Struggling for justice in post-authoritarian states: human rights protest in Indonesia

Protests can play a crucial role in contributing to social change. In many countries that have transitioned from authoritarian to more democratic forms of governance, protests have demanded accountability for human rights crimes. This article focuses on Indonesia's longest-running human rights protest, Kamisan. This protest is contrasted with one of the most recognisable human rights protests internationally - the Mothers of the Plaza de Mayo in Argentina – on which Kamisan was based. The article asks why these similar protest movements have had vastly different impacts – whereas the protest of the Mothers has generated human rights reform, this remains elusive in Indonesia. The article uses an interdisciplinary approach, drawing on theories of human rights change and social movements, and combines this with a focus on the specific historical, social and political contexts in which both protests have developed. Drawing on the Argentinean experience, the article argues that human rights protests are influenced by possibilities for activism in repressive regimes, the nature of democratic transition and political culture. These factors illustrate that ultimately the success of human rights protest is contingent on the balance of social and political forces in a given context.

Keywords: human rights; protest; activism; civil society; Kamisan; Indonesia

Introduction

Protests are an avenue through which ordinary citizens can respond to injustices, or even repression. It is also a way through which those who are politically marginalised can express their grievances and put forward their claims. Although in general these protestors have little political power, across the world and over time protests have contributed to profound social change. This means that protests can be an opportunity through which the powerless can exert influence on policy and decision-making processes. This raises the question how protests affect state power and what factors influence their ability to do so. This is a question of political, legal and social relevance, particularly from the perspective of human rights and resistance to, as well as transition from, authoritarian rule. Focusing on Indonesia's longest-running human rights protest,

Kamisan, this article argues that ultimately the efficacy of protests to generate change is dependent on the balances of power and interests in a given context. The article shows that the Indonesian post-authoritarian political context - while often lauded for its democratic success, particularly vis-à-vis other countries in the region[1] - does not necessarily support the development of a liberal democracy or the implementation of human rights norms. This is at the basis of the limited ability of human rights protests, such as Kamisan, to generate profound social change.

Since 2007, Kamisan ('Thursdays') protests have been held every week on Thursday afternoon opposite the Presidential Palace in Jakarta.[2] Over time, the protest has been replicated in other cities in Indonesia, with demonstrators coming together at sites that represent political power, such as regional legislative assemblies or significant historical sites. Across these sites, the demand of the participants is for those responsible for human rights violations to be held to account in a court of law. While the protest's demands originate in justice for crimes committed under the authoritarian New Order regime (1966-1998), the protest also highlights contemporary human rights issues and ongoing impunity for perpetrators.[3] The protest is widely supported among Indonesian human rights organisations. One human rights activist, who has been involved with the protest from its inception, reflected that

> at the start, there were only a handful of victims of human rights violations who participated, and there were only a few human rights activists who were convinced that this silent action with black umbrellas and shirts was an alternative to demand for the state to be held to account […] thirteen years later, this protest has become public property. Young people in many places in Indonesia have joined [Kamisan] to insist that the state is responsible in fulfilling the rights of victims.[4]

As a weekly human rights protest, Kamisan bears similarities with the protest of the Madres de Plaza de Mayo (Mothers of the Plaza de Mayo, henceforth also the Mothers) in Argentina and in fact was modelled on the protest of the Mothers. Both are responses to human rights crimes committed under authoritarianism, and over time have increasingly addressed contemporary human rights issues. They are strongly linked to families of those victimised. The protest of the Mothers, which has its roots in Argentina's military dictatorship (1976-1983) has been recognised for the important role it played in the development of the country's human rights movement and it continues to

be one of the most recognisable human rights protests internationally.[5] That Kamisan was modelled on this protest fits into broader strategies of Indonesian human rights organisations that, following the end of authoritarianism in 1998, drew heavily on the experiences and interventions of human rights movements in other countries that had gone through political transitions, including Argentina.[6]

However, there are stark differences between the two protests. This includes their origins: the protest of the Mothers came into being in the middle of a repressive regime, whereas Kamisan was conceived nearly ten years after the end of authoritarianism. Moreover, the protests differ in terms of their impact in popular imagination and ability to influence social change. While the Kamisan protest is well-known within the Indonesian human rights community, it has not captured public attention like the protest of the Mothers. In Argentina, the Mothers proved to be a catalyst for the Argentinean human rights movement as a whole and 'reshaped the public political agenda […], shaped the construction of democracy in Argentina and provided an international model for protest organisations and human rights reform'.[7] In sharp contrast to Argentina, where military officers of the so-called Dirty War were held to account, Indonesia has not witnessed large-scale prosecutions for gross human rights violations under Indonesia's New Order.[8] In fact, more than twenty years after the fall of the New Order justice remains elusive for those victimised under the authoritarian regime.

The different trajectories of human rights reform in Argentina and Indonesia, but also parallels in the countries' political histories, raise the question why some protest movements are more successful than others. In contrasting the two protests, and drawing on theories of human rights change and social movements, as well as civil society, I argue that while these theoretical approaches are important in our understanding of the factors that enable human rights, and thereby social change, they insufficiently consider the influence how broader political constellations of power and interests influence the efficacy of human rights protests.

Methodology

This article is part of wider research on human rights in contemporary Indonesia, with particular reference to the presidency of Joko Widodo (2014-present) and how this administration addresses human rights violations committed under the authoritarian

regime.[9] These debates regained prominence following the election of Widodo (or 'Jokowi'), whose campaign promises included addressing past human rights crimes.

This article and the research upon which it is based is positioned in area studies. Reflecting on practices of research methodology in area studies of Southeast Asia, Huotari[10] has argued that area studies differentiate themselves in an interdisciplinary approach. Rather than employing 'regulated procedures', area studies are centred on a 'contextuality of research practice'.[11] In this vein, this article considers protests in the context of the political contestation of human rights in post-authoritarian regimes. The research design is interdisciplinary, and I draw on theories of human rights change in anthropology and international relations, as well as theories of social movements and civil society, to examine when and how protests are successful. The discussion on Kamisan is based on observations of the protest, as well as communication and interviews with organisers and participants. Interviews were also carried out with human rights activists not directly involved in the protest and representatives of state bodies working on this issue. These informants were selected for their direct involvement in the protest, as well as their knowledge of and experiences with the politics of human rights in contemporary Indonesia.

Research was conducted primarily in 2016 and 2018. Twelve informants were interviewed in Jakarta, while three other informants were interviewed in relation to the Yogyakarta iteration of the protest. Interviews were conducted at the offices of informants and conducted in Indonesian without the assistance of an interpreter. No issues arose during these meetings, or with subsequent use of data. All interviews were conducted in a semi-structured format[12] that allowed individuals' to focus on their experiences. The length of an interview was generally one hour per participant. Interviewees gave verbal consent to participating in the research in accordance with the ethics protocol. In addition to interview data, the article draws on Indonesian-language material on the protest, including media reports and short documentaries, as well as on the information publicly available through Kamisan's online platforms. This interdisciplinary, empirical and qualitative approach generates a deep understanding of the protest within its historical and political context.

In the course of conducting this research, I became increasingly interested in contrasting Kamisan to the protest of the Mothers in Argentina. To contrast the two protests, I have conducted a literature review of the protest of the Mothers', drawing on existing scholarship of this protest and the politics of human rights in Argentina. In taking

this approach, I situate this article within scholary work on transitional justice in Indonesia which has pointed at the growing importance of civil society actors[13] and their borrowing from models pursued elsewhere, including Argentina.[14] Moreover, this article contributes to the limited comparative scholarship between these two countries. As argued by Katharine McGregor, there are similarities in Indonesia's and Argentina's human rights histories which render comparative research viable and important, including the repression of the political left and the role of the military in human rights violations, as well as the ongoing legacies of this violence.[15] As such, contrasting activism in these countries generates valuable insights into human rights activism and factors that contribute to their efficacy.

Conceptualising protest and human rights change

The conceptual framework at the heart of this article consists of two parts. First, based on that human rights protests seek to generate social and political change, this section will draw on theories of human rights change, particularly through the lens of the 'Spiral Model'[16], complemented with insights from anthropology. Second, the framework will consider under what conditions protests are most successful drawing on insights from social movement theory. Combining this with a focus on Indonesia, in this section I argue that while these theories offer valuable insights into understanding processes of human rights change and potential role of protests, they do not adequately take into account how political constellations influence these processes.

Firstly, within international relations theory, the authoritative Spiral Model has argued that to achieve human rights change human rights activists must engage in transnational networks. These networks then place normative pressure on governments while at the same time strengthening local activism. In turn, this contributes to stronger domestic pressure, forcing governments to change their behaviour. According to this model, states initially respond to activism with repression and denial, but ultimately, they are moved to changing their behaviour. While the Spiral Model was originally conceived of as a model within authoritarian regimes, more recent scholarship has supported its applicability in democracies.[17]

Application of this model to Indonesia, as the work of Jetschke[18], has argued that transnational networks have been key to setting in motion human rights campaigns in the country. Following the Spiral Model, these networks have strengthened domestic activism to the point that even under the authoritarian regime concessions were made to

international norms. Mirroring the emphasis on the importance of transnational networks, is the argument that ultimately for international human rights norms to be effective, they need to be legalised and enforceable.[19]

However, the Spiral Model conceives of human rights change as a linear process and assumes that the state is a monolithic actor with a single will. It assumes a pre-determined path in which international norms and transnational activism have sufficient power to transform a state's rejection of human rights into support and ultimately human rights change. While it has been acknowledged that government backlash may constrain this process[20], what exactly constitutes or causes these backlashes remains obscure. As such, the model does not adequately represent the many challenges that local activists are faced with then they try to gain local support for human rights movements and/or norms. For instance, when Indonesia formally started accepting international norms after the end of authoritarianism, these changes were immediately strongly contested by the political and military elites.[21]

In fact, transnational advocacy networks have been described as as 'key engines of human rights change'.[22] Jetschke's work points at transnational activism related to human rights abuses of the Indonesian military in East Timor and how this – even in the context of the authoritarian New Order regime - triggered responses of the Indonesian government.[23] However, it cannot be assumed that all human rights issues are able to connect with transnational activism. East Timor received far more international attention than, for instance, the repression of dissidents during the same time. In the context of the Cold War, Indonesia largely avoided criticism on its human rights record as an ally of western anti-communist forces.[24] East Timor was an exception, as Indonesian presence had always been contested internationally.

Another element that is overlooked in the Spiral Model is the contestation of international human rights norms. Often these contestations are deeply rooted in political history. In the case of Indonesia, this is encapsulated by its state ideology Pancasila ('five principles'), which affirm belief in One God, national unity, civilised humanitarianism, representative government and social justice. Decisions are to be made and disputes resolved through deliberation and consensus (*musyawarah mufakat*). While Pancasila can be applied in open and pluralist ways, it has been subjected to corporatist and authoritarian uses. Coined at the time of independence,Pancasila and the doctrine of the integralistic state – the unity of government and people, thereby denying individual rights

towards the state[25] - continue to remain central to legal reform in post-authoritarian Indonesia.[26]

The contestation of international norms, and how to bridge the gap between global and national (or local) perceptions of rights has received much attention in anthropological research on human rights. This literature has pointed at the need for international norms to be vernacularised, or a process whereby international human rights norms are adopted to local institutions and meanings.[27] However, the underlying assumption remains that international human rights principles will be implemented once people's understanding of these norms has increased and as long as activism is sustained, not in the least through transnational structures. Thus, there is an assumption that the normative power of human rights is sufficient to trigger social change. This is not dissimilar from what is presented in the Spiral Model.

Moreover, while anthropological studies have drawn attention to the importance of activists, or the 'people in the middle'[28], in considering the acceptance of human rights norms it is crucial to look at the (in)action of the state. What issues are accepted are not only dependent on 'the people in the middle' but is highly dependent on existing power structures. Particularly in the Indonesian context, these political elites have been able to exclude other groups (such as NGOs) from political power and thereby their ability to influence change.[29]

Secondly, the question needs to be raised under what circumstances protests are successful. Social movement theory emphasises that collective identity is a crucial factor in this process, binding participants together through common goals that challenge the existing social order while also garnering sympathy from external audiences.[30] In addition to this common identity, resource mobilisation theory[31] argues that the impact of social movements is dependent on the nature of political opportunities and the deployment of resources, such as time, money and skills.

While shared identity and resources are important to the success of social movements, these approaches have developed from intellectual traditions concerned with more progressive or liberal politics especially in western (European) contexts. However, threats to liberal and progressive politics and norms have become increasingly commonplace in political life across the world. Resource-rich external actors may use social movements to pursue their own interests which may oppose liberal agendas. In Indonesia, scholarship has long noted the existence and influence of 'uncivil society' groups that have positioned themselves against liberal and democratic norms.[32] In recent

years many of these groups have been able to mobilise broad popular support, evidence of how they command significant influence over political processes at the detriment of more progressive agendas.[33]

More than twenty years after the end of authoritarianism, Indonesia is experiencing serious pressures on civil and political rights.[34] This is further evidence of the fact that civil society actors have not been able to 'robustly put forward an agenda of liberal reform and social pluralism'[35], contrasting with the promise of a diverse and strong civil society that can achieve political change.[36] As argued by scholars of Asian politics and society, there is no necessary link between civil society and the advancement of liberal democracy. Rather, civil society is an arena of competition in which different sets of interests compete with one another that are not on equal footing in terms of power and resources.[37] As this article will argue, these political constellations, grown from specific social and historical developments, pose the biggest challenge towards the success of human rights protests.

Human rights protest in authoritarian and post-authoritarian regimes

In this section, I will focus on the emergence, development and achievements of the protest of the Mothers in Argentina and that of Kamisan in Indonesia. My discussion of the protest of the Mothers focuses on the impact of the movement both during the military regime and as Argentina transitioned to a democracy. This is followed by a discussion of Kamisan in Indonesia, paying attention to a number of similarities and differences between the two protests. The discussion below shows that the impact of the protest of the Mothers has been far greater than that of Kamisan. This is a striking difference, especially taking into consideration that when the Mothers started the protest Argentina found itself at the height of a repressive regime, whereas Kamisan was initiated in a supposedly more conducive context: after the end of authoritarianism. This sets the stage for the following section, which explains why ultimately the political context in which Kamisan developed proved far less favourable for the success of the protest.

The Mothers of the square: mothers of Argentina

In 1976, in the midst of increasing social unrest and economic downturn, a right-wing coup overthrew Isabel Perón as President of Argentina. A military junta, led by Lieutenant General Jorge Videla, took power. The junta's 'Dirty War' was a carefully planned strategy which saw the violent persecution of political dissidents and anyone

believed to have leftist sympathies. While repression lasted throughout the military regime (1976-1983), most disappearances took place between 1976 and 1977. Following the end of the regime the National Commission on Disappearances (CONADEP) estimated that at least 9,000 people were killed, although human rights organisations have consistently claimed this number is higher.[38]

While the junta's repression was ruthless, criticism of the regime developed early. Much of this early activism focused on, and was led by, the biological family of victims. In 1977 – at the height of the disappearances and murders – a group of women searching for their missing children started meeting in Buenos Aires.[39] That women openly took on political roles directly challenged notions of maternity put forward by the military junta. Within a context where the junta legitimated violence with a rhetoric of protecting the motherland, women's positioning as mothers also offered demonstrators with some security: the junta 'could hardly gun down defenseless mothers in public'.[40]

Nevertheless, this did not prevent the military from dismissing the women as 'crazy' and threatening them individually and collectively. Similarly, the Mothers faced a general lack of support from members of the public. Nevertheless, they continued their weekly meeting and circled around the centre of the Plaza de Mayo demanding the 'return, alive, of the detained-disappeared'.[41] Gradually, their number grew and the women reclaimed the Plaza de Mayo to such an extent that it 'became the Plaza of the Mothers'.[42] More importantly, they were a catalyst for the development of other human rights groups in Argentina during the military regime.[43]

Economic crisis and Argentina's defeat in the 1982 Falklands War prompted large protests against the military regime, pushing it out of power. The following year democracy was restored and Raúl Alfonsín became the first democratically elected president after more than seven years of military rule. During the junta regime, Alfonsín had been a critic of the government and his campaign strongly featured demands for accountability. The Alfonsín government immediately took a steps to address the crimes committed under the military regime, starting with the repeal of the amnesty laws passed by the junta before the elections, accepted unanimously by the Argentinian Congress. At the same time, two decrees[44] were issued, which ordered the prosecution of the leaders of guerrilla organisations and nine members of the military junta from the 1973-1983 period. In addition, the government created CONADEP[45], tasked with investigating the whereabouts of the disappeared and the human rights violations committed during the dictatorship. Its official report, *Nunca Más*[46] (Never Again) was published in 1984, with

the Commission being the first global truth commission to publish its findings. Within Argentina, these measures had a profound impact on society in terms of truth-finding and to break military impunity. They had a strong reparative effect on many relatives of the disappeared, where a lack of knowledge often contributed to their suffering.[47] In addition, both the trials and the truth commission in Argentina were globally pathbreaking developments for transitional justice processes.[48]

The process of transitional justice in Argentina was not without its challenges and setbacks. For instance, in order to minimise backlash from the military – and to guarantee democratic transition - the Alfonsín government limited the scale of prosecutions by excluding low-ranking soldiers and police from prosecution. Similarly, jurisdiction for the trials was given to the military courts that initimidated victims and undermined their testimony. When the military courts returned not-guilty verdicts, jurisdiction was transferred to the civilian courts and the Buenos Aires Federal Court of Appeals, leading to the conviction of five out of nine defendants. However, former military leaders continued to pressure the Alfonsín government leading to the passing of laws to limit the investigation and prosecution of perpetrators of human rights abuses.[49] The appeasement of military leaders continued beyond the Alfonsín years: in 1990, under President Carlos Menem, junta members were given presidential pardons, which led some observers to conclude that the trials had been in vain.[50]

However, these challenges did not halt the trajectory of human rights reform. In fact, Argentina has been credited for its ability to transform from a 'major violator of human rights to a country whose citizens have made major innovations to the struggle in favour of human rights'.[51] In achieving this outcome a crucial role was played by the Argentine human rights movement. Sikkink has noted the movement's exceptional ability to continuously innovate by developing new domestic tactics and by connecting with regional and international institutions, thereby continually placing pressure on the state. To a large extent, this was influenced by the strong organisational capacity of the human rights movement including the availability of financial resources. Underlining the political and social influence of Argentine human rights organisations is that political leaders in Argentina have continued to engage with and responded to them. For instance, under the presidency of Néstor Kirchner, amnesty laws were annulled and a notorious torture centre was memorialised.[52]

The Mothers have been singled out as one of 'the most recognisable players in the international human rights movement'.[53] While Bosco attributes this to the Mothers'

successful collective practices across various geographic locations, Goddard[54] has pointed at the group's ability to connect with more contemporary issues of rights and justice. While the Mothers have persisted in their claim for the return of the disappeared, over time the group started addressing other topics including poverty, police violence and foreign debts. The group proved that it was open and inclusive of others, enabling the participation of workers, unemployed, pensioners and teachers.[55] This has contributed to the movement's sustainability and underlined its relevance in the contemporary human rights movement.

According to Sikkink the success of the Argentine human rights movement can be explained by three main factors.[56] First, human rights activism was able to develop during the military regime despite serious repression. The emergence of the protest of the Mothers at the height of the authoritarian regime, and the influence that this group had on the Argentinean human rights movement as a whole, is a prime example of such development. The emergence of human rights protest during this time meant that civil society organisations supportive of democratic norms were able to develop, even under the military regime. Second, the nature of democratic transition needs to be taken into account. As argued by scholars of transitional justice, these processes are most transformative when transition is led by the opposition.[57] For Argentina, the transition to democracy was drastic. Alfonsín had, during the junta, spoken out against the disappearances and other human rights violations. When the military government collapsed, the junta was not able to negotiate its departure from power. In turn this enabled the Alfonsín government to withdraw the amnesty laws that the junta had earlier put in place to protect itself, and implement trials as well as a truth commission. Third, Argentine political culture, influenced by anarcho-syndicalism in its labour movement and classical Peronism, has traditionally allowed the existence and development of radical politics. This is demonstrated by the widespread acceptance of certain terms such as 'intransigence' and 'combative' in political discourses. This has arguably offered both support and societal legitimacy to the human rights movement, which is more difficult to achieve in contexts that emphasise consensus-based politics.[58] Taken together, the success of the Mothers can not only be attributed to the protest itself, but has strongly been influenced by the broader political context.

Kamisan: Indonesia's longest-running human rights protest

Unlike the protest of the Mothers which emerged during a repressive regime, Kamisan was initiated after the end of authoritarianism. The relevance of transnational links in human rights activism[59] is evident in that Kamisan was directly inspired by the protest of the Mothers. One of Kamisan's initatiors, Suciwati Munir -whose husband, and human rights activist, Munir Said Thalib was murdered by an intelligence agent en route to the Netherlands in 2004-, was inspired to set up a similar protest in Indonesia after meeting the Mothers in 2005. Just like the protest of the Mothers, women –notably Suciwati and Maria Catarina Sumarsih, whose son was killed by the security forces in 1998– play an important role in Kamisan, although this protest is also more broadly led by survivors and family members of those victimised during the New Order, represented primarily through two networks, JSKK (Jaringan Solidaritas Korban Untuk Keadilan, Solidarity Network of Victims for Justice) and JRK (Jaringan Relawan untuk Kemanusiaan, Network of Volunteers for Humanity), as well as one of Indonesia's leading human rights NGOs, KontraS (Komisi untuk Orang Hilang dan Korban Kekerasan, or the Commission for the Disappeared and Victims of Violence). Until today KontraS remains central to the protest, as expressed by one activist: 'thursdays from 4 to 5 in the afternoon is an obligation for those who work at KontraS. We leave our computers and jump on motorcycles to meet at the Presidential Palace'.[60]

Held weekly in Jakarta since January 2007, the protest is a response to ongoing impunity for human rights violations, particularly those that were perpetrated by the security forces during the authoritarian New Order regime and the transition to democracy. Kamisan has gained attention also for its symbolic use of colours and objects, including umbrellas and banners, which were paid for through public donations.[61] The protest has been well-received among Indonesian human rights groups and has also attracted attention from students. Over the years, the protest has grown into the most visible human rights protest in Indonesia and has spread to several other Indonesian cities with the support of local human rights organisations and student groups.[62] According to one Kamisan activist while participant numbers fluctuate,

> There are participants from various groups, activists and students mainly. Maybe quantitatively it's not many, but [the protest] has spread to other cities and communities, such as Bandung, Yogyakarta, Batam and other places.[63]

No matter where the protest is held or which specific groups are its main drivers, Kamisan participants consistently demand accountability for human rights crimes through a legal process. Sumarsih has stated that both her personal and the protest's objective is 'the implementation of the law. Human rights are provided for in [Indonesia's] Constitution, it is clearly stated that the respect, promotion, protection and fulfilment of rights is the state's responsibility'.[64]

In asking for current laws to be upheld, Kamisan's claim may appear straightforward, but is complex given Indonesia's long and severe history of human rights violations. Indonesia's New Order regime came to power in the mid-1960s. During this time, which was marked by social tensions and economic downturn, the Indonesian Communist Party (PKI) and the army competed for power. On 30 September 1965 a group calling itself the Thirtieth of September Movement kidnapped and killed six high-ranking officers and a lieutenant, and stated that it acted to protect President Sukarno. The Movement was quickly crushed by the Army Strategic Reserve under the command of Major General Suharto. The army declared the Movement the work of the PKI, which led to the persecution of members of the party, associated organisations and their sympathisers across the archipelago. While the exact numbers of victims remains unknown, it is estimated that the army and vigilante groups supported by them killed approximately 500,000 men, women and children. In addition, over a million people were arrested and detained often for lengthy periods of time without trial.[65]

The patterns of extreme violence used in the crushing of the Indonesian Left were replicated by the Indonesian military in other contexts, for instance the invasion of East Timor (1975) as well as in the disputed territories of West Papua and Aceh. While there was some space for civil society under the New Order (see discussion below), overt political opposition to the regime was rare. Dissidents were vulnerable intimidation, enforced disappearances and extrajudicial killings. The number of people victimised during Indonesia's New Order regime is thus much larger than those who were persecuted by the junta in Argentina.

While in the early 1990s there was a brief period of political liberalisation, by 1996 coercion intensified following an attack of the security forces on the headquarters of the Indonesian Democratic Party (PDI), forcing pro-democracy activists into hiding. Despite increased pressure on the regime's political opponents, there was an uptake in activism at the time. In part this was influenced by the severe economic crisis that swept across the Asian region that in Indonesia highlighted structural problems of the Suharto

government such as corruption and nepotism. Particularly students became increasingly vocal in their opposition and demands for reform (*reformasi*). In May 1998, the security forces opened fire on student demonstrators in Jakarta. These shootings triggered riots across major cities in Indonesia, resulting in the destruction of property, deaths and sexual attacks. The role played by the military in provoking these attacks increased calls for it to be held accountable.

With popular sentiment mounting against the New Order, Suharto resigned in favour of his deputy B.J. Habibie. Within days of assuming the presidency, Habibie had established a team to investigate the violence of May 1998 and associated human rights crimes. The interest in human rights protection and accountability was not only influenced by domestic pressure, but also by global trends which saw countries transition from military dictatorships to more democratic forms of governance, including Argentina.[66] These initiatives led to a number of successes, including Indonesia's ratification of all core international human rights treaties and passing significant legal reforms related to human rights. Specific mechanisms allowing for redress of past human rights crimes were also established: the Human Rights Courts in 2000 and a Truth and Reconciliation Commission (TRC) in 2004.

However, these legal reforms and mechanisms have proved largely ineffective. Of the three tribunals held in the Human Rights Courts, only one dealt with crimes committed under the New Order. Similarly, the TRC was cancelled in 2006 as a result of a decision by the Constitutional Court.[67] The existence of formal justice mechanisms in Indonesia has not translated into accountability for human rights crimes. The lack of accountability has led to the emergence of various civil society initiatives that continue to demand justice for past crimes and break the cycle of impunity. A notable response to the absence of formal justice, particularly in the context of the 1965 violence, was the International People's Tribunal[68] held in 2015. While this Tribunal was not legally binding, it triggered responses from the Indonesian government to publicly discuss the violence.[69] This underlines the political and social significance of human rights activism.

Contrasting Argentina's Mothers and Indonesia's Kamisan

At the time that transitional justice processes in Indonesia came to a halt, the more successful experiences of other countries – for instance Argentina, but also South Africa - were fresh in the memory of many Indonesian human rights activists. Unsurprisingly, they looked at these experiences in order to develop strategies to claim rights and demand

justice. As mentioned above, in developing a human rights protest Indonesian activists drew directly from the protest of the Mothers and as such many similarities can be identified between the two.

Resemblances include the form and design of the protests. Both are held weekly on the same day: Thursday. Similarly, Kamisan participants also make consistent use of colours and objects in their demonstration, even if the signature colours of the protest differ – white for the Mothers, black for Kamisan. The use of objects and signature colours have been identified as important factors in producing and maintaining protest.[70] Kamisan's black banners carry slogans such as *jangan lupa* ('do not forget'), but may also carry the names and photographs of victims as well as those of perpetrators. But most conspicuous are the black umbrellas that many participants carry, printed with the names of human rights cases (Fig. 1). The umbrellas symbolise protection and strength of faith, but also serve a practical purpose as they protect participants from the elements – whether heat or rain. The use of umbrellas has led people in Jakarta to refer to the protest as *Aksi Payung Hitam* or Black Umbrella Action. In the case of Kamisan, signature objects and slogans are especially significant to bind protests together across different locations:

> They [the protests outside of Jakarta] operate independently, but we have a shared identity by using black umbrellas and wearing black clothes. Different issues are addressed, but every time a human rights issue arises or is remembered, the slogan *melawan lupa* (resist forgetting) is used by many people.[71]

[Insert Fig. 1 here]

As with the protest of the Mothers, Kamisan was initially conceived of as a silent protest. However, over time Kamisan demonstrations feature different elements, including short speeches and music performances. During the protest, slogans are shouted such as *hidup korban* ('long live victims'), *jangan diam* ('do not be silent') and *lawan* ('resist'). The protest ends with a prayer, which protestors perform according to their individual beliefs, reflecting Indonesia's religious diversity. Finally, a letter addressed to the President and outlining the protestors' demands is handed over to the palace guards.

While Kamisan was established in the context of impunity for crimes committed under the New Order period, more contemporary cases are also addressed. The protest is

open to anyone and activists often attend the protest with people they are representing. This allows a wide variety of issues to be raised at the protest, which is regarded as a strength by its organisers and participants.[72] Amongst others, Kamisan protestors have addressed the persecution of the Islamic minority Ahmadiyah, repression of journalists and threats to press freedom, as well as forced evictions for instance to make way for tourism resorts in the coastal community of Pulau Pari (Fig. 2) . Addressing a broader set of human rights concerns than those that provided the initial impetus for the protest, mirrors the manner in which the protest of the Mothers has developed, which over time also has taken on broader human rights concerns. This supports the ongoing relevance of the protest, and may have contributed to both protests' sustainability and spread to other cities in their respective countries.

[Insert Fig. 2 here]

A striking similarity between the two protests is the central role played by family members, and in particular women. In Argentina, the protest is led by (grand)mothers of victims of the military dictatorship. While in Indonesia the protest is carried by a broader group of victims and surivors, both male and female, an icon of Kamisan is is Sumarsih, whose son Bernardinus Realino Norma Irawan ('Wawan') was killed by the security forces in the November 1998 Semanggi I massacre.[73] Similar to the Mothers in Argentina, the fate of her son prompted Sumarsih to become a vocal advocate for justice. Her experience illustrates how personal experiences of loss and suffering can translate into political acts:

> When I am asked whether I am at peace (*ikhlas*), [I say] I am not at peace. I want to know why Wawan was shot and how the army surveilled the student demonstrators […] My love for Wawan eventually transformed to this, to the struggle. Wawan told me [at the time], that the struggle [for reform] was not over yet, even though many of his friends had given up. […] So then it became my responsibility, as a mother, to continue the struggle of my son.[74]

In positioning herself as a mother concerned with the fate of her child, Sumarsih's activism resembles to that of the Mothers. However, there are important differences. Where the Mothers in Argentina wanted to know of the fate of their children and

demanded their return, Sumarsih has always known what happened to her son and demands those responsible for killing him to be held to account in a court of law. While in the context of a repressive regime the claim of the Mothers was symbolically powerful, Sumarsih's demand, in opposing impunity, seeks to change existing power structures.

Another difference between the two protests is the participation of family members of victims. In the Indonesian context, this is not self-evident. While the Jakarta protest is led by Sumarsih and others directly impacted by state violence, Kamisan protests outside of Jakarta have mostly been initiated by NGO activists and student groups. Direct involvement from victims and their families in these places, while welcomed, is rare. For instance in Yogyakarta, where the first Kamisan protest was held in 2014, organisers have repeatedly tried to reach out to victims of state violence but with limited success. One organiser described victims of the 1965 violence as 'closed' and 'afraid' to participate[75], illustrating the high barriers that those directly impacted by state violence experience preventing them from actively taking political action. Moreover, for many other and personal reasons not all survivors of human rights violations want, or are able to, participate in protests.

As briefly discussed at the beginning of this article, the most important difference between the two protests is that of impact. While the protest of the Mothers has been widely credited for its crucial role in the Argentinean human rights movement and its eventual successes, the demands of Kamisan have fallen on deaf ears: 'we have had a few responses on our letters from the State Secretariat. There's not much to those responses, they're normative only'.[76]

In 2018, President Jokowi agreed to meet the protestors, the first Indonesian president to do so – eleven years since the protest first was held. Suciwati Munir was critical of the president's actions:

> Kamisan has been held for eleven years in front of the Presidential Palace and has sent hundreds of letters to the President, including under the leadership of President Jokowi. Not one of them has received a meaningful response. Because of that we fear that the meeting was only a symbolic exercise.[77]

The meeting between the president and the Kamisan activists was largely a public relations exercise in the lead-up to Jokowi's presidential campaign, where he hoped for the support of human rights activists.[78] That the government had no intention of pursuing

justice for past human rights crimes became apparent the following day. In response to the meeting with Kamisan activists the Attorney General, H.M. Prasetyo, reacted to]demands for human rights abuses to be heard in a court of law, saying that:

> We have to be honest: whoever leads this country, whoever is the Attorney General, whoever is in the National Human Rights Commission, [I feel that] it is difficult to bring human rights violations to court. This must be understood. It is not that we do not want to finalise these cases, but it is a legal problem.[79]

These comments, made twenty years after Indonesia's transition to more democratic forms of governance, underline that the constraining factors for human rights reform lie primarily in the political context.

Understanding the efficacy of human rights protests: why political constellation matters

Kamisan has not yet achieved the goal of breaking the cycle of impunity. This stands in sharp contrast to the achievements of the protest of the Mothers. As discussed above, the ability of the Mothers in particular, and the Argentinean human rights movement in general, to achieve these outcomes can be attributed to three crucial factors: the space given to human rights activism during a repressive regime; the nature of transition after the end of authoritarianism; and a political culture that is supportive of human rights claims. This section will consider how these factors played out in the Indonesian context. While these elements are discussed separately, in practice they overlap, interact with and strengthen each other, cumulatively affecting the efficacy of human rights protest.

The first factor that contributed to the success of the Mothers and the subsequent Argentinean human rights movement was political mobilisation. Whereas political mobilisation continued in Argentina under a repressive regime, this was near impossible in Indonesia. In New Order Indonesia, political mobilisation was effectively put to a halt through strict controls on political life by limiting political parties and by suppressing civil society through legal and ideological frameworks.[80] Moreover, the violent persecution of members of the PKI and its affiliated organisations led to the complete elimination of the Indonesian Left as a social and political force. The New Order went to great lengths to construct official historical narratives of the events of 1965[81] that portrayed members of the Indonesian Left as rebels and enemies of the state, and justified

the violence perpetrated against them as good for the country. As a result, a deep fear of 'communism' was instilled in Indonesian society and a constant need for vigilance for potential threats to the nation. Throughout the New Order, it was extremely difficult to speak out against the regime – those who did were readily labelled as 'subversive' or 'communist', thereby placing them at risk of retaliation by the regime.

These tight controls severely limited the space for societal organisations and activism, and also impacted on political culture. Although under the New Order from time to time there were public protests criticising the government, these were shut down violently. In this repressive climate there was some space for civil society organisations, but in order to survive in the political climate most took the form of government-established institutions, government-endorsed parties and organisations that collaborated or compromised with the state. These groups did not demand systematic change, let alone government accountability for human rights violations.[82]

Towards the end of the New Order regime this situation shifted somewhat as attention for human rights in Indonesia increased and the government made concessions towards international human rights norms, such as the establishment of its National Human Rights Commission Komnas HAM.[83] However, these changes did not trigger substantial reform. While in the lead-up to the fall of the authoritarian regime demands for democratisation gained broad popular support, these calls were prompted by economic downturn rather than justice for human rights crimes. The New Order regime had shaped civil society in such a way that when it fell, there were no civil society groups that had the power to effectively push a human rights agenda.

Similarly, although civil society has rapidly grown in post-authoritarian Indonesia, overall it remains inherently weak. This is evident from the fact that these groups have been largely unable to influence liberal reforms and social pluralism[84], and that they have had very little influence on policymaking particularly in the area of civil and political rights.[85] In September 2019, there were some hopes a mass democracy movement would emerge when student protests swept across the nation. These protests revealed a high level of political discontent among young Indonesians, who put forward various political demands including the resolution of past human rights violations, an end to military aggression and the decriminalisation of activists.[86] However, these protests have not yet translated into political reforms.

One particular challenge for human rights activism and human rights work more broadly -particularly when pertaining to the issue of past human rights crimes- is the

continuing spectre of communism in contemporary Indonesia.[87] So powerful is this fear, that it continues to be deployed, with success, against human rights activism. Kamisan activists are no strangers to this, and have been labelled as 'communist' by illiberal civil society organisations and/or the local police.[88] In some instances this has led to the forced cancellation of protests.[89] But it is not only Kamisan activists that are subjected to this, commissioners and staff of state bodies charged with the promotion and protection of human rights have also been labelled as 'communist' in the course of their work. During Komnas HAM's landmark investigation (2008-2012) into the 1965-66 violence[90], the organisation was regularly labelled a 'communist nest' (*sarang komunis*). This does not only have a significant impact on human rights work, but creates a barrier for others to participate, including for witnesses and survivors to give evidence.[91] As such, the limited possibilities for political mobilisation under authoritarianism continues to profoundly impact human rights work today.

Secondly, there are stark contrasts between the nature of political transition in both countries. While in Argentina reform processes have been challenged by the military elites, ultimately political transition in Argentina represented a clear rupture with the past. The junta was forced out of power as a result of economic crisis and military defeat in the Malvinas war, and Argentina's first post-authoritarian president, Raúl Alfonsín, was elected on an explicit human rights agenda. Such ruptures are not evident in the Indonesian context. While similar to the junta the New Order came to an end in the midst of economic downturn, Suharto did not make way for a political rival, instead handing over to his deputy Habibie.

Nonetheless, early on in the *Reformasi* period inroads were made towards accountability for human rights crimes. The Human Rights Commission, Komnas HAM, opened investigations into human rights crimes of the New Order regime. However, these mechanisms proved largely ineffective. Findings of Komnas HAM investigations were repeatedly rejected by the Attorney General's Office, leading only to minimal prosecutions at the Human Rights Courts. Unlike Argentina, Indonesia has not seen the systematic prosecution of those responsible for human rights crimes under the authoritarian regime and there has not been state-endorsed truth-seeking of the past as conducted by CONADEP. Non-judicial efforts were also unsuccessful with the TRC declared unconstitutional even before it started operating. Thus within ten years after the fall of authoritarianism, key human rights reforms failed to deliver.[92]

That Indonesia has not seen similar breakthroughs as Argentina can be attributed to the ongoing presence of New Order players in contemporary political elites. Transitional justice literature clearly identifies elite continuity as a major constraining factor in transitional justice processes.[93] While in 1998 the figurehead of the New Order was gone, most other political figures remained on the stage and had a direct hand in influencing the reform process – which they thus could influence to protect their own interests. Such resistance is evident at various levels – in parliamentary debates on the passing of human rights laws, by military interference in judicial proceedings in the Human Rights Courts[94], and during investigations into past crimes – a precursor to bring these cases to justice as envisaged by the Kamisan protest. For instance, in the context of Komnas HAM's investigation into the 1965-66 violence, in various towns and villages where the Commission came to collect evidence banners against the communism and Komnas HAM had been put up by the local military command. This proved to be an effective barrier for people to give evidence to the Commission. Local governments and police did not address this: 'they just let it be. They know once the military is involved, it's got no use. They know the case won't go past the Attorney General's Office, so they don't do anything about it'.[95]

At a political level, examples of elite continuity are cabinet posts held by those who stand to lose if past human rights cases are brought to court. The post of Coordinating Minister for Political, Legal and Security Affairs, a portfolio that includes addressing past human rights violations, was held between 2016 and 2019 by former general Wiranto. Wiranto was indicted in by the United Nations for atrocities committed in Indonesia-occupied East Timor, and has repeatedly dismissed human rights tribunals as 'confrontational' and 'not in line with Indonesian culture', instead promoting consensus-based mechanisms to address human rights crimes.[96] Another example was the 2019 appointment of Prabowo Subianto as Defence Minister, an ex-army general accused of human rights abuses in East Timor and orchestrating the kidnapping and torture of pro-democracy activists. They are just two examples of many powerful New Order actors who continue to influence Indonesian politics. In general, military and political elites – as well as in some cases Islamic factions – have from the outset strongly obstructed justice efforts in Indonesia thereby compromising the quality of Indonesia's democractic transition particularly vis-à-vis human rights protection.

When considering the nature of political transition, it is important to note that political parties in Indonesia, too, have shown little commitment to human rights issues

in general and past human rights crimes in particular. One human rights activist commented that 'we would be naïve to expect that there are political parties who are truly willing and able to solve human rights violations. There are so many forces against this'.[97] Sumarsih similary expressed that:

> 'All this time, we have lobbied, demonstrated, we've been to hearings. There have been no developments whatsoever. […] Why do they treat us like this? They don't understand how it feels when someone you love is killed by the military. But they also do this because of their background'.[98]

Early in the presidency of Joko Widodo, there were suggestions that his administration would deliver on justice for past human rights crimes. However, as a result of pressure from the political elites justice processes were swiftly bypassed in favour of non-judicial mechanisms that allowed perpatrators to be shielded from accountability.[99] At the same time that this occurred, access of independent state bodies to key actors in government diminished. A commissioner from Komnas HAM stated that:

> 'under Tedjo [Edhy Purdijatno, the Coordinating Minister for Political, Legal and Security Affairs] we had an open line of communication. After that, it became much more difficult, especially after Wiranto took office. The government has very little interest in past human rights cases, especially a judicial process.'[100]

Another commissioner commented that

> 'the lack of commitment from the government has also meant that the Attorney General's Office is no longer responsive. They see it as a waste of time to address [past crimes] as it's not going anywhere. They will not do anything more until the government changes its approach'.[101]

As such the resistance at the levels of political elites has a profound influence on all actors involved in the pursuit of justice for past crimes, and undermines efforts to achieve this in the future.

The third reason that influences the efficacy of human rights movements is a political culture that is conducive towards human rights movements. Argentina's historical antecedents enabled 'radical politics', but Indonesia does not share a similar

trajectory. As discussed above, this cannot be separated from the consequences of the 1965 mass violence and the depoliticisation of society under authoritarianism.

In fact, Indonesian political language has long emphasised concepts such as harmony and unity. The antecedents and dominance of this discourse can be traced back to the end of the Second World War when Indonesian nationalists were preparing the country for independence.[102] During these deliberations, influential legal thinkers rejected state organisation based on liberalism or Marxism in favour of the so-called integralist state. The integralist state does not guarantee the interests of specific individuals or groups but the needs of society as a whole – thereby rejecting the idea of human rights guarantees. Principles at the core of integralism such as *musyawarah* and *gotong royong* are deeply embedded in Indonesian political discourse, and thoughout history, the integralist state concept – together with the state ideology, Pancasila - have been used as tools against pressures to direct the country in more liberal or democratic political directions. Thus the New Order – through eliminating independent political parties, depoliticising society and systematically disorganising civil society – did 'lasting damage to Indonesia's political culture'.[103]

Evidence of the largely consensual nature of Indonesian political culture is that while in the post-authoritarian context the number of civil society organisations has rapidly grown, they generally do not seek to transform the state or social order. Instead most focus on 'restraining, seeking redress from, or gaining other desirable policy outcomes from the state'.[104] This is both a result of a context in which civil society organisations have been characterised by compromise, and reflects that in general the Indonesian public has not been receptive towards more radical agendas.

While Kamisan has generated significant attention and even a following among diverse groups of people, one leading Indonesian human rights activist, who is not directly involved in the protest, commented that ultimately 'it [the protest] lacks a mass base'.[105] This refers to the ability of protest movements to reach broad external audiences, most without a direct stake in the claims put forward, but that sympathise with the plight. Research on social mobilisation has shown that the Indonesian public largely avoids protests that are considered to be associated with 'high risk' actions or ideologies, including human rights.[106] Taking into account the long and severe suppression of human rights activism, limited political support for human rights issues and increasing pressures on freedom of expression[107], it is unsurprising that human rights protest remains the realm of a small, albeit highly dedicated, group.

Thus, these three interrelated factors -spaces for political mobilisation under authoritarianism, the nature of political transition and political culture- together explain why the impact of Kamisan to date remains limited. This has an effect on its participants, particularly victims and their families, who more than twenty years on are still struggling for justice: 'the lack of response of the government means that many victims feel tired. Sometimes, Kamisan [in Jakarta] is only attended by twenty victims, Increasingly, it's more students and activists that participate'.[108] Sumarsih, who has said that Kamisan will come to an end when it is only attended by three protestors or when at least seven cases of past human rights crimes have been addressed by the courts, confirms that she is 'tired of the government's reponse. However, when I look at the young people who join us every week, I become optimistic again'.[109]

Conclusion

This article has focused on Kamisan, Indonesia's longest-running human rights protest. This protest has many characteristics of what, according to scholarly work across various disciplines, a successful movement might look like. As emphasised in the Spiral Model, the protest is built on transnational connections, and as argued in anthropological studies on the vernacularisation of human rights, Kamisan has shown its ability to foreground Indonesian human rights concerns. In addition, in line with what has been suggested in social movement theory, Kamisan has proven its sustainability illustrated by its longevity and reach, with the protest replicated across various Indonesian cities. These are all important precursors for success.

However, more than thirteen years since its first iteration, the protest has not achieved its objective of bringing perpetrators of human rights violaions to account in a court of law. In order to explain why this is the case, this article has contrasted the protest with that of the Mothers of the Plaza de Mayo in Argentina, on which Kamisan was modelled. In the Argentinean context, three crucial factors supported the success of the movement: space for activism under the repressive regime, the nature of democratic transition and political culture. When these factors are considered in the Indonesian context, it is evident that human rights protest and its claims for justice are challenged by the historical weakness of civil society in general and human rights activism in particular, elite continuity in the post-authoritarian era, as well as consensus-based political culture.

Considering the experience of Kamisan in Indonesia vis-à-vis that of the Mothers in Argentina shows that ultimately the ability of human rights protest to initiate change is

determined by specific historical and social contexts, which determine the political constellations in which these protests take place. The influence of political constellations remains underexposed in theories of human rights change and social movements, which instead rely heavily on the supposed persuasiveness of human rights norms and an assumption that the broader social and political context is receptive towards the demands of protest. However it is only through a solid understanding of political constellations that we can fully grasp the limits of human rights protest – and their opportunities.

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[89] Haris Prabowo, 'Aksi Kamisan Dibubarkan Ormas dengan Ujaran Kebencian' [Kamisan Dispersed by Mass Organisations with Hate Speech], *Tirto*, September 29, 2018, https://tirto.id/aksi-kamisan-dibubarkan-ormas-dengan-ujaran-kebencian-c3lf.

[90] For a discussion of this investigation, see Ken Setiawan, 'Between Law, Politics and Memory: The Indonesian National Commission on Human Rights (Komnas HAM) and Justice for Past Human Rights Crimes', *Australian Journal of Asian Law* 19(1): 1-14.

[91] Interview, July 13, 2018.

[92] McGregor and Setiawan, 'Shifting from International'; Setiawan 'The Human Rights Courts'.

[93] Posner and Vermeule, 'Transitional Justice'.

[94] Setiawan, 'The Human Rights Courts'.

[95] Interview, July 13, 2018.

[96] For an extensive discussion see McGregor and Setiawan, 'Shifting from International'.

[97] Interview, July 14, 2018.

[98] Chairun Nisa, 'Payung Hitam' [Black Umbrella], *Engage Media*, March 8, 2012, https://video.engagemedia.org/view?m=zM02PdcFp.

[99] For a discussion of this process, see McGregor and Setiawan, 'Shifting from International'.

[100] Interview, July 13, 2018.

[101] Interview, July 10, 2018.

[102] Bourchier, Illiberal Democracy in Indonesia.

[103] Bourchier, Illiberal Democracy in Indonesia, 242.

[104] Aspinall, 'Indonesia', 86.

[105] Interview, July 11, 2018.

[106] Merlyna Lim, 'Many Clicks but Little Sticks: Social Media Activism in Indonesia', *Journal of Contemporary Asia* 43, no. 4 (2013): 636-657.

[107] Setiawan, 'A State of Surveillance?'.

[108] Personal communication, May 17, 2015.

[109] 'Kamisan protest continues to be met with silence', July 28, 2017, *The Jakarta Post*, https://www.thejakartapost.com/news/2017/07/28/kamisan-protest-continues-to-be-met-with-silence.html.

Appendix 1: Main interview questions

Questions for Kamisan Activists/Participants

1. For how long, and in what ways, have you been engaged with Kamisan? Why did you decide to participate?
2. What are the most important aspects (i.e. symbols, actions) of the protest?
3. Why is the protest important to you? How does it relate, for instance, to your other activities?
4. How do you recruit other participants, and from what groups? What challenges do you face in recruitment/participation?
5. To what extent and how do you work together with Kamisan activists in other places? From your perspective, how do the protests in different places relate to one another?
6. How has the protest been responded to by various groups? I.e. from the general public, the authorities, the security apparatus?
7. Have you faced any threats, and if so, in what ways?
8. In what ways have you seen the protest evolve over time? What changes are most significant?
9. To what extent have the objectives/goals of Kamisan been met? Why or why not?
10. How do you position Kamisan within the broader context of the politics of human rights in Indonesia?

Questions for members of state bodies

1. How do you evaluate the responses taken by the state with regard to past human rights violations, with particular reference to a) the *reformasi* period in general, and b) the Jokowi presidency in particular?
2. What cases of past human rights violations have you been specifically involved in, and how? What opportunities and constraints have you experienced in addressing this particular issue?
3. What particular patterns/trends (if any) can you identify in state responses to past human rights violations and the broader politics of human rights, and how do you explain these?
4. How do you evaluate civil society activism that has developed with regard to past human rights violations?
5. Specifically, what are your perspectives on the Kamisan protest? What are its opportunities and challenges?