

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

URGENT APPEAL: RIGHTS OF REPARATION FOR VICTIMS OF TANJUNG PRIOK MASSACRE 1984

INDONESIA: Rights of reparation for victims of Tanjung Priok Massacre 1984

Dear Friends,

**The Commission of “the disappeared” and victims of violence (KONTRAS) writes to inform you that up to know the victims of Tanjung Priok massacre in 1984 have not got reparation after hearing of human rights tribunal finished.**

### **Case Details:**

Komnas HAM formed a special team after the victims and families demanded for the resolution. Then, this was followed with formation of commission for the inquiry of human rights violation in Tanjung Priok (KP3T) in year 2000. Through two investigation process-one of which was pro justicia- Komnas HAM in his report stated that a severe human rights violation has occurred mainly but not limited to killing, arbitrary detention and arrest, torture and forced disappearance. The whole series of incident was the responsibility of perpetrators on the field, the operational command and command responsibility.

Komnas HAM submitted its final report to Attorney General office. The investigation at the Attorney General's office was extended until they finished it in July 2003. In September 2003 the human rights court started. The court charged 15 defendants who are responsible as the field perpetrators and operational command. Meanwhile, the President as the highest responsible, LB Moerdani as the Commander of ABRI (armed forces) and Tri Sutrisno as Pangdam Jaya were legally untouchable.

At the same time, the effort to freeze the case can be seen from Islamic reconciliation that was offered by the perpetrators to several victims of Tanjung Priok case on 1 March 2001. As the result, when the court was in process, many victims changed their testimony in favor of the perpetrators. However, some victims are still consistent with their fight to uphold the law in this country through a fair court process to fulfill the truth and justice for the victims.

In 2003, the first trial for Tanjung Priok case was held with defendant of Sutrisno Mascung and 10 members; defendant of Pranowo and R. A Butar-Butar and Sriyanto. In 2004, ad hoc trial in the first level sentenced RA Butar Butar 10 years in prison and Sutrisno Mascung got 3 years in prison and 2 years for his members. Meanwhile, the prosecutor did not prove guilty of Pranowo and Sriyanto. In second level of trials in 2005, the judge released of RA Butar Butar and Sutrisno Mascung. However, up to 2005 to 2006, the cassation in Supreme Court released all defendants. The important things mentioned in the sentence is the fulfillment of compensation for victims in the first level of trials. However, the release of defendants in second level of trial and cassation has impact of unclear for reparation. The judge did not mention the problem of victims' rights in the release sentences. In fact, the fulfillment of compensation was depended on guilty of defendants, but it is not a part of the main rights of victims.

Coming year 2007, the efforts to fulfill victim's rights has been done by a group of victims to appeal the Central Jakarta Court about compensation for victims of Tanjung Priok Massacre. They appealed compensation as amount 658 million (IDR), and immaterial 357,5 million, the total is 1,015 billion. The court was really confused with this appeal, since it was the first time for the judges to process such this. Unfortunately, the court did not fulfill the defendants' demand because the primary of appeal came from the statement of human rights court of Tanjung Priok stated that the court already annulled in level of high court and Supreme Court.

Moreover, the government released the Government Regulation (PP) No. 3 year 2002 on Compensation, Restitution and Rehabilitation of victims of gross violation of human rights. This regulation was pointed out as follow up for Law No 26 year 2000 on Human rights Court. Unfortunately, the presidential decree is not practical to fulfill the victim's rights, since one of

the requirements should be based on the final statement coming from the court. In fact, the statement of Ad-hoc human rights court for Tanjung Priok case mentioned that there is no human rights violation in the case of Tanjung Priok in 1984, while there is fact that there are many victims in the incident.

#### **BACKGROUND INFORMATION:**

Severe case of human rights violation in Tanjung Priok occurred on 12 September 1984, where a shooting occurred to thousands of people who were attending a mass prayer. The routine sermon held on that day was part of the community's critical respond that refused Pancasila as the sole ideology. At the same time, some of the congregation also came to ideology. At the same time, some of the congregation also came to Military District Commando Operation (Kodim) North Jakarta, pressuring them to release Musholla As Saadah's officials who were detained shortly after the riot between the residence and Sgt. Hermanu, a member of Babinsa who tore off a pamphlet containing government's policy with gutter water on mosque's wall and entering the mosque without taking off his shoes.

The blind shooting made the victims ran to all direction. Those who suffered from gunshot wounds were collected at RSPAD. Other victims were arbitrarily arrested in almost all parts of Indonesia, all at once in the dawn of the following morning. Including in the victims were those who were not involved in the incident, but were actively preaching. Without any notification to the families, the victims were detained and underwent torture, whether those in Kodim North Jakarta, Military police area office (Mapomdam) Guntur or RTM Cimanggis and they underwent a court process and were sentenced to between 1-3 years of prison, change with subversive and resisting arrest.

After the incident, the victims experienced community's stigmatism because they were considered as nation criminals. Many of the victims live in poverty because they lost their jobs or had difficult to find jobs or to continue school.

#### **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

Phone: + 62 21 3845627 ext 1003

E-mail: [presiden@ri.go.id](mailto:presiden@ri.go.id)

**2. Mr. Andi Mattalatta**

**Ministry of Law and Human Rights**

Jl. HR. Rasuna Said Kav.6-7 Kuningan

Jakarta Selatan, Indonesia

Phone: 62-21-5253004

Fax: 62-21-5253139

**3. Mr. Hendarman Supandji**

**Kejaksaan Agung RI**

(Office of The Attorney General)

Jl. Sultan Hasanudin No. 1 Kebayoran Baru, Jakarta 12160

Phone. (021) 720-8577, 725-1403

Fax. (021) 725-1277

Sample letter to President Soesilo Bambang Yudhoyono

September 11, 2008

**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  
Rights of reparation for victims of Tanjung Priok Massacre 1984 with you.

In 2003, the first trial for Tanjung Priok case was held with defendant of Sutrisno Mascung and 10 members; defendant of Pranowo and R. A Butar-Butar and Sriyanto. In 2004, ad hoc trial in the first level sentenced RA Butar Butar 10 years in prison and Sutrisno Mascung got 3 years in prison and 2 years for his members. Meanwhile, the prosecutor did not prove guilty of Pranowo and Sriyanto. In second level of trials in 2005, the judge released of RA Butar Butar and Sutrisno Mascung. However, up to 2005 to 2006, the cassation in Supreme Court released all defendants. The important things mentioned in the sentence is the fulfillment of compensation for victims in the first level of trials. However, the release of defendants in second level of trial and cassation has impact of unclear for reparation. The judge did not mention the problem of victims' rights in the release sentences. In fact, the fulfillment of compensation was depended on guilty of defendants, but it is not a part of the main rights of victims.

Coming year 2007, the efforts to fulfil victim's rights has been done by a group of victims to appeal the Central Jakarta Court about compensation for victims of Tanjung Priok Massacre. They appealed compensation as amount 658 million (IDR), and immaterial 357,5 million, the total is 1,015 billion. The court was really confused with this appeal, since it was the first time for the judges to process such this. Unfortunately, the court did not fulfil the defendants' demand because the primary of appeal came from the statement of human rights court of Tanjung Priok stated that the court already annulled in level of high court and Supreme Court.

Moreover, the government released the Government Regulation (PP) No. 3 year 2002 on Compensation, Restitution and Rehabilitation of victims of gross violation of human rights. This regulation was pointed out as follow up for Law No 26 year 2000 on Human rights Court. Unfortunately, the presidential decree is not practical to fulfill the victim's rights, since one of the requirements should be based on the final statement coming from the court. In fact, the statement of Ad-hoc human rights court for Tanjung priok case mentioned that there is no human rights violation in the case of Tanjung Priok in 1984, while there is facts that there are many victims in the incident.

Regarding all information above, we would like you to urge the Ministry of Law and human rights and the Attorney General to fulfill the right of reparation for victim of Tanjung Priok.

Such action would be in line with the statements of support you made at March 26<sup>th</sup> 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 Tanjung Priok Massacre of 1984. Your support is essential for the victims and families who are seeking justice including right of reparation.

Sincerely,

Cc:

**1. Mr. Andi Mattalatta**  
**Ministry of Law and Human Rights**  
Jl. HR. Rasuna Said Kav.6-7 Kuningan  
Jakarta Selatan, Indonesia  
Phone: 62-21-5253004 Fax: 62-21-5253139

**2. Mr. Hendarman Supandji**  
**Kejaksaan Agung RI**  
(Office of The Attorney General)  
Jl. Sultan Hasanudin No. 1 Kebayoran Baru, Jakarta 12160  
Phone. (021) 720-8577, 725-1403  
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Sample letter to Attorney General

September 11, 2008

**Mr. Hendarman Supandji**

**Kejaksaan Agung RI**

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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.

In 2003, the first trial for Tanjung Priok case was held with defendant of Sutrisno Mascung and 10 members; defendant of Pranowo and R. A Butar-Butar and Sriyanto. In 2004, ad hoc trial in the first level sentenced RA Butar Butar 10 years in prison and Sutrisno Mascung got 3 years in prison and 2 years for his members. Meanwhile, the prosecutor did not prove guilty of Pranowo and Sriyanto. In second level of trials in 2005, the judge released of RA Butar Butar and Sutrisno Mascung. However, up to 2005 to 2006, the cassation in Supreme Court released all defendants. The important things mentioned in the sentence is the fulfillment of compensation for victims in the first level of trials. However, the release of defendants in second level of trial and cassation has impact of unclear for reparation. The judge did not mention the problem of victims' rights in the release sentences. In fact, the fulfillment of compensation was depended on guilty of defendants, but it is not a part of the main rights of victims.

Coming year 2007, the efforts to fulfil victim's rights has been done by a group of victims to appeal the Central Jakarta Court about compensation for victims of Tanjung Priok Massacre. They appealed compensation as amount 658 million (IDR), and immaterial 357,5 million, the total is 1,015 billion. The court was really confused with this appeal, since it was the first time for the judges to process such this. In fact, in regard to Government Regulation (PP) no. 3 year 2002 the Attorney General has obligation to appeal for reparation of victims of human rights such as Tanjung Priok massacre 1984.

Regarding all information above, we would like you to urge the Attorney General to appealed the right of reparation for victim of Tanjung Priok massacre 1984.

Such action would be in line with the statements of support coming from President made at March 26<sup>th</sup> meeting with several victims and members of KONTRAS. At that meeting, Mr President pledged the support to resolve cases of past abuse in Indonesian, including the Tanjung Priok Massacre of 1984. Your support is essential for the victims and families who are seeking justice including right of reparation.

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Jakarta Selatan, Indonesia  
Phone: 62-21-5253004 Fax: 62-21-5253139

Sample letter to Ministry of Law and Human Rights

September 11, 2008

**Mr. Andi Mattalatta**  
**Ministry of Law and Human Rights**  
Jl. HR. Rasuna Said Kav.6-7 Kuningan  
Jakarta Selatan, Indonesia  
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Regarding all information above, we would like you to urge the Ministry of Law and Human Rights to reform the regulation on the Right of reparation which it should be in line with the international principles.

Such action would be in line with the statements of support coming from President made at the March 26<sup>th</sup> meeting with several victims and members of KONTRAS. At that meeting, Mr President pledged the support to resolve cases of past abuse in Indonesian, including the Tanjung Priok Massacre of 1984. Your support is essential for the victims and families who are seeking justice including right of reparation.

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