, there are four approaches that can be taken, namely truth, forgiveness, justice and peace. Looking at the Aceh Truth and Reconciliation Commission (KKR), in accordance with what is mandated by Qanun Number 17 of 2013 which includes truth disclosure, reparation and reconciliation, the truth or truth process is an important point in the performance of the Aceh TRC. What the Aceh TRC did by successfully taking statements as part of revealing the truth about 5,264 witnesses or victims of Aceh's human rights violations that occurred in the period 1976-2005, in terms of terminology the Aceh TRC is a path towards reconciliation as stated by Lederach.

Institutionally, the work of the Aceh TRC in the Truth Disclosure section has an officially regulated work instrument which becomes a binding rule so that the results of its work can be accounted for in the future. This is in line with the definition of truth according to Jurgen Habermas (1984), namely that truth will only be truth if it is stated in the right way.

The instrument regarding taking statements which is part of Truth Disclosure regulated by the Aceh TRC is very perfect in that it regulates its working tools in the Aceh TRC work area. The work structure in the region consisting of a Coordinator who supervises several Statement Taking Officers is also considered perfect where the field Coordinator is tasked with directing and evaluating the work results of the Statement Taking Officers (Reza, 2022). This means that the burden of Taking Statements is the full responsibility of the Coordinator so that a process like this will be more effective to carry out.

The statement taking process was not carried out immediately, but started with initial data obtained by the Aceh TRC from Civil Society Organizations (CSOs) and then expanded further with data obtained in the field. Next, the Coordinators in each region will confirm the data address. The confirmation process carried out by the Regional Coordinator before the victims' and witnesses' statements are taken in the interview process by the Statement Taking Officers begins with confirming the address of the Statement Giver, then confirming the incident experienced by the victims to village officials as well as to community leaders and then confirming with close family members. victims (Reza, 2022). This is done so that the Statement Taking process which is part of Truth Disclosure is considered truly on target and factual in line with one of the most elegant definitions of truth presented by Jurgen Habermas (1984), namely

factual truth, which means relating to something. that actually happened or exists.

Apart from taking statements from victims of the conflict, the Aceh TRC can also take statements openly or listen to the testimony of victims of the Aceh conflict to the public or also known as Testimony Hearings (DK). Hearing testimony, which is carried out depending on certain cases, is part of the Aceh TRC's duties in accordance with what is mandated by the Aceh TRC Qanun Number 17 of 2013. The Aceh TRC's strategy in uncovering the truth about events that occurred in the period 1976-2015 is almost in line with with the Lederach concept described by Annas Rizaldi (2019), namely the truth that is revealed, expressed, and heard to the public with a mechanism for seating the victims and the perpetrators face to face and the mediator mediates in the meeting. It's just that the Aceh TRC was limited to hearing testimonies from its victims and did not bring the victims together with the perpetrators in public. Likewise, what was done by the TRC (KKR) in South Africa, which listened to the victims' testimonies through their national radio broadcasts, also did not bring the victims together with the perpetrators of crimes in the past.

In the theory of truth, Lederach mixes truth-telling with reconciliation or it could be said that the reconciliation process can be carried out simultaneously with the truth-telling process. Meanwhile, the results obtained by researchers in this article are of course that the disclosure of the truth by the Aceh TRC was carried out earlier and separately from reconciliation. Because the aim of the Aceh TRC was to be a solution to resolve conflicts in the past, this method of revealing the truth by the Aceh TRC was carried out in order to minimize conflicts that occurred between victims and perpetrators in the future. So the disclosure process made public by the Aceh TRC based on incidents experienced by victims both in the era of the authoritarian government of the New Order regime and after it could be the starting point for the current transitional government as stated by Irdal Kasim (2000), who It is hoped that it can answer society's demands regarding human rights crimes (gross violations of human rights).

4. Challenges and Obstacles of the Aceh TRC

In order to fulfill human rights, the results of researchers' searches from secondary data in the form of the official Aceh TRC website, during the 2016-2021 period the Aceh TRC Commissioner took 5,264 statements from victims and witnesses of alleged human rights violations. This statement was taken in two ways, namely privately and openly (Reza, 2022).

In the Aceh TRC Commissioner's performance report for the 2016-2021 period, it was found that, of the 5,264 statements taken, including statements regarding 109 cases of sexual violence, 29 of them were men. Apart from these cases, the total number of statements taken above also includes statements taken openly (Public Hearing/Testimony Hearing). It was recorded in the report that the Aceh TRC had held Testimony Hearing Meetings (RDK) 3 (three) times. First held at the Aceh Governor's Hall in November 2018, then at the DPRK North Aceh Building in July 2019 and at the Aceh DPR Building in November 2019. Around 50 (fifty) survivors of the Aceh conflict have conveyed their experiences of the events they experienced, in detail starting from incidents of torture as well as incidents of murder and enforced disappearances.

As stated above, the total number of statements taken by the Aceh KKR was 5,264. However, this number is very far from the predictions of several humanitarian organizations such as Amnesty International, which estimates that there are 30-35 thousand conflict victims in Aceh.

So to find out what obstacles the Aceh KKR faced in the process of taking statements so that the number of statement givers was still very small compared to predictions from humanitarian organizations as mentioned above, researchers interviewed one of the Aceh KKR internal sources with the initials FT. FT said that:

"There were two factors so that the number of statement givers that the Aceh KKR managed to obtain was only 5,264 compared to the target of the Aceh KKR Commissioner for the 2016-2021 period, which was 10,000. The first is the internal factor of the Aceh TRC itself and the second is the external factor of the Aceh TRC. Internal factors include unsupportive finances, where the finances allocated to KKR Aceh are only sufficient for its operations. Financial problems are related to the absence of a Qanun SOTK (Operational Order of Management) which regulates finances, therefore the amount of costs that can be budgeted is relatively small, because the finances are still under the secretariat of the Aceh Reintegration Agency (BRA). Next are inadequate human resources, this is because the KKR institution is the first in Indonesia, therefore more effective learning is needed so that in the future the Human Resources owned by KKR Aceh are more capable. Meanwhile, for external factors, the first is the difficulty of finding the addresses of witnesses or victims of human rights violations in Aceh because some of them no longer live in the location during the Aceh conflict. And the second is the Covid-19 situation which is also affecting Aceh."

Because this part of taking statements is directly related to the victims of the conflict, the researcher interviewed F to get a response about what the impact would be if the taking of statements by the Aceh TRC was not carried out all at once. Researcher F gave his response that:

"Many of the victims of the conflict are old, whose minds can no longer remember the previous events they experienced. Sometimes it is also difficult for me to help the people of the Aceh TRC to show them who they can find to get information related to the conflict. "So, my hope is that the statement must be taken more quickly, in addition to so that these victims can immediately enjoy the results of Aceh peace."

Based on the results of research sourced from secondary data, the number of 5,264 Statement Takings is very irrelevant considering the post-conflict period in Aceh which has been almost two decades (18 years). Moreover, this figure is very far from Amnesty International's predictions, which said the number of victims of the Aceh conflict was between 30-35 thousand.

There are two factors behind the Aceh KKR only being able to collect 5,264 of the 10,000 targeted by the Aceh KKR Commissioner for the 2016-2021 period. The first is the internal factor of the Aceh KKR itself, namely in the form of unsupportive finances, where the finances intended for the Aceh KKR are only sufficient for its operations. In addition to the absence of Qanun SOTK (Operational Order of Management) in the Aceh KKR institution which regulates finances, the finances are still under the secretariat of another institution, namely the Aceh Reintegration Agency (BRA). Another internal problem is related to inadequate human resources, this is because the KKR institution is the first in Indonesia, therefore more effective learning is needed so that in the future the Human Resources owned by KKR Aceh are more qualified (Reza, 2022).

While the second is an external factor, the first is the difficulty of finding the addresses of witnesses or victims of human rights violations in Aceh because some of them no longer live in the location during the Aceh conflict. And the second is the Covid-19 situation which is also affecting Aceh.

4. CONCLUSION

The Aceh TRC strategy in an effort to fulfill and resolve the rights of victims of past human rights violations through revealing the truth was pursued by taking statements from alleged victims of human rights violations in Aceh. The process of taking statements is carried out in the Aceh KKR working area which consists

of districts/cities in Aceh. Each working area of the Aceh TRC is led by one Regional Coordinator who supervises several Statement Taking Officers who are tasked with taking statements from alleged victims of human rights violations by means of interviews. This is a statement taking that is done behind closed doors. Apart from taking closed statements as above, the Aceh TRC also took public statements from alleged victims of human rights violations in public, or also known as Testimony Hearing Meetings (RDK).

The obstacle for the Aceh KKR in carrying out Truth Disclosure is that it is internal to the Aceh KKR itself, namely in the form of unsupportive finances, where the finances intended for the Aceh KKR are only sufficient for its operations. In addition to the absence of Qanun SOTK (Operational Order of Management) in the Aceh KKR institution which regulates finances, the finances are still under the secretariat of another institution, namely the Aceh Reintegration Agency (BRA). Another internal problem is related to inadequate human resources, this is because the KKR institution is the first in Indonesia, therefore more effective learning is needed so that in the future the Human Resources owned by KKR Aceh are more fulfilled.

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