

**IV. LAW NUMBER 26 OF YEAR 2000 CONCERNING HUMAN RIGHTS COURT**

LAW OF THE REPUBLIC OF INDONESIA

NUMBER 26 OF YEAR 2000  
CONCERNING  
HUMAN RIGHTS COURTS

WITH THE MERCY OF GOD ALMIGHTY  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

- a. Whereas human rights are basic rights bestowed by God on human beings, are universal and eternal in nature, and for this reason must be protected, respected and upheld and may not be disregarded, diminished, or appropriated by anyone whatsoever,
- b. Whereas to participate in preserving world peace and guaranteeing the implementation of human rights, and to provide protection, assurance, justice, and a feeling of security to both individuals and society, it is necessary to establish forthwith a Human Rights Court in order to resolve gross violations of human rights in accordance with Article 104 clause (1) of Act No. 39 of 1999 concerning Human Rights;
- c. Whereas establishment by the government of a Human Rights Court to resolve gross violations of human rights based on Government Regulation in Lieu of an Act No. 1 of 1999 concerning Human Rights Courts was considered inadequate and therefore not ratified as an Act by the House of Representatives of the Republic of Indonesia, and for this reason it is necessary to revoke the aforementioned Government Regulation in Lieu of an Act;
- d. Now, therefore, upon consideration of clauses a, b and c, it is necessary to enact provisions in an Act concerning Human Rights Courts;

In view of:

1. Article 5 clause (1) and Article 20 clause (2) of the 1945 Constitution;
2. Act No. 14 of 1970 concerning Principal Provisions on Judicial Authority (State Gazette No. 74 of 1970, Supplement to the State Gazette No. 2951) as amended by Act No. 35 of 1999 concerning Amendments to Act No. 14 of 1970 concerning Principal Provisions on Judicial Authority (State Gazette No. 147 of 1999, Supplement to the State Gazette No. 3879);
3. Act No. 2 of 1986 concerning Courts of General Jurisdiction (State Gazette No. 20 of 1986, Supplement to the State Gazette No. 3327)
4. Act No. 39 of 1999 concerning Human Rights (State Gazette No. 165 of 1999, Supplement to the State Gazette No. 3886);

With the joint approval of  
THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA  
and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

DECREES:

To enact: LAW CONCERNING HUMAN RIGHTS COURTS.

## **CHAPTER I GENERAL PROVISIONS**

### **Article 1**

The terms used in this Act have the following meanings:

1. Human rights are a set of rights bestowed by God Almighty in the essence and being of humans as creations of God which must be respected, held in the highest esteem and protected by the state, law, Government, and all people in order to respect and protect human dignity and worth.
2. Gross violation of human rights is a violation of human rights as referred to in this Act.
3. A Human Rights Court is a court dealing specifically with gross violations of human rights.
4. A person is an individual, group of people, civil or military, or police, having individual responsibility.
5. Inquiry is a set of acts of inquiry to identify the existence or otherwise of an incident suspected to constitute a gross violation of human rights to be followed up by an investigation in accordance with the provisions set forth in this Act.

## **CHAPTER II STATUS AND LOCATION OF HUMAN RIGHTS COURTS**

### **Section One Status**

#### **Article 2**

A Human Rights Court is a special court within the context of a Court of General Jurisdiction.

### **Section Two Location**

#### **Article 3**

1. A Human Rights Court shall be located in a district capital or a municipal capital and its judicial territory shall cover the judicial territory of the relevant District Court
2. In the case of the Special District of Jakarta, a Human Rights Court shall be located in the territory of each relevant District Court.

### **CHAPTER III SCOPE OF AUTHORITY**

#### **Article 4**

A Human Rights Court has the task and authority to hear and rule on cases of gross violations of human rights.

#### **Article 5**

A Human Rights Court also has the authority to hear and rule on cases of gross violations of human rights perpetrated by an Indonesian citizen outside the territorial boundaries of the Republic of Indonesia.

#### **Article 6**

A Human Rights Court does not have the authority to hear and rule on cases of gross violations of human rights perpetrated by persons under the age of 18 (eighteen) at the time the crime occurred.

#### **Article 7**

Gross violations of human rights include:

- a. the crime of genocide
- b. crimes against humanity

#### **Article 8**

The crime of genocide as referred to in Article 7 section a is any action intended to destroy or exterminate in whole or in part a national group, race, ethnic group, or religious group by:

1. killing members of the group;
2. causing serious bodily or mental harm to members of a group;
3. creating conditions of life that would lead to the physical extermination of the group in whole or in part;
4. imposing measures intended to prevent births within a group; or
5. transferring children of a particular group to another group by force.

#### **Article 9**

Crimes against humanity as referred to in Article 7 section (b) include any action perpetrated as a part of a broad or systematic direct attack on civilians, in the form of:

1. killing;
2. extermination;
3. enslavement;
4. enforced eviction or movement of civilians;
5. arbitrary appropriation of the independence or other physical freedoms in contravention of international law;
6. torture;
7. rape, sexual enslavement, enforced prostitution, enforced pregnancy, enforced
8. sterilization, or other similar forms of sexual assault;
9. terrorization of a particular group or association based on political views, race, nationality, ethnic origin, culture, religion, sex or any other basis, regarded universally as contravening international law;

10. enforced disappearance of a person; or
11. the crime of apartheid.

## **CHAPTER IV JUDICIAL PROCEDURE**

### **Section One General Provisions**

#### **Article 10**

Unless stipulated otherwise in this Act, the judicial procedure for cases of gross violations of human rights shall be conducted according to provisions governing criminal judicial procedure.

### **Section Two Arrest**

#### **Article 11**

- (1) The Attorney General as investigator is authorized to arrest, for the purposes of investigation, any person who, on the basis of sufficient preliminary evidence, is strongly suspected of perpetrating a gross violation of human rights.
- (1) The investigator shall carry out arrest as referred to in clause (1) by producing an order and serving the suspect an arrest warrant stating the identity of the suspect, the reason for the arrest, and the location of the investigation, along with a brief description of the gross violation of human rights he or she is suspected of perpetrating.
- (2) Attachments to the arrest warrant as referred to in clause (2) must be given to the family of the accused immediately following the arrest.
- (3) In the event of a suspect being caught in the act of perpetrating a gross violation of human rights, arrest shall be executed without an order on the condition that the arrester immediately surrenders the suspect and any evidence to the investigator.
- (4) Arrest as referred to in clause (2) shall not exceed 1 (one) day.
- (5) The period of arrest shall be subtracted from the sentence passed.

### **Section Three Detention**

#### **Article 12**

- (1). The Attorney General as investigator and public prosecutor is authorized to undertake the detention or extend the detention of a suspect for the purposes of investigation and prosecution.
- (2.) The judge of a Human Rights Court, by his or her ruling, is authorized to undertake the detention of a suspect for the purposes of investigation in a court session.
- (3). A warrant for detention or extended detention shall be served on a suspect or defendant, who based on sufficient evidence, is strongly suspected of perpetrating a gross violation of human rights, should circumstances raise concerns that the suspect or the defendant may abscond, damage or conceal evidence, and/or re-perpetrate the gross violation of human rights.

#### **Article 13**

- (1). Detention for the purposes of investigation shall not exceed 90 (ninety) days.
- (2). The time period referred to in clause (1) may be extended for a maximum of 90 (ninety) days by the Chief Justice of a Human Rights Court in accordance with his or her judicial scope.
- (3). In the event that the time period referred to in clause (2) elapses before the investigation is complete, the period of detention may be extended for a maximum of 60 (sixty) days by the Chief Justice of a Human Rights Court in accordance with his or her judicial scope.

#### **Article 14**

- (1). Detention for the purposes of prosecution shall not exceed 30 (thirty) days.
- (2). The time period referred to in clause (1) may be extended for a maximum of 20 (twenty) days by the Chief Justice of a Human Rights Court in accordance with his or her judicial scope.
- (3). In the event that the time period referred to in clause (2) elapses before the investigation is complete, the period of detention may be extended for a maximum of 20 (twenty) days by the Chief Justice of the Human Rights Court in accordance with his or her judicial scope.

#### **Article 15**

- (1). Detention for the purposes of a hearing in a Human Rights Court shall not exceed 90 (ninety) days.
- (2). The time period referred to in clause (1) may be extended for a maximum of 30 (thirty) days by the Chief Justice of the Human Rights Court in accordance with his or her judicial scope.

#### **Article 16**

- (1). Detention for the purposes of an appeal hearing in a High Court shall not exceed 60 (sixty) days.
- (2). The time period referred to in clause (1) may be extended for a maximum of 30 (thirty) days by the Chief Justice of the High Court in accordance with his or her judicial scope.

#### **Article 17**

- (1). Detention for the purposes of an appeal hearing in the Supreme Court shall not exceed 60 (sixty) days.
- (2). The time period referred to in clause (1) may be extended for a maximum of 30 (thirty) days by the Chief Justice of the Supreme Court in accordance with his or her judicial scope.

### **Section Four Inquiry**

#### **Article 18**

- (1). Inquiries into cases of gross violation of human rights shall be conducted by the National Commission on Human Rights.
- (2). In conducting an inquiry as referred to in clause (1), the National Commission on Human Rights may form an ad hoc team comprising the National Commission on Human Rights and public constituents.

#### **Article 19**

- (1). In conducting an inquiry as referred to in Article 18, the inquirer is authorized:
  - a. to conduct inquiry into and examination of incidents occurring in society, which based on their nature or scope, can reasonably be suspected of constituting gross violations of human rights;

- b. to receive reports or complaints from individuals or groups concerning the incidence of gross violations of human rights, and to pursue statements and evidence;
  - c. to call on complainants, victims, or subjects of a complaint to request and hear their statements;
  - d. to call on witnesses to request and hear their witness;
  - e. to review and gather statements from the location of the incident and other locations as deemed necessary;
  - f. to call on relevant parties to give written statements or to submit necessary authenticated documents;
  - g. on the order of the investigator to: examine of letters; undertake search and seizure; examine houses, yards, buildings, and other places that certain parties occupy or own; dispatch specialists pertinent to the investigation.
- (2). The inquirer shall inform the investigator upon initiating an inquiry into an incident suspected of constituting a gross violation of human rights.

#### **Article 20**

- (1). Should the National Commission on Human Rights consider there is sufficient preliminary evidence that a gross violation of human rights has occurred, a summary of the findings of the inquiry shall be submitted to the investigator.
- (2). No later than 7 (seven) working days following the submission of the summary findings of inquiry, the National Commission on Human Rights shall submit the inquiry findings in full to the investigator.
- (3). In the event that the investigator considers the inquiry findings referred to in clause (2) insufficient, the inquirer shall immediately re-submit the inquiry findings to the investigator accompanied by guidelines for their completion, and within 30 (days) of receiving the inquiry findings, the investigator is required to consummate these insufficiencies.

#### **Section Five Investigation**

#### **Article 21**

- (1). Investigation of cases of gross violations of human rights shall be undertaken by the Attorney General.
- (2). Investigation as referred to in clause (1) excludes authority to receive reports or complaints.
- (3). In undertaking the task referred to in clause (1), the Attorney General may appoint an ad hoc investigator, which may be a government agency and/or a public constituent.
- (4). Prior to undertaking his/her task, an ad hoc investigator shall take an oath or pledge in accordance with his or her religion.
- (5). To be appointed as ad hoc investigator, a person is required to:
- a. be a Citizen of the Republic of Indonesia;
  - b. be at least 40 (forty) years of age and no more than 65 (sixty-five) years of age;
  - c. be a graduate at law or other graduate with expertise in law;
  - d. be of sound mind and body;
  - e. be of authoritative standing, honest, fair, and of good character;

- f. be loyal to Pancasila and the 1945 Constitution; and
- g. have knowledge of and concern for human rights.

### **Article 22**

- (1). Investigation as referred to in Article 21 clause (1) and (3) must be completed within a period of no longer than 90 (ninety) days from the date the inquiry findings are received and declared complete by the investigator.
- (2). The time period referred to in clause (1) may be extended for a period not exceeding 90 (ninety) days by the Chief Justice of the Human Rights Court in accordance with his or her judicial scope.
- (3). In the event that the time period referred to in clause (2) elapses before the investigation is complete, the investigation may be extended for a period of no more than 60 (sixty) days by the Chief Justice of the Human Rights Court in accordance with his or her judicial scope.
- (4). If during the time period referred to in clause (1), clause (2), and clause (3) insufficient evidence is obtained from the investigation findings, a writ to terminate the investigation must be issued by the Attorney General.
- (5). Once a writ to terminate an investigation is issued, an investigation may be re-opened only if additional proof and evidence for prosecution exists which supplements the investigation findings.
- (6). In the event that termination of an investigation as referred to in clause (3) is not accepted by a victim or his/her family, the victim. or his/her family by blood or marriage to the third degree, has the right to submit a pre-trial request to the Chief Justice of the Human Rights Court in accordance with his or her judicial scope and in accordance with prevailing legislation.

## **Section Six Prosecution**

### **Article 23**

- (1). Prosecution of cases of gross violations of human rights shall be conducted by the Attorney General.
- (2). In the implementation of her/his task as referred to in clause (1), the Attorney General may appoint an ad hoc public prosecutor, who may be a member of the government and/or a public constituent.
- (3). Prior to undertaking his or her task, an ad hoc public prosecutor shall take an oath or pledge in accordance with his/her religion.
- (4). To be appointed as ad hoc public prosecutor, a person is required to:
  - a) be a Citizen of the Republic of Indonesia;
  - b) be at least 40 (forty) years of age and no more than 65 (sixty-five) years of age;
  - c) be a graduate at law or other graduate with expertise in law;
  - d) be of sound mind and body;
  - e) be of authoritative standing, honest, fair, and of good character;
  - f) be loyal to Pancasila and the 1945 Constitution; and
  - g) have knowledge of and concern for human rights.

### **Article 24**

Prosecution as referred to in Article 23 clause (1) and clause (2) must be completed within no more than 70 (seventy) days from the date of receipt of the investigation findings.

#### **Article 25**

The National Commission on Human Rights may at anytime request a written statement from the Attorney General concerning the progress of the investigation and prosecution of a case of gross violation of human rights.

### **Section Seven Oath**

#### **Article 26**

The oath taken by an ad hoc investigator and ad hoc Public Prosecutor as referred to in Article 21 clause (4) and Article 23 clause (3) shall be worded as follows:

"I solemnly swear/promise that in undertaking this task, I shall not, directly or indirectly, using any name or method whatsoever, give or promise anything whatsoever to anyone whatsoever."

"I swear/promise that I, in order to undertake or not undertake something related to this task, shall not at any time accept directly or indirectly from anyone whatsoever any promises or favours."

"I swear/promise that I will be faithful to, uphold, and apply the state principles of Pancasila, the 1945 Constitution, and legislation in force for the state of the Republic of Indonesia."

"I swear/promise that I will consistently undertake this duty conscientiously, objectively and with integrity, without discriminating between people, and will hold professional ethics in the highest regard in carrying out my obligations in proper and fair manner as befitting an official of good character and integrity with regard to upholding law and justice."

### **Section Eight Court Hearings**

#### **Part One General Provisions**

#### **Article 27**

(1). Cases of gross violations of human rights shall be heard and ruled on by a Human Rights Court as referred to in Article 4.

(2). Hearings of cases of gross violations of human rights as referred to in clause (1) shall be conducted by a Human Rights Court judges' panel of 5 (five) persons, comprising 2 (two) judges from the relevant Human Rights Court and 3 (three) ad hoc judges.

(3). The Panel of Judges referred to in clause (2) shall be chaired by a judge from the relevant Human Rights Court.

#### **Article 28**



- (1). Ad hoc judges shall be appointed and dismissed by the President as Head of State upon the recommendation of the Chief Justice of the Supreme Court.
- (2). The total of ad hoc judges as referred to in clause (1) shall number at least 12 (twelve) persons.
- (3). Ad hoc judges shall be appointed for a period of 5 (five) years and may be re-appointed for 1 (one) additional period of office.

## **Part Two**

### **Conditions of Appointment for Ad Hoc Judge**

#### **Article 29**

To be appointed as ad hoc Judge, a person is required to:

- a) be a Citizen of the Republic of Indonesia;
- b) be faithful to God Almighty;
- c) be at least 45 (forty-five) years of age;
- d) be a graduate at law or other graduate with expertise in law;
- e) be of sound mind and body;
- f) be of authoritative standing, honest, fair, and of good character;
- g) be loyal to Pancasila and the 1945 Constitution; and
- h) have knowledge of and concern for human rights.

#### **Article 30**

Prior to undertaking his/her tasks, an appointed ad hoc judge as referred to in Article 28 clause (1) is required to take an oath or pledge in accordance with his/her religion, worded as follows:

"I solemnly swear/promise that in undertaking this task, I shall not, directly or indirectly, using any name or method whatsoever, give or promise anything whatsoever to anyone whatsoever."

"I swear/promise that I, in order to undertake or not undertake something related to this task, shall not at any time accept directly or indirectly from anyone whatsoever any promises or favours."

"I swear/promise that I will be faithful to, uphold, and apply the state principles of Pancasila, the 1945 Constitution, and legislation in force for the state of the Republic of Indonesia."

"I swear/promise that I will consistently undertake this duty conscientiously, objectively and with integrity, without discriminating between people, and will hold professional ethics in the highest regard in carrying out my obligations in proper and fair manner as befitting an official of good character and integrity with regard to upholding law and justice."

## **Part 3**

### **Hearing Procedure**

#### **Article 31**

Cases of gross violations of human rights shall be heard and ruled on by a Human Rights Court within a period of no more than 180 (one hundred and eighty) days from the date of the case being brought before the Human Rights Court.

#### **Article 32**

- (1). In the event of a request for appeal to the High Court, a case of gross violation of human rights must be heard and ruled on within a period of no more than 90 (ninety) days from the date of the case being brought before the High Court.
- (2). Hearings of cases as referred to in clause (1) shall be conducted by a judges' panel of 5 (five) persons, comprising 2 (two) judges from the relevant High Court and 3 (three) ad hoc judges.
- (3). The total of ad hoc judges in the High Court as referred to in article (2) shall number at least 12 (twelve) persons.
- (4). Provisions set forth in Article 28 clause (1) and clause (3), Article 29, and Article 30 shall also apply for the appointment of ad hoc judges to the High Court.

#### **Article 33**

- (1). In the event of a request for appeal to the Supreme Court, a case of gross violation of human rights must be heard and ruled on within a period of no more than 90 (ninety) days from the date of the case being brought before the Supreme Court.
- (2). Hearings of cases as referred to in clause (1) shall be conducted by a judges' panel of 5 (five) persons, comprising 2 (two) Supreme Court judges and 3 (three) ad hoc judges.
- (3). The total of ad hoc judges in the Supreme Court as referred to in article (2) shall number at least 3 (three) persons.
- (4). Ad hoc judges in the Supreme Court shall be appointed by the President as head of state upon the recommendation of the House of Representatives of the Republic of Indonesia.
- (5). Ad hoc judges as referred to in clause (4) shall be appointed for one period of office of 5 (five) years.
- (6). To be appointed as ad hoc judge in the Supreme Court, a person is required to:
  - a) be a Citizen of the Republic of Indonesia;
  - b) be faithful to God Almighty;
  - c) be at least 50 (fifty) years of age;
  - d) be a graduate at law or other graduate with expertise in law;
  - e) be of sound mind and body;
  - f) be of authoritative standing, honest, fair, and of good character;
  - g) be loyal to Pancasila and the 1945 Constitution; and
  - h) have knowledge of and concern for human rights.

### **CHAPTER V PROTECTION OF VICTIMS AND WITNESSES**

#### **Article 34**

- (1). Every victim of and witness to a gross violation of human rights has the right to physical and mental protection from threats, harassment, terror, and violence by any party whatsoever.
- (2). Protection as referred in clause (1) is an obligatory duty of the law enforcement and security apparatus provided free of charge.
- (3). Provisions on procedures for protecting witnesses shall be further governed in a Government Regulation.

**CHAPTER VI  
COMPENSATION, RESTITUTION, AND REHABILITATION**

**Article 35**

- (1). Every victim of a violation of human rights violations, and/or his/her beneficiaries, shall receive compensation, restitution, and rehabilitation.
- (2). Compensation, restitution, and rehabilitation as referred to in clause (1) shall be recorded in the ruling of the Human Rights Court.
- (3). Provisions concerning compensation, restitution, and rehabilitation shall be further governed in a Government Regulation.

**CHAPTER VII  
PENAL PROVISIONS**

**Article 36**

Any person who perpetrates actions as referred to in Article 8, letter a, b, c, d or e, shall be sentenced to death or life in prison or to a maximum of 25 (twenty-five) years in prison and no less than a minimum of 10 (ten) years in prison.

**Article 37**

Any person who perpetrates actions as referred to in Article 9 letter a, b, d, e, or j shall be sentenced to death or life in prison or to a maximum of 25 (twenty-five) years in prison and no less than a minimum of 10 (ten) years in prison.

**Article 38**

Any person who perpetrates actions as referred to in Article 9 letter c shall be sentenced to a maximum of 15 (fifteen) years in prison and no less than a minimum of 5 (five) years in prison.

**Article 39**

Any person who perpetrates actions as referred to in Article 9 letter f shall be sentenced to a maximum of 15 (fifteen) years in prison and no less than a minimum of 5 (five) years in prison.

**Article 40**

Any person who perpetrates actions as referred to in Article 9 letter g, h, or i shall be sentenced to a maximum of 20 (twenty) years in prison and no less than a minimum of 10 (ten) years in prison.

**Article 41**

For attempting, plotting, or assisting the perpetration of a violation as referred to in Article 8 or Article 9, the sentences set forth in Article 36, Article 37, Article 38, Article 39, and Article 40 shall apply.

**Article 42**

- (1). A military commander or person acting as military commander shall be held responsible for any criminal action within the judicial scope of a Human Rights Court perpetrated by troops under his or her effective command and control, and for any such criminal action by troops under

his or her effective command and control arising from improper control of these troops, namely:

- a. a military commander or aforementioned person acknowledges, or under the prevailing circumstances ought to acknowledge that these troops are perpetrating or have recently perpetrated a gross violation of human rights; and
- b. a military commander or aforementioned person fails to act in a proper manner as required by the scope of his or her authority by preventing or terminating such action or delivering the perpetrators of this action to the authorized official for inquiry, investigation, and prosecution.

(2). Both police and civil leaders are held responsible for gross violations of human rights perpetrated by subordinates under their effective command and control resulting from a failure on the part of the leader to properly and effectively control his or her subordinates, namely:

- a. the aforementioned leader is aware of or deliberately ignores information that clearly indicates his or her subordinates are perpetrating, or have recently perpetrated a gross violation of human rights; and
- b. the aforementioned leader fails to act in a proper manner as required by the scope of his or her authority by preventing or terminating such action or delivering the perpetrators of this action to the authorized official for inquiry, investigation, and prosecution.

3. Actions as referred to in clause (1) and clause (2) shall be liable to the same penal provisions set forth in Article 36, Article 37, Article 38, Article 39, and Article 40.

## **CHAPTER VIII AD HOC HUMAN RIGHTS COURTS**

### **Article 43**

- (1). Gross violations of human rights occurring prior to the coming into force of this Act shall be heard and ruled on by an ad hoc Human Rights Court.
- (2). An ad hoc human rights court as referred to in clause (1) shall be formed on the recommendation of the House of Representatives of the Republic of Indonesia for particular incidents upon the issue of a presidential decree.
- (3). An ad hoc human rights court as referred to in clause (1) is within the context of a Court of General Jurisdiction.

### **Article 44**

Hearings in an ad hoc human rights court and their judicial procedure shall be in accordance with the provisions set forth in this Act.

## **CHAPTER IX TRANSITIONAL PROVISIONS**

### **Article 45**

- (1). From the date this act comes into force, establishment of human rights as referred to in article 4 shall begin in Central Jakarta, Surabaya, Medan and Makassar.

(2). The judicial territory of Human Rights Courts as referred to in clause (1) shall respond to the judicial territory of the district court in:

- a. Central Jakarta, which encompasses Greater Jakarta, and the provinces of West Java, Banten, South Sumatra, Lampung, Bengkulu, West Kalimantan, and Central Kalimantan;
- b. Surabaya, which encompasses the provinces of East Java, Central Java, Special District of Yogyakarta, Bali, South Central Java, Special District of Yogyakarta, Bali, South Kalimantan, East Kalimantan, West Nusa Tenggara and East Nusa Tenggara;
- c. Makassar, which encompasses the provinces of south Sulawesi, Southeast Sulawesi, Central Sulawesi, North Sulawesi, south East Sulawesi, Central Sulawesi, North Sulawesi, Maluku, North Maluku, and Irian Jaya;
- d. Medan, which encompasses the provinces of North Sumatera, the Special District of Aceh, Riau, Jambi, and West Sumatera.

## **CHAPTER X CONCLUDING PROVISIONS**

### **Article 46**

For gross violations of human rights as referred to in this Act no lapse provisions shall apply.

### **Article 47**

(1). Resolution of gross violations of human rights occurring prior to the coming into force of this act may be undertaken by a Truth and Reconciliation Commission.

(2). The Truth and Reconciliation Commission as referred to in clause (1) shall be established by an Act.

### **Article 48**

Inquiry, investigation and prosecution of gross violations of human rights that have been or are currently being undertaken in accordance with Government Regulation in Lieu of an Act No. 1 of 1999 concerning Human Rights Courts shall remain in effect insofar as they do not contravene the provisions set forth in this Act.

### **Article 49**

Provisions concerning the authority of Superiors Entitled to take Punitive Action and Submitting Officers as referred to in Article 74 and Article 123 of Act No. 31 of 1997 concerning Military Tribunals are deemed no longer in effect with regard to the examination of gross violations of human rights in accordance with the provisions set forth in this Act.

### **Article 50**

With the coming into force of this Act, Government Regulation in Lieu of an Act No. 1 of 1999 concerning Human Rights Courts (State Gazette No. 191 of 1999, Supplement to the State Gazette No. 3911) is revoked and deemed no longer in effect.

### **Article 51**

This Act comes into force on the date of its enactment. For the public to be informed, it is ordered that this Act be promulgated in the State Gazette of the Republic of Indonesia.

**Ratified in Jakarta, (date)**

**PRESIDENT OF THE REPUBLIC OF INDONESIA,**

**ABDURRAHMAN WAHID**

**Enacted in Jakarta, (date)**

**SECRETARY OF STATE OF THE REPUBLIC OF INDONESIA**