

Training Workshop on Justice for Children in the context of Counter-terrorism in Indonesia:

Exercises and Case-Studies for Participants

Session One: Setting the Scene

Discussion questions

- i. Why are children being targeted by terrorist and violent extremist groups? What strategic, economic or propaganda advantages can you identify?
- ii. How do terrorist and violent extremist groups recruit children in Indonesia?
- iii. Are there particular groups of children who are more vulnerable to recruitment? Are girls and boys vulnerable to recruitment in the same way?
- iv. What are the main challenges for the justice system in responding when these children are alleged to be involved in terrorism related offending?

Session Two: The specialized justice system for children

Discussion questions:

- i. What are the advantages of using the specialized justice system for children in the context of terrorism-related offences in Indonesia?
- ii. What are the challenges?

Case Study – Mary

Mary is 15 years old. She has been detained by the police in Indonesia on suspicion of involvement in preparation of a terrorist attack. She was arrested while in the company of two male relatives in their 20s.

Consider the key legal provisions that would protect her and that she is entitled to at different stages of the justice process in Indonesia (for example, access to legal representation, notification of parents, use of diversionary measures, separation from adults in detention, gender-sensitive treatment etc)

In your view, what are the main gaps and bottlenecks in implementation of the protections in law?

Stage of justice process	Key protections provided in law	Gaps and bottlenecks in implementation of law
Arrest and investigation		

Pre-trial detention and access to community-based alternatives		
Access to diversionary measures		
Trial and Sentencing		
Access to non-custodial sanctions		
Rehabilitation and reintegration after conviction		

Session Three: Alternatives to judicial proceedings

Group Discussion

- i. What experience do you have of diverting children from the formal justice system?
- ii. What sort of challenges have you experienced?
- iii. What kind of institutions can you refer children to?

This is an opportunity for participants to learn from each other about existing practice and to understand the strengths of the process as well as the gaps in provision.

Case-study - Danny

Country X has experienced a wave of terrorist suicide attacks and bombings committed by a terrorist group. Danny lives in Country X with his family. He is doing well at school and has no previous convictions. At the age of 15 he is approached via social media by a recruiter for the terrorist group. He is groomed to support them and begins to post messages on social media in support of the group. He is arrested on suspicion of disseminating propaganda in favour of a terrorist organization.

Following his arrest, Danny is brought before a judge in the Children's Court and released on bail. Following a detailed assessment of his circumstances and background by a Probation Officer, the judge ordered that he should not be prosecuted but should be instead be subject to the following diversionary measures: agreement

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to regular attendance at school; live at his parents' home; have regular counselling sessions and attend weekly supervision meetings with a social worker. Danny is informed that if he subsequently fails to meet these conditions, then he will be re-arrested and charged.

- i. In your view, is this response proportionate? Why? Why not?
- ii. What are the advantages of this kind of response from your perspective?
- iii. Could a similar approach be followed in Indonesia? What additional resources would be required?

Discussion questions

Chapter II of Law No. 11/2012 on the Juvenile Justice System sets out extensive provision for the use of diversionary measures in Indonesia.

- i. What are the advantages and disadvantages of using diversion for terrorism-related offences?
- ii. What are the obstacles to the use of diversion under this provision for terrorism-related offences?
- iii. What steps could be taken to counter these factors?

Session Four: Non-Custodial Solutions

Discussion Questions

- i. What concrete measures can be taken to ensure that pre-trial detention is used as a measure of last resort in Indonesia
- ii. How can justice professionals ensure that a child is only detained for an "absolute minimum period of time"?

Group exercise

Referring to Law No. 11/2012 on the Juvenile Justice System consider three community-based sentencing options or programmes that are available to judges in cases concerning terrorism-related offences. Outline the advantages and disadvantages of each option and consider when it would be appropriate to use them. For example, with regards to the personal circumstances of a child, the gravity of the offence, level of culpability etc.

Session Five: Social inquiry reports

Discussion Questions

- i. Identify the strengths and weakness of social inquiry reports at key stages of the justice process: interview with the police, investigation, decision-making for diversion, pre-trial detention, sentencing, on arrival at detention facilities.

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- ii. Give five recommendations to improve these reports so that they address all aspects of a child's rehabilitation and reintegration needs and are taken into account by decision-makers.

Session Six: Rehabilitation and reintegration

Group Exercise

Share with the other participants a positive example of rehabilitation and reintegration of children (not necessarily concerning terrorism-related activity) that you have worked on or know about. It may be an institution or an individual's actions that made the difference.

Video and discussion

Watch this video....

<https://www.channelnewsasia.com/news/cnainsider/child-suicide-bombers-isis-terrorist-rehabilitate-indonesia-11838244>

What are the main challenges faced by people working in this institution?

Discussion questions

- i. What provision is made for children convicted of terrorism-related offences to reintegrate into communities upon release? For example, in terms of provision of housing, employment, safety and protection.
- ii. Which agencies should be involved in developing and implementing reintegration strategies?
- iii. What steps can be taken to overcome stigma associated with offending?

Session Seven: Child-sensitive communication

Discussion in pairs

“What different approaches have you found to be most effective when interacting with children as victims, witnesses or alleged perpetrators? When children have had traumatic experiences, what additional safeguards or practices have you used?”

Session Eight: Multi-disciplinary responses

Group exercise

Consider the following questions:

- i. When a child is involved in terrorism-related activity, which agencies are involved?
- ii. At what stages of the justice process do they cooperate?

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iii. What structures are in place to aid cooperation?

Write your responses on a flip chart divided into three columns: “when cooperation takes place”, “advantages” and “existing structures”.

Group exercise

Consider how the coordination structures in place could be improved and what role you can play to improve these structures.

Session Nine: Developing an Action Plan

Group exercise

Prepare and present Action Plans that focus on the key challenges and recommendations that have emerged from the discussions during the Training Workshop.

Issue	What needs to happen to strengthen the process?	Constraints and challenges in making this happen (for example, resources, lack of cooperation)	Actions to overcome these challenges– who, when and why?
Arrest and investigation			
Use of diversion			
Preparation of social inquiry reports			
Use of non-custodial solutions			
Rehabilitation and reintegration			
Multi-disciplinary working			