



FLOWERS IN THE WALL
Truth and Reconciliation in Timor-Leste, Indonesia, and Melanesia
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Gambling with Truth: Hopes and Challenges for Aceh's Commission for Truth and Reconciliation

LIA KENT AND RIZKI AFFIAT

During a recent Sunday drive near Bener Mariah, in Central Aceh, to visit the district's famous lake, we pass thick mountainous forests where it is said that tigers and elephants still roam. Our friend, a local peace advocate, gestures out of the car window to the sites of several mass graves. "Here is a place where the military threw bodies over the edge of a cliff into the valley below. ... Over there is a place where there are many body parts lying, decomposed, in the jungle." We stop at one site, a dilapidated tourist lookout, and climb the chipped tile steps to the top. There is no memorial to the dead. The terrain below seems treacherous, steep and unforgiving. We ask if families are trying to recover and rebury the bodies of their dead. "It is too difficult," our friend replies, gesturing below to the trees tangled with vines. "And how would they identify the body parts anyway?"

This conversation was a stark reminder of the enduring legacies of several periods of violence and conflict in Aceh. Only ten years after the state-sponsored mass killings of 1965–66 that affected the lives of hundreds of thousands of Indonesians, Aceh experienced further violence in the form of a bitter, twenty-nine-year civil conflict between the Indonesian military (Tentara Nasional Indonesia, or TNI) and the Free Aceh Movement (Gerakan Aceh Merdeka, or GAM). The conflict, which followed

GAM's 1976 declaration of Acehnese independence, is thought to have claimed the lives of between 15,000 to 30,000 people¹; many others were tortured, raped, imprisoned, and displaced from their homes. Yet there has never been a systematic documentation process. These truths reside in the memories and bodies of those who lived through these events, passed on through oral stories to the next generation.

Acehnese human rights activists have long lobbied for an official truth commission to establish the extent and nature of human rights violations committed during the conflict. In 2016, it seemed that a significant step forward had been taken. Seven commissioners for Aceh's locally mandated Commission for Truth and Reconciliation (Komisi Kebenaran dan Rekonsiliasi, or KKR) were selected by Aceh's provincial parliament. The commission is expected to begin its work in 2017, but its success, and the support of the government of Indonesia, is by no means certain. In this chapter, we draw on recent interviews in Aceh to highlight what is at stake, and for whom, in the KKR's truth-seeking and reconciliation processes, and outline some of the obstacles that lie ahead for the commission's advocates.²

Background to the KKR

Aceh's KKR has been a long time in the making. Both the Helsinki Memorandum of Understanding (MoU) that was negotiated between the Indonesian government and GAM in 2005 and the 2006 Law for Governing of Aceh (LoGA) provided for a Truth and Reconciliation Commission (TRC) in Aceh as part of a national Indonesian TRC. Yet, the national TRC has been in legal limbo since late 2006 when the constitutional court ruled that the 2004 law under which it was to be established was invalid. A key issue was that the law contained provisions that would allow for "amnesty and hence legal immunity for perpetrators of gross human rights abuses."³

This setback posed a challenge for Acehnese human rights activists, who debated whether to continue pushing for a national-level commission or to lobby their own provincial government and parliament to establish a local Acehnese TRC by way of *qanun* (provincial legislation). Although fully aware that the powers of a locally constituted KKR would be more limited than those of a national commission, they were disillusioned after years of lobbying, and believed that, by pushing for a local commission,

they might have more chance of success. As one activist put it, “we are gambling now. If we don’t push now [for a provincial TRC] we will be waiting for a long time.”

Activists believe their lobbying efforts had some influence on the eventual passing of the *qanun* KKR by the Acehese provincial parliament, which took place in 2013, after several delays.⁴ Further delays then ensued and it was not until 2015 that the parliament formed a small committee to select commissioners. In early 2016, the committee selected twenty-one candidates based on potential applicants’ performance on a test. It then provided these names to the provincial parliament, which selected the final seven names. Despite concerns that the parliament would politicize the process, human rights activists seem happy with the final selection of commissioners. Most are well-known activists with a long history of involvement in various human rights advocacy campaigns. Commissioners were inaugurated into their new roles in October 2016.

Mandate and Function of the KKR

Like most truth commissions, a key aspect of the KKR’s work will involve “truth-seeking.” To this end the commission is mandated to conduct systematic investigations into the causes and impacts of the conflict, including the role of state and non-state actors. After gathering information from government organizations and NGOs, and taking statements from victims and their families, the commission will present a final report of its findings to the provincial government, the provincial parliament, and the national government.

The KKR also has a mandate to design a reconciliation mechanism incorporating Acehese *adat* (custom) dispute-resolution practices. This idea may well be informed by Timor-Leste’s Commission for Reception, Truth, and Reconciliation (CAVR), which incorporated a similar *adat*-based reconciliation mechanism into its nationwide community reconciliation process (CRP).⁵ Widely regarded as a factor that contributed to the CAVR’s local legitimacy, the CRP hearings that took place at the *suco* (village) and *aldeia* (hamlet) level enabled thousands of Timorese to come together to debate and discuss the conflict, and resolve disputes using familiar methods. Panels comprising CAVR staff and local community leaders adjudicated these hearings, deliberated on cases, and requested

that perpetrators repair roads, clean churches, and undertake other acts of community service to atone for their acts.

In Aceh, *adat*-based reconciliation mechanisms are expected to be established at the level of the *gampong* (village) and *mukim* (a customary unit that consists of several villages). As in Timor-Leste, these mechanisms will only be permitted to adjudicate cases that do not involve gross human rights violations.⁶ Acehnese *adat*-based practices have already been utilized as part of the peacebuilding process that took place after the signing of the 2005 MoU. *Peusijek* (cooling down) rituals, which involved “pouring sacred water, yellow rice or powder on those blessed after reconciliation of a dispute,” were drawn upon to help reintegrate amnestied political prisoners and former GAM combatants.⁷ While there is some (limited) evidence of the success of this experiment,⁸ which bodes well for the KKR’s *adat*-based reconciliation mechanism, as we discuss further below, the fact that it is now ten years on from the end of the conflict raises a set of new challenges.

It is also envisaged that the commission will recommend a reparations program after the reconciliation process is completed, although the establishment of this program will be the responsibility of both the national and Acehnese governments. The commission’s mandate also allows it to provide urgent services to the “most vulnerable victims” in the short term. Again, this provision is likely to be informed by the Timor-Leste commission, which developed a similarly urgent reparations program that gave the CAVR the ability to respond to some of the immediate needs of conflict survivors.

While many of the features just discussed are common to truth commissions, the KKR has, in addition, two unusual features. First and most striking is the breadth of the temporal mandate for the truth-seeking process. While the period of the GAM insurgency, from 1976–2005, will be considered in the first truth-seeking phase, a second phase will delve into events that occurred before 4 December 1976, and it will not stipulate a starting date. This provides the scope to consider the 1965 anti-communist killings (Aceh was the first killing field of 1965), along with Dutch colonial crimes, the Cumbok Civil War, and the Darul Islam/Tentara Islam Indonesia (DI/TII) insurgencies. The rationale for such a wide temporal mandate is unclear and may well be unrealistic.⁹ Yet, it is likely that this framing will resonate with popular narratives that place the period of

GAM resistance within a much longer history of Acehese struggle and resistance to external powers, and for control over territory and natural resources, beginning with the Dutch War of 1873–1912. These narratives, carefully cultivated by GAM, emphasize strength, pride, and cultural and religious distinctiveness, and hark back to a once glorious civilization.¹⁰ They have become an indelible feature of Acehese identity.¹¹

The second unusual feature of the KKR (and one that aligns with its open-ended temporal mandate) is that it is envisaged as a permanent body, although commissioners will be required to apply for re-election every five years.¹² This model, it seems, could have both positive and negative consequences. On a very practical note, compared to most truth commissions, the KKR will have ample time to build community trust. It can take many years to build community confidence in the work of a truth commission, particularly when it comes to encouraging perpetrators to come forward. In the case of Timor-Leste's CAVR, after the conclusion of the two-year community reconciliation program, there were thousands of perpetrators who wished to take part in the program who were no longer able to do so.¹³ For these reasons, peacebuilding scholars Ray Nickson and John Braithwaite have recently made the case for permanent TRCs that keep "their doors open to assist with truth, reconciliation and justice at whatever point in time victims and perpetrators are emotionally ready."¹⁴

The permanent nature of the KKR might allow commissioners to develop a more expansive vision of their work. Most truth commissions have short time frames and tend to be confined to a particular phase of a peace process (a tendency that leads to the adoption of a "tool-kit" approach oriented towards producing "outputs" such as final reports). By contrast, KKR commissioners have the opportunity to approach their work as a long-term, locally grounded, and evolving process. Unlike the staff of most truth commissions, they would have the capacity to engage, in an ongoing way, in efforts such as lobbying political elites, supporting local commemorations, developing education materials, and fostering public discussions and debates.

A permanent commission is not without its risks, however. Commissioners could become bogged down in an ongoing, open-ended truth-seeking process, which could reinforce an ethno-nationalist agenda of legitimating Acehese myths of lost greatness, rebellion, and cultural and religious uniqueness. This could also crowd out the experiences of ethnic

minorities. On top of this, Aceh has a history of allowing permanent institutions to become moribund. The most prominent example is the Aceh Peace Reintegration Agency (Badan Reintegrasi Damai Aceh, or BRA), which was established in the wake of the Helsinki MoU to assist former GAM combatants to reintegrate, distribute compensation for victims of the conflict, and rehabilitate public and private property. While in its early years the BRA distributed a significant amount of compensation, it was also widely criticised for its poor performance and its lack of transparency and accountability.¹⁵ Ten years after the Helsinki MoU, the BRA continues to exist, and is referred to by its critics as an “ATM machine” that now does little more than provide a salary to some one thousand staff, many of them former GAM. Careful monitoring will be needed by civil-society organizations to ensure that the KKR does not suffer a similar fate to that of the BRA.

Truth Commissions: Between Idealism and Political Reality

The KKR has had a galvanizing effect on Acehnese human rights activists. They have projected onto it a complex set of hopes concerning justice, truth, reconciliation, and prevention. They hope that the KKR will provide both recognition and practical support to conflict survivors that will assist them to rebuild their lives. They hope, too, that the KKR will provide the first comprehensive account of the myriad factors that produced the conflict, and the extent of human rights violations that took place, in a way that will counter official attempts to deny, obfuscate, or downplay what occurred.¹⁶ A long-term hope of many activists is that cases of human rights violations revealed by the KKR in Aceh will be forwarded to a human rights court for prosecution. These hopes speak to their years of struggle for some form of official recognition of the magnitude of Acehnese suffering at the hands of the TNI. That these hopes are now invested in a particular institution, a *truth commission*, also speaks to the power of this globalized model, which is now imbued with the perceived capacity to assist both individuals and societies to “come to terms with” and “move on from” the violent past.

While the power of this hope should not be denied, it would be wise to temper expectations. Mounting evidence suggests we may be asking

too much of truth commissions. The assumption that the public recounting of painful stories is redemptive, liberating, or healing for victims has been challenged by recent work which shows that much depends on the circumstances in which the telling takes place, the forms of material and psychological support available to the witness, and the response of political leaders to these stories.¹⁷ These critiques are borne out in the Timor-Leste context, where many of those who told their stories to the CAVR were disappointed that there were no practical “results,” by which they meant material support to assist their day-to-day lives.¹⁸

In addition, while truth commissions can establish impressive national records of past abuses, the question remains, to what extent are they authoritative? There is no guarantee that establishing the “truth” about past events changes beliefs, attitudes, or the pre-existing narratives of conflict held by conflicting parties.¹⁹ The Timor-Leste case is again instructive here. The CAVR seems to have had little ability to change the narratives of the conflict promoted by the political elite. The CAVR’s final report, *Chega!*, remains a neglected national resource that is rarely debated or discussed. East Timorese leaders continue to promote their own preferred narrative of the conflict and of the subsequent peace, a story that stresses the population’s experiences of heroism and resistance rather than victimhood, and promotes reconciliation with Indonesia rather than prosecutions of the TNI. Civil-society organizations, rather than the state, have kept the findings and recommendations of the CAVR alive in the public sphere. They have developed education and oral history projects, encouraged local initiatives to remember the conflict, and provided financial and counseling support to survivors.²⁰

In Aceh, any “truth” produced by the KKR will similarly confront powerful official narratives of the conflict and of *damai* (peace). Both the TNI and former GAM leaders have sought to shape collective memories of the conflict, claim ownership of the peacebuilding process, and steer the population towards a focus on the future. For its part, the TNI prominently displays the words “Damai itu Indah” (Peace is Beautiful) and “Bersama Rakyat TNI Kuat” (Together with the Community TNI is Strong) on its barracks across Aceh, in an effort to reinvent itself as a benevolent partner of the Acehnese people. GAM has similarly sought to reinvent itself as peacemaker, promoting its role as the author of the Helsinki MoU that has delivered a degree of peace and prosperity to the population, and further

cementing its claim to power and its control over economic resources through reference to its leadership of the thirty-year-long struggle for Aceh's independence.²¹ Given the extent to which GAM makes effective use of cultural symbols and resources to reinforce these narratives, they will not easily be dislodged.²²

In addition to these challenges, which bedevil all truth commissions, several specific difficulties lie ahead for the KKR due to its basis in *qanun* law. Key among these is the fact that the KKR will not have the power to subpoena witnesses from institutions such as the TNI and the police, who are unlikely to co-operate. These institutions could even be a source of intimidation for witnesses.²³ And some commentators have questioned whether "true" reconciliation can occur in the absence of an acknowledgment and apology on the part of the TNI or the Indonesian government. Who, they ask, will be reconciling with whom? A similar question arises in relation to reparations. If the funding for reparations does not come from the Indonesian state, but from other sources (including the Acehese government), can this really be understood as state reparations?

The absence of central government involvement or TNI co-operation raises other uncertainties about the nature of the "truth" that will emerge from the truth-seeking process. Without the capacity to gather detailed information about the TNI chain of command, will enough information come to light to clearly establish the circumstances under which human rights abuses were committed and the identity of those responsible? And will the truth that emerges be sufficient to serve as a basis for prosecutions? Even if it is, it seems highly unlikely, at least in the short term, that human rights violations uncovered by the truth commission will be prosecuted in a human rights court.²⁴ Many members of the TNI implicated in the violence remain in positions of power and influence, indicating that, as Aspinall and Zain put it, an "implicit political deal" has been reached in Indonesia by which "the military [has] eased itself out of politics in exchange for effective impunity for past abuses."²⁵

For victims, perhaps the more important question is whether enough truth will come to light to enable the graves of the dead to even be located. For grassroots peace workers like our friend in Bener Mariah, the identification of the graves of the dead is seen as the most meaningful contribution that the KKR could make, as it is linked to the need amongst Muslims to commemorate and pray for their deceased relatives. As she put it, "the

need to know the truth about the dead is about knowing the last resort of the lost lives. It helps to fulfil a deeply personal, and spiritual, need.”

Finally, because of its basis in *qanun* law, not all of Aceh’s political leaders are supportive of the KKR. The limited funding available for the first year of the KKR’s operations is evidence of this: while commissioners requested 21 billion Indonesian rupiah (approximately US\$750,000) for its 2017 budget, the Aceh parliament only approved 3 billion rupiah.²⁶ The fact that many political leaders are former GAM who, after the peace process, underwent a dramatic transformation from guerrillas to political players and successful business people, reinforces their equivocation.²⁷ Some now express concerns—for reasons that are both legitimate and self-serving—that the KKR will demonstrate “one-sidedness” by disproportionately focusing on the human rights abuses committed by members of GAM over those committed by the TNI. As Aspinall and Zain suggest, there are good reasons for many former GAM combatants to be wary of any process that seeks to uncover the truth.²⁸ GAM’s own role in committing violent acts, not only against military adversaries but also against civilians, is a persistent shadow that lies over it.²⁹ And while the MoU provided “amnesty” for individuals associated with GAM, it seems unlikely that this amnesty would apply to those accused of human rights abuses.³⁰ These concerns seemed to be at the forefront of former governor Irwandi Yusuf’s mind when he described the KKR as a “two-sided dagger” that will focus on GAM who have already been amnestied, thereby bringing these issues to life once again.

Community Expectations of Bantuan

Translating the goals of the KKR and garnering local support for them within the complex social and political reality of Aceh will be another key challenge for KKR commissioners. The extent to which the commission is able to respond sensitively to the population’s high expectations of *bantuan* (assistance) will be a litmus test for its local legitimacy.

In a context where livelihoods have been severely disrupted by the loss of breadwinners, displacement, and the interruption of farming activities, many Acehnese look to the government for assistance to help them rebuild. The uneven forms of assistance provided to civilians affected by the conflict in the wake of the Helsinki MoU have only elevated these

expectations. Local narratives of injustice are widespread in many conflict-affected communities, where ordinary people feel they were unfairly overlooked by the BRA's post-conflict assistance packages.

Part of the issue is that post-conflict assistance packages were implemented alongside a massive international humanitarian response to the 2004 Boxing Day Tsunami, which took the lives of approximately 165,000 people. There was a disparity between the generous assistance provided to tsunami victims (through an institution known as the BRR), most of whom were located in the coastal areas, and the far more limited assistance provided to conflict-affected populations, most of whom lived in the interior of the province.³¹

Of the support specifically designated for post-conflict reconstruction, high-ranking members of GAM were prioritized for BRA reintegration packages while civilians and less highly ranked members of GAM did not fare as well. While various forms of assistance were available for *korban konflik* (conflict victims), the process of beneficiary selection was “murky”³² and, in a context where “there was a limited amount of post conflict assistance to go around,” allegations also began to circulate that “various recovery plans were available to the highest bidder or the well-connected.”³³ There is a pervasive sense amongst those who identify as *korban konflik*—a fluid category that includes low-ranking combatants, farmers, women, children, and others who are still suffering the effects of the conflict—that they have been excluded from the “spoils of peace” enjoyed by GAM commanders and elite leaders.³⁴

Women—both combatants and civilians—fared particularly poorly in terms of post-conflict assistance. The exclusion of women from the peace-negotiation process contributed to a problematic gender blindness in the drafting of the MoU and LoGA which, in turn, led to the neglect of the Inong Balae (the women's combatant wing of GAM) in the reintegration packages for combatants.³⁵ Women were also sidelined in the BRA's compensation packages for conflict victims, despite the efforts of Acehnese women's organizations to promote their needs. Women's organizations describe how the BRA demanded “medical evidence” of violations that, in cases of sexual violence, was both insensitive and unrealistic, particularly as these violations had often occurred several years previously. Village leaders were also reluctant to advocate for women affected by sexual violence, in part because of the shame and stigma that attaches not only to

female victims but also to their families and villages.³⁶ Further marginalizing women was the fact that village leaders and the BRA prioritized men over women for assistance because male “heads of households” and male combatants were perceived to have a greater need.

Amid this legacy of unevenness and gender bias, data about who has received assistance (and how much), and who has not, is not easy to come by. Designing an urgent reparations program in this context, and making recommendations for a more substantive reparations program, will undoubtedly be a fraught task for the KKR. More generally, the KKR will need to take care not to raise expectations of *bantuan*, particularly as it will not have a mandate to deliver a comprehensive reparations program, only to make recommendations to the provincial government. The KKR will be heavily reliant on the perseverance of its commissioners, working groups, and human rights NGOs to put pressure on the parliament and state institutions in this regard.

Opening Old Wounds

Ten years have now passed since the signing of the Helsinki MoU and many ordinary people are preoccupied with the needs of the present and the future, with some expressing the view that they have already “forgotten” the past. In this context, another key challenge KKR commissioners will face is that of negotiating narratives of concern about “opening old wounds” that circulate amongst the Acehnese population.

These concerns seem particularly potent in some parts of the province, such as the district of Bener Meriah, where the conflict played out in distinctive ways. Human rights and peace activists commonly describe the violence that occurred there as “horizontal” as it was deeply entangled in the complex relations between local communities rather than a simple case of “TNI against GAM.” Indeed, while during the 1970s and ‘80s the population—which is of mixed Acehnese, Gayonese (Indigenous), and Javanese ethnicity—was relatively protected from the conflict, this changed rapidly in the late 1990s, when GAM launched a massive recruitment effort. The Indonesian government responded by launching its own counter-insurgency measures, which involved TNI support for anti-separatist militia groups, primarily recruited from Javanese transmigrant communities.³⁷ Given the ethnic mix of the community, levels of communal inter-ethnic

violence soon escalated, leading to large-scale displacement throughout the district.³⁸

In Bener Meriah, there remains much uneasiness about the idea of truth-telling. This uneasiness struck us in the course of a focus-group discussion among conflict survivors, in which those who spoke of their past experiences and their hopes for the future narrated their stories in general terms, avoiding names and paying careful attention to subject positioning. Many were reluctant to speculate as to whether the perpetrator of a past incident was a member of the TNI or GAM, and instead made use of the euphemism OTK (*orang tak dikenal*: an unknown assailant). Those who spoke of having taken up arms to “defend their village” (in some cases, it seemed, as members of anti-separatist militia groups) took care to position themselves as *korban konflik* who had no choice. After the discussion, our friend and local peace advocate told us that if the KKR expected people to publicly reveal the names of perpetrators, the result would be “like throwing oil on fire.”

The uneasiness expressed about “opening old wounds” highlights the degree to which peace, in Bener Meriah at any rate, seems to have a fragile quality. While a tentative peace exists amongst Gayo, Javanese, and Acehese communities, and in many cases people are forming new connections through inter-ethnic marriages, there is a sense that the public airing of accusations and counter-accusations of violence could unravel this peace, and that hostilities and revenge could re-emerge. Among the Gayonese and Javanese communities, where support for GAM was relatively low, there is also, perhaps, a feeling of continued vulnerability. A complicating factor is the district’s political volatility; no political party has a majority here, and a number of prominent former militia figures who were closely affiliated with the TNI during the conflict hold positions in the district legislature (one of whom is running for the position of Bupati, or district administrator, in the 2017 district election). For these figures, it is clearly not desirable to open up a discussion of the past.

Against this backdrop, we often heard people in Bener Meriah describe how their desire to “forget” was reinforced by aspects of Gayonese and Javanese culture, which do not favour direct forms of confrontation or public confession. We heard of how Gayonese people could express their sadness and loss through subtle, and less direct, idioms such as music, singing, and dance.³⁹ Many spoke of how they sought solace in religious practice. In the

focus-group discussion, for instance, we were told by one participant that that “Javanese and Gayonese don’t want to remember. They focus on the future. They easily forgive and forget. They surrender to God.”

The frequent references people made to religious practices also underscores the power of Islam in the Acehese context, which has provided many local residents (whether of Acehese, Javanese, or Gayonese ethnicity) with a framework for coping with losses, “forgetting” the past, and focusing on the present and the future. As well as providing spiritual solace, the *ulama* (Islamic leaders) are a powerful political force in Aceh, one that exerts a behind-the-scenes influence upon political leaders and among the population generally through the *dayah* (Islamic community schools). While some religious leaders are supportive of the KKR, many others seem to have mixed opinions, and it appears that there has been limited consultation with these leaders thus far. It is not known how religious leaders will respond to the KKR’s efforts to encourage women to reveal experiences of sexual violence, or whether women themselves will be prepared to speak publicly about these experiences in a context where sharia law treats cases of adultery harshly.⁴⁰ Nonetheless, in order to resonate with the spiritual beliefs of much of the population, and to avoid backlash from powerful religious leaders, it will be critical for the commissioners to find ways of “translating” the goals of the KKR in ways that resonate with Islamic discourse and teachings rather than secular-liberal human rights discourses.⁴¹

Conclusion

There is obviously much at stake—for political leaders, conflict victims, and human rights activists—in the KKR’s “gamble” with truth. Well aware of these stakes, Acehese activists are working closely with each other, and with KKR commissioners, to strategize how best to build a foundation for a strong truth commission in the context of significant political constraints. Perhaps the best that can be hoped for is that the KKR will help to paint a more accurate picture of the contours of the conflict. Even if this truth will not be as complete, definitive, or “agreed to,” as many Acehese would like it to be, it might at least create a crack in the official story, through which bottom-up narratives might begin to challenge this story.⁴² The KKR’s efforts might also provide a springboard for the development of educational materials, help catalyse local forms of memorial culture, and

provide a useful set of recommendations around which advocacy efforts can coalesce.

Perhaps the biggest danger is that the KKR's capacity to deliver truth, justice, reconciliation, and reparations will be "oversold" to the community, which will encourage high expectations that it is unable to meet. It is not difficult to foresee that conflict victims may experience truth-telling as another form of injustice if they are expected to tell their stories in exchange for limited personal benefit. It might be possible for commissioners to minimize some of these risks by undertaking "socialization" in ways that are modest and respectful, that acknowledge the diversity present within the Acehnese community, and acknowledge the commission's possibilities *and* its limits. Part of the challenge will be to listen carefully to community fears about "opening old wounds" rather than downplaying them or assuming that, for victims, speaking out is always a positive or therapeutic experience.

Finally, it seems to us that one of the KKR's key strengths is its unique permanent status. For all its potential problems, this gives commissioners the possibility of conceiving of their work as part of an ongoing process of negotiating the legacies of the conflict rather than as a short-term project aimed at producing a definitive output in the form of a final report. It might enable them to engage with communities over the long haul, and to find ways to ground the commission's work in the continuing efforts of Acehnese to rebuild their lives.

Notes

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- 1 On the 1965–66 killings in Aceh, see John Roosa, "The State of Knowledge about an Open Secret: Indonesia's Mass Disappearances of 1965–66," *The Journal of Asia Studies* 75, no. 2 (2016): 281–97. On the GAM-TNI conflict, see Edward Aspinall, "Aceh: Democratization and the Politics of Co-optation," in *Diminishing Conflicts in Asia and the Pacific: Why Some Subside and Others Don't*, ed. Edward Aspinall, Robin Jeffery, and Anthony J. Regan (New York: Routledge, 2013), 51; Amnesty International, *Indonesia: New Military Operations, Old Patterns of Human Rights Abuses in Aceh* (London: Amnesty International, 2004).
- 2 Interviews were conducted by Lia Kent and Rizki Affiat in March and November 2016 with human rights activists, KKR commissioners, political leaders, and ordinary

- people in Banda Aceh, Bener Meriah, and North Aceh. Fieldwork was funded by the Australian Research Council (ARC DE150100857).
- 3 Edward Aspinall and Fajran Zain, "Transitional Justice Delayed in Aceh, Indonesia," in *Transitional Justice in the Asia-Pacific*, ed. Renee Jeffery and Hun Joon Kim (New York: Cambridge University Press), 94.
 - 4 See Aspinall and Zain, "Transitional Justice Delayed," for a detailed background.
 - 5 There have been many discussions and exchanges between East Timorese and Acehese human rights activists, so this is very likely to be the case.
 - 6 This may be both a strength and a weakness. On the one hand, it seems likely that some Acehese would not accept an *adat*-based mechanism for cases involving killing. See Leena Avonius, "Reconciliation and Human Rights in Post-Conflict Aceh," in *Reconciliation Indonesia: Grassroots Agency for Peace*, ed. Birgit Brauchler (New York: Routledge, 2009). On the other hand, as in the case of Timor-Leste, it may be difficult to separate discussions of less serious crimes from more serious ones, and if the perpetrators of serious crimes are not prosecuted (which seems highly likely) both victims and perpetrators of minor crimes may perceive this as unjust. See Lia Kent, *Unfulfilled Expectations: Community Views of the CAVR's Community Reconciliation Process in East Timor* (Dili, TL: Judicial Systems Monitoring Programme, 2004).
 - 7 John Braithwaite et al, *Anomie and Violence: Non-truth and Reconciliation in Indonesian Peacebuilding* (Canberra: Australian National University Press, 2010), 389–90; see also Avonius, "Reconciliation and Human Rights," 125.
 - 8 Braithwaite et al., *Anomie and Violence*, 389.
 - 9 One activist described this as a "political compromise." While activists wanted to limit the time frame, Partai Aceh politicians wanted it to extend as far back as 1873, when the war against the Dutch took place.
 - 10 See, for example, Malik Mahmud's speech at his inauguration as Wali Nanggroe, December 2013, which speaks of the need to "weave back the once glorious Acehese civilisation." Transcript of the Indonesian speech available at <http://lintasgayo.co/2013/12/16/ini-pidato-pertama-wali-nanggroe-aceh-malik-mahmud-al-haytar>.
 - 11 Jesse Hession Grayman, "Official and Unrecognized Narratives of Recovery in Post-Conflict Aceh, Indonesia," *Critical Asian Studies* 48, no. 4 (2016): 538; Anthony Reid, "War, Peace and the Burden of History in Aceh," *Asian Ethnicity* 5, no. 3 (1020): 301–14; Edward Aspinall, "Democratization and the Politics of Co-option," 53.
 - 12 This permanent status is implied rather than specifically defined in the *qanun*, as no time limit is set for the KKR to complete its activities.
 - 13 Spencer Zifcak, "Restorative Justice in Timor-Leste: the Truth and Reconciliation Commission," *Development Bulletin* 68 (2005): 53.
 - 14 Ray Nickson and John Braithwaite, "Deeper, Broader, Longer Transitional Justice," *European Journal of Criminology* 11, no. 4 (2014): 454.
 - 15 Christine Beeck, *Repaving the Road to Peace: Analysis of the Implementation of DD&R (Disarmament, Demobilization and Reintegration) in Aceh Province, Indonesia*, (Bonn, DE: Bonn International Center for Conversion Brief 35, 2007); International Crisis

- Group, "Aceh: Post-Conflict Complications," Crisis Group Asia Report 139, 4 October 2007.
- 16 Up until now, these efforts have been patchy. The most comprehensive effort was conducted by The Indonesian National Human Rights Commission (Komnas-HAM). Although its report was widely criticised for limiting the state's liability for past violence, Komnas-HAM did document thousands of cases of violence and recommended that five be the immediate priority of prosecutors. Its recommendations were ignored however. See Renee Jeffery, "Amnesty and Accountability: The Price of Peace in Aceh, Indonesia," *International Journal of Transitional Justice* 6, no. 1 (2012): 70. NGOs have also conducted their own documentation processes, and activists hope the first step of the KKR will be to integrate this already existing work.
 - 17 Brandon Hamber, "Does the Truth Heal: A Psychological Perspective on the Political Strategies for Dealing with the Legacy of Political Violence," in *Burying the Past: Making Peace and Doing Justice after Civil Conflict*, ed. Neil Biggar (Washington: Georgetown University Press), 131–48; Brandon Hamber and Richard Wilson, "Symbolic Closure through Memory, Reparation and Revenge in Post-Conflict Societies," *Journal of Human Rights* 1, no. 1 (2002): 35–53.
 - 18 Lia Kent, *The Dynamics of Transitional Justice: International Models and Local Realities in East Timor* (New York: Routledge, 2012), 168–72. Research in other contexts has drawn similar conclusions. See, for example, Simon Robins, "Whose Voices? Understanding Victims' Needs in Transition," *Journal of Human Rights Practice* 1, no. 2 (2009): 320–31; Rosalind Shaw, "Memory Frictions: Localizing the Truth and Reconciliation Commission in Sierra Leone," *International Journal of Transitional Justice* 1, no. 2 (2007): 183–207.
 - 19 Erin Daly, "Truth Skepticism: An Inquiry into the Value of Truth in Times of Transition," *International Journal of Transitional Justice* 2, no. 1 (2008): 23–41.
 - 20 See Lia Kent, Naomi Kinsella, and Nuno Rodrigues Tchaliloro, *Chega! Ten Years On: A Neglected National Resource* (Canberra: State, Society and Governance in Melanesia Report, July 2016). See also the chapters by Pat Walsh and Manuela Leong Pereira in this collection. Nonetheless, the newly approved Centro *Chega!* does offer a ray of hope.
 - 21 GAM as an insurgency group officially dissolved after the Helsinki MoU. However, as a political force it never disappeared. GAM reorganised itself into the Aceh Transitional Committee (KPA, or Komite Peralihan Aceh) and many former GAM members formed and joined Aceh's main political party, the Aceh Party (Partai Aceh).
 - 22 For instance, the Aceh parliament approved 2.4 billion Indonesian rupiah in 2013 to pay for the inauguration of former GAM "prime minister" Malik Mahmud as Wali Nanggroe (guardian of the state). This symbolic position is said to be responsible for revitalising and preserving Acehnese traditions, culture, and identity. See <http://aceh.tribunnews.com/2013/12/13/pengukuhan-wali-tetap-16-desember> (accessed 1 June 2017).
 - 23 Some interviewees also raised concerns about the national government's capacity to starve the commission of funding. Funding for the KKR is expected to come from the provincial budget, although there are also provisions for the institution to receive funding from national and district budgets, as well as other legitimate and non-binding sources—for example, national and international donors.

- 24 In addition to providing for a TRC, the Helsinki MoU and the LoGA mandates the establishment of a human rights court in Aceh that should be established within twelve months of the law being passed, although this has still not happened and even if the law passed, it would not be retroactive. See Aspinall and Zain, "Transitional Justice Delayed," 97. A more promising avenue is national Law No 26/2000 on human rights courts, which establishes a number of human rights courts across Indonesia, including one in Medan, North Sumatra, with jurisdiction over Aceh. This court has not yet heard any cases relating to Aceh. See Jeffery "Amnesty and Accountability," 78; Aspinall and Zain, "Transitional Justice Delayed," 98.
- 25 Aspinall and Zain, "Transitional Justice Delayed," 93.
- 26 See <http://www.ajnn.net/news/anggaran-minim-pemerintah-aceh-dinilai-tak-serius-terhadap-kkr/index.html> (accessed 1 June 2017).
- 27 Edward Aspinall, "Combatants to Contractors: The Political Economy of Peace in Aceh, Indonesia," *Indonesia* 87 (2009): 1–34.
- 28 Aspinall and Zain, "Transitional Justice Delayed," 95.
- 29 Ibid.
- 30 Edward Aspinall, *Peace Without Justice? The Helsinki Peace Process in Aceh* (Geneva: Centre for Humanitarian Dialogue, 2008), 6; Renee Jeffery, "Amnesty and Accountability," 61. This provision provided amnesty for individuals associated with GAM who were under investigation for crimes committed during the course of the civil conflict or who were already in detention, as well as those who fought under the auspices of the group.
- 31 Katrina Lee-Koo, "Gender at the Crossroad of Conflict: Tsunami and Peace in Post-2005 Aceh," *Feminist Review* 101 (2012): 66–67.
- 32 For a detailed background, see International Crisis Group, *Aceh: Post-Conflict Complications*; Braithwaite et al., *Anomie and Violence*, 380–88.
- 33 Jesse Hession Grayman, "Official and Unrecognised Narratives," 540.
- 34 Ibid., 541.
- 35 Only one woman, Shadia Marhaban, an Acehnese activist, was involved in the GAM delegation and, of the three thousand ex-GAM combatants listed in the MoU, there was not a single woman. See Lee-Koo, "Gender at the Crossroad," 70–72; See also Jaqueline Aquino Siapno, "The Politics of Reconstruction, Gender, and Re-Integration in Post-Tsunami Aceh," in *Tsunami in a Time of War: Aid, Activism and Reconstruction in Sri Lanka and Aceh, Indonesia*, ed. Malathi de Alwis and Eva-Lotta E. Hedman (Columbo, LK: International Center for Ethnic Studies, 2009), 163–90.
- 36 Lee-Koo, "Gender at the Crossroad," 73.
- 37 Grayman, "Official and Unrecognised Narratives," 528.
- 38 Ibid.
- 39 For instance, we were told that a popular song was recorded in Gayonese after the conflict, which recounts the story of a woman mourning the loss of her child and searching for her.

- 40 The KKR has a working group specifically focused on women which, one activist suggested, will need to be integrally linked to the other working groups.
- 41 According to one activist, the best strategy would be to reach out to the more moderate and less high-profile members of the *ulama* first, and frame the work of the KKR with reference to concepts such as human dignity and participation rather than “human rights.”
- 42 See David Webster’s introduction to this collection, “Memory, Truth, and Reconciliation in Timor-Leste, Indonesia, and Melanesia.”