

KONTRAS (THE COMMISSION OF “THE DISAPPEARED” AND VICTIMS OF VIOLENCE)

URGENT APPEAL: UNWILLINGNESS OF INDONESIAN MILITARY AUTHORITIES TO ATTEND THE CALLING FROM INQUIRY TEAM OF TALANGSARI MASSACRE 1989

INDONESIA: Unwillingness of Indonesia Military Authorities to attend the calling from Inquiry team of Talangsari Massacre 1989

Dear Friends,

The Commission of “the disappeared” and victims of violence (KONTRAS) writes to inform you that there are three formers military authorities who had responsibility on Talangsari Massacre 1989 in Lampung did not attend as witness in inquiry team of Talangsari Massacre. The Komnas HAM as inquiry team already called them as witness three times, but they ignored it some reasons.

Case Details:

The pro iusticia team started working again on June 2007 set up by decision letter of Head of Komnas HAM (National Commission on Human Rights) No: 15/Komnas HAM/V/2007 date 1 May 2007, then it changed by Letter of Komnas HAM No: 28/Komnas HAM/IX/2007 date 12 September 2007.

Up to June – December 2007, this team had assessed 94 victims in Lampung, Central Java and Jakarta, while the efforts of team that still going on are waiting to get permissions from Attorney General in terms of exhumation process in Talangsari village.

The team also called former member of military and police department. Some of them already attended, they are B. Suyitno (former Vice Head of Local Police in Lampung), Edward Aritonang (former Head of regional police of South Sumatera) and Soedome (former Chief of Command for the Restoration of Security and Order/Pangkobkamtib). The information coming from Soedome (former of Pangkobkamtib in Soeharto era), he pointed clearly that Military Sub-District Command (Koramil), Military Sub-Area Command (Korem), Military Area Command (Kodam), former Chief of Armed Forces staff (KSAD) and former Commander of Armed Forces (Panglima ABRI) are the people who has responsibility on Talangsari massacre in 1989, not only they were in Jakarta, but also in Lampung. Moreover, Soedomo specifically stated that *“he did not know what the exactly occurred in the field and shoulder of the responsibility to Commander of Military Sub-Area Command at the time positioned of Mr. Hendropriyono”*.

Finally, the team of Komnas HAM called the three witnessess, they are Wismoyo Arismunandar (former Chief of Military Area Command of Diponegoro), Mr. Hendropriyono (former Commander of Military Sub-Area Command 043 Garuda Hitam) and Try Soetrisno (former Chief of Armed Forces) up to three times calling, however they did not attend.

There is one effort for Komnas HAM to call the three witnesses in terms of law no 39/1999 on National Commission on Human Rights article 95 stated that if the person who invited did not attend or refused to give information, Komnas HAM can apply for help to the head of court in order to fulfill forced calling (subpoena) based on the Law. This law can be connected with Law no 26/2000 on Human rights court in Explanation of article 104 point 3 stated that the meaning of authority's court means including the four kinds of court as in Law no 14/1970 on the Primary guidelines of Judges' authority which part of them already changed to Law no 35/1999.

Based on the policies, Komnas HAM as Team inquiry already met the head of Central Court Jakarta, Mrs Andriyani Nurdin, three times and the last meeting was on 25 June 2008. In the last meeting the Head of Central Jakarta Court stated orally that the Central Jakarta court do not have authority to implement the forced calling (Subpoena) due to no human rights court, so that the subpoena is not authority of Central Jakarta Court.

On the other hand, the Presiden of SBY gave supports the efforts to resolve the case of past abuse including Talangsari Massacre 1989 on 26 march 2008, when President got meeting with several victims and KONTRAS. However, the controversial comment came from Minister of Defense stated that he gave warning to former military officer to not attend of calling from Komnas HAM team since there is no law to resolve the case of Talangsari.

BACKGROUND INFORMATION:

On 7 February 1989, a military attack occurred in a village residence of Talangsari Lampung, continued with arbitrary detention and arrest, torture and forced disappearances. The shooting in the series of attack claimed hundreds of victims died, injured, or disappeared. Talangsari residence was also burnt out and closed for public. After the attack, hundreds of people were unfair prosecution. In 1998 when the national political scene experienced a change, some of the victims and the victims' families started to litigate the past abuse that were kept all along and demand justice. The fight is carried out through various efforts such as meetings with the fractions in Indonesia's House of Representatives and the government, or by pressuring the National Commission on Human Rights (Komnas HAM) to conduct investigation.

In 2001, Komnas HAM formed inquiry team for Talangsari case pointed Mr. Koesparmono Irsan as chairperson. However, the investigation was never implemented, in fact there were many hindrances to resolve the case of Talangsari, such as against each other among victims taken the advantage of their poverty in the form of offering "islah"/Islamic peaceful agreement as the form of resolving coming from people who has responsibility for the case. Some of victims received "islah", but others preferred to resolve legally. In January 2004, the inquiry process for Talangsari case was back to active. Komnas HAM pointed Hasballah M Saad as chairperson. Up to beginning 2005, no progress came from the team set up by Komnas HAM. If there were, the progress noted that the team was just to analyze on Talangsari case. On February 2005, Komnas HAM came forward to set up the inquiry team based on law no.39/1999. The team consisted from Enny suprpto, Samsudin, Ruswiyati suryasaputra and Muhamad Farid. The team started to the field to get witnesses around Talangsari Lampung. After interview witnesses, the team assessed that there are human rights violation in form of summary killing, torture, arrest and arbitrary detention, freedom of expression. Until 2006, the team did not finish the report due to waiting reply from Korem Garuda Hitam and Pangdam Sriwijaya.

SUGGESTED ACTION:

Please write letters to the Indonesian authorities requesting their intervention (please see attachment the sample letter) to:

1. Mr. Susilo Bambang Yudoyono
President Republic of Indonesia

Presidential Palace
Jl. Medan Merdeka Utara
Jakarta Pusat 10010
INDONESIA
Fax: + 62 21 231 41 38, 345 2685, 345 7782
Tel: + 62 21 3845627 ext 1003
E-mail: presiden@ri.go.id

2. Mrs. Andriyani Nurdin

Chairman of Central Court Jakarta
PENGADILAN NEGERI JAKARTA PUSAT
Jl. Gajah Mada No. 17, Jakarta Pusat
Ph : +62-21- 63850223 / 6311326 Fax: +62-21-6348630

3. Mr. Jenderal Djoko Santoso

Commandert of TNI
Departemen Pertahanan,
Jl. Merdeka Barat 13 - 14 Jakarta 10110

Sample letter to President Soesilo Bambang Yudhoyono

Mr. Susilo Bambang Yudoyono
President Republic of Indonesia
Presidential Palace
Jl. Medan Merdeka Utara
Jakarta Pusat 10010
INDONESIA

Your Excellency,

.....(inform briefly on your organizations).....
(Name of organization).....would like to address some issues regarding the Komnas HAM Inquiry Team for the Talangsari Massacre of 1989 with you.

Komnas HAM has already determined that there were at least 94 victims in Lampung, Central Java and Jakarta as a result of the massacre. The team is currently waiting for permission from the Attorney General to begin an exhumation process in Talangsari Village in search of additional victims.

The Inquiry Team has called former members of the military and police department to serve as witnesses in their continuing investigation. Individuals who have answered the team's call include B. Suyitno (former Vice Head of Local Police in Lampung), Edward Aritonang (former Head of Regional Police of South Sumatera) and Soedome (former Chief of Command for the Restoration of Security and Order/Pangkobkamtib). Soedome's account indicated that the Military Sub-District Command (Koramil), the Military Sub-Area Command (Korem), the Military Area Command (Kodam), the former Chief of Armed Forces Staff (KSAD) and the former Commander of Armed Forces (Panglima ABRI) were responsible for the events of the Talangsari Massacre of 1989 that occurred in Jakarta and Lampung. Soedome stated that he did not know exactly what had occurred in the field but shouldered the blame on Mr. Hendropriyono, the acting Commander of Military Sub-Area Command at the time.

Subsequently, the Komnas HAM Inquiry Team called three military officials as witnesses: Wismoyo Arismunandar (former Chief of Military Area Command of Diponegoro), Mr. Hendropriyono (former Commander of Military Sub-Area Command 043 Garuda Hitam) and Try Soetrisno (former Chief of Armed Forces). However, despite multiple calls, none of these individuals appeared.

There has been an effort by Komnas HAM to call the witnesses under law No. 39/1999 of the National Commission on Human Rights. Article 95 states that if the invited individual does not attend or refuses to provide information, Komnas HAM can apply for assistance, in the form of a subpoena, from the head of the judiciary. Regarding the judiciary, it is Connected to the Law no 26/2000 on Human Rights Court in part of explanation article 104 point 3 states that the judiciary includes the four systems of judiciary that one of them is General judicial system, mentioned in Law no 14/1970 on Primary Guidelines of judiciary which part of the articles already replaced to the Law no 35/1999. Therefore, the Central Court of Jakarta as one of General judicial systems has authority to implement of subpoena.

Komnas HAM has met with the Head of Central Court Jakarta, Mrs. Andriyani Nurdin, three times, most recently on 25 June 2008. In the June 25th meeting, Mrs. Andriyani stated that the Central Jakarta Court does not have authority to implement a subpoena, but the Human Rights Court.

Therefore, we urge you to speak with Mrs. Andriyani in support of the work that the Komnas HAM Inquiry Team is trying to accomplish and ask for a subpoena of the aforementioned military officials.

Such action would be in line with the statements of support you made at the March 26th meeting that was held with several victims and members of KONTRAS. At that meeting, you

pledged your support to resolve cases of past abuse in Indonesian, including the Talangsari Massacre of 1989. Your support is essential for the victims and families who are seeking justice and would like to put the mystery of their disappeared relatives to rest.

Sincerely,

Cc:

1. **Mr. Jenderal Djoko Santoso**
Commander of TNI
Departemen Pertahanan,
Jl. Merdeka Barat 13 - 14 Jakarta 10110
Phone: +62-21 - 3456184
email : postmaster@dephan.go.id.
2. **Mrs. Andriyani Nurdin**
Chairman of Central Court Jakarta
PENGADILAN NEGERI JAKARTA PUSAT
Jl. Gajah Mada No. 17, Jakarta Pusat
Ph : +62-21- 63850223 / 6311326
Fax: +62-21-6348630
3. **Mr. Ihdhal Kasim**
Chairperson KOMNAS HAM (National Human Rights Commission)
Jl. Latuharhary No. 4B Menteng
Jakarta Pusat 10310
INDONESIA
Tel: +62 21 3925230
Fax: +62 21 3151042/3925227
E-mail: info@kornasham.or.id
4. **Mr. Agung Laksono**
Chairman of Parliament (DPR RI)
Gedung DPR - MPR, Jl. Gatot Subroto, Jakarta
Phone: +62-21-57906467, 57906524.
Email: humas@dpr.go.id, admin@dpr.go.id

Sample Letter to Commander of TNI

Mr. Jenderal Djoko Santoso

Commander of TNI

Departemen Pertahanan,
Jl. Merdeka Barat 13 - 14 Jakarta 10110

Dear Mr. Djoko Santoso

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Therefore, we urge you to support the work that the Komnas HAM Inquiry Team is trying to accomplish by making an appeal to the aforementioned military officials, asking them to fulfill the call from Komnas HAM and serve as witnesses in the investigation.

Such action would be in line with the statements of support that President SBY made at a meeting that was held with several victims and members of KONTRAS on March 26th. At that meeting, the President pledged his support to resolve cases of past abuse in Indonesian, including the Talangsari Massacre of 1989. Your support is essential for the victims and families who are seeking justice and would like to put the mystery of their disappeared relatives to rest.

Sincerely,

Cc:

1. **Mr. Ihdhal Kasim**

Chairperson KOMNAS HAM (National Human Rights Commission)

Jl. Latuharhary No. 4B Menteng

Jakarta Pusat 10310

INDONESIA

Tel: +62 21 3925230

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- 2. Mr. Agung Laksono**
Chairman of Parliament (DPR RI)
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Phone: +62-21-57906467, 57906524.
Email: humas@dpr.go.id, admin@dpr.go.id
- 3. Mrs. Andriyani Nurdin**
Chairman of Central Court Jakarta
PENGADILAN NEGERI JAKARTA PUSAT
Jl. Gajah Mada No. 17, Jakarta Pusat
Ph : +62-21- 63850223 / 6311326
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Sample Letter to Chairman Central Court Jakarta

Mrs. Andriyani Nurdin
Chairman of Central Court Jakarta
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Jl. Gajah Mada No. 17, Jakarta Pusat
Ph : +62-21- 63850223 / 6311326
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Dear Mrs. Andriyani,

.....(inform briefly on your organizations).....
(Name of organization).....would like to address some issues regarding the Komnas HAM Inquiry Team for the Talangsari Massacre of 1989 with you.

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Therefore, we urge you to support the work that the Komnas HAM Inquiry Team is trying to accomplish by granting subpoenas of the aforementioned military officials.

Such action would be in line with the statements of support that President SBY made at a meeting that was held with several victims and members of KONTRAS on March 26th. At that meeting, the President pledged his support to resolve cases of past abuse in Indonesian, including the Talangsari Massacre of 1989. Your support is essential for the victims and families who are seeking justice and would like to put the mystery of their disappeared relatives to rest.

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