

EXTERNAL

amnesty international

Indonesia

Impunity in Nanggroe Aceh Darussalam: Appeal cases on human rights defenders and political activists

Introduction

On 9 December 2002, the Government of Indonesia and the armed opposition group, the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM), signed a cease-fire agreement, known as the Cessation of Hostilities (COH) Agreement. The COH Agreement is regarded as a first step in a process aimed at ending years of hostilities in Nanggroe Aceh Darussalam Province (NAD) (formerly known as Aceh). During the conflict, grave human rights violations, including extrajudicial executions, “disappearances”, torture and unlawful detention have been carried out by the Indonesian security forces. GAM has also been responsible for serious human rights abuses including unlawful killings and abductions. Many of the victims of both sides have been civilians.

Since the coming into effect of the cease-fire local observers have reported a significant reduction in the level of violence. However, both sides have accused each other of violating the COH Agreement, and the Joint Security Committee (JSC) which is in charge of monitoring the implementation of the COH Agreement has found violations by both sides.

There has also been a significant fall in the number of reports of human rights abuses, although some cases continue to be reported. There have been reports of members of the security forces preventing people from participating in peaceful demonstrations. One political activist has been detained and others have been threatened with arrest for their peaceful political activities.

The COH Agreement does not specifically address human rights protection and justice for the thousands of unresolved human rights violations committed during the past two decades. Amnesty International believes that these issues will have to be addressed if the peace process is to be successful and durable. In the past, the failure of the Indonesian government to address human rights violations has undermined efforts to bring an end to the conflict in NAD. In particular, a reluctance to investigate and bring to justice members of the security forces who commit human rights violations has contributed to distrust of the policies of the Indonesian authorities among the civilian population. It has also created an environment in which both members of the security forces and GAM have been able to commit violations without fear of being held accountable.¹

¹ Although the vast majority of cases of human rights abuse remain unresolved, a few cases have been investigated and brought to trial. A police officer is currently facing trial for the killing of a student in Banda Aceh in July 2002. In April 2000, one civilian and 24 soldiers were found guilty of killing Muslim cleric Teungku Bantaquiah, and over 50 of his followers in West Aceh in July 1999. They were sentenced to between eight-and-a-half and ten years’ imprisonment. In February 1999, five soldiers were sentenced to between two and six-and-a-half years imprisonment for beating to death five detainees in North Aceh the previous month.

In a welcome development, the Indonesian National Human Rights Commission (*Komisi Nasional Hak Asasi Manusia*, Komnas HAM) has recently announced its intention to investigate human rights violations committed between 1989 and 1998 when NAD was designated as a Military Operations Area (*Daerah Operasi Militer*, DOM). Investigations have been carried out by Komnas HAM and other bodies into violations during this period in the past. However, only one of the cases investigated was ever brought to trial.²

Lack of political will is regarded as having been one of the main obstacles to bringing to justice those suspected of human rights violations. Amnesty International is concerned that the political commitment to bringing perpetrators to justice may still be missing, as exemplified by comments made to the media by the Commander of the Indonesian military (*Tentara Nasional Indonesia*, TNI) that “*It is not the right time yet. We have just begun the confidence-building process and this will be ruined should such trials be held*”.³ Amnesty International believes the reverse to be true – that without justice for the many past violations, the peace process may not succeed.

Human rights defenders and political activists

The COH Agreement explicitly requires both the Indonesian authorities and GAM to “allow civil society to express without hindrance their democratic rights”.⁴ If the peace process is to be successful and durable it will have to have the confidence of the civilian population. To build that confidence they must be given a meaningful role in the process and be protected from human rights violations.

Human rights defenders and political activists are among those who have been the targets of human rights violations in NAD. Since 2000, 13 Acehnese human rights defenders are believed to have been extrajudicially executed – many others have been subjected to torture or ill-treatment, arbitrary detention and harassment or intimidation. As with the great majority of human rights violations in Indonesia, no one has been held accountable in any of these cases.

During 2002, two human rights defenders were extrajudicially executed, and two political activists “disappeared”. Twenty-three human rights defenders and at least 15 political activists were detained during the year – 14 of them reported being beaten while in custody.

Most of those detained were released without charge within days of their detention. However, **Koes Sofyan**, an activist with the Association of Human Rights Abuse Survivors (*Solidaritas Persaudaraan Korban Pelanggaran HAM Aceh*, SPKP HAM) was held in military detention for nearly three months between March and June 2002 before being released without charge.

The failure of the Indonesian government to take concrete measures to protect human rights defenders prevents them from carrying out legitimate activities, as recognized in the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders).⁵ In NAD human rights defenders have played an important role in investigating, exposing and campaigning against human rights violations. It is because of these activities that they have been targeted.

² Investigations by Komnas HAM in 1998 found evidence of at least 781 deaths, 163 “disappearances”, 368 cases of torture and 102 cases of rape committed between 1989 and 1998. An Independent Commission for the Investigation of Violence in Aceh (*Komisi Independen Pengusutan Tindak Kekerasan di Aceh*, KPTKA) was subsequently established in June 1999. It reported that it had collected information about 5,000 cases of human rights violations committed in NAD in the past ten years.

³ AFP, “Indonesia military chief says Aceh rights trials can wait, peace first” 19 December 2002.

⁴ Article 2(f) of the COH Agreement states that “Both parties will allow civil society to express without hindrance their democratic rights”.

⁵ See appendix 1.

Political activists, who have been able to play a more active role since the fall of former President Suharto in 1998, have also been subjected to human rights violations. In NAD, one of their main platforms has been campaigning for a referendum on independence for the province. Because of their pro-independence stance, political activists have been subjected to human rights violations including “disappearance”, torture and arbitrary detention.

The Indonesian government has expressed concern that the cease-fire is being used by political activists and GAM to strengthen support for independence. Peaceful political protests have continued to be broken up despite commitments in the COH agreement to allow civil society to exercise its democratic rights. On 9 January 2003, four men were reportedly shot and injured, apparently to prevent them from participating in a peaceful rally supporting the cease-fire in Lhokseumawe town, North Aceh District. The shootings and the subsequent arrest of political leaders in connection with the rally, is indicative of the limits on freedom of expression and association which still exist in NAD.

Following the rally, on 12 February 2003, **Muhammed Nazar**, the Chairman of the Aceh Information Referendum Center (*Sentral Informasi Referendum Aceh*, SIRA), which promotes a referendum on independence for NAD, was arrested in the provincial capital of Banda Aceh. **Kautsar**, a political activist who reportedly gave a speech at the rally, has also been threatened with arrest. **Faisal Ridha**, another SIRA activist, has been summoned as a suspect in connection with his peaceful political activities, and two other SIRA members have been summoned as witnesses. In a separate incident, SIRA member **Abdullah** was detained for four days after being arrested in Aceh Barat Daya District, apparently when the police discovered SIRA documents which he was carrying.

Both Muhammed Nazar and Kautsar have previously been detained. Muhammad Nazar was sentenced to 10 months' imprisonment in 2001 after being found guilty of "spreading hatred against the government". Kautsar, the former chair of the Aceh People's Democratic Resistance Front (FPDRA), spent four months in detention before being acquitted also of charges of "spreading hatred against the government, in late 2001. Both men were considered by Amnesty International to be prisoners of conscience. In September 2002, Kautsar and another activist, Tgk. M Nazir Azis, were detained and ill-treated by members of the military, after organizing a peaceful public meeting to demand a cease-fire. Both men were released two days later.



Demonstrators in Banda Aceh, May 2001. The sign reads “When law comes out of the barrel of a gun = Tragedy Simpang KKA”. It refers to an incident known as Simpang KKA, in which dozens of protesters were killed when the security forces opened fire on them in Dewantara Sub-district, North Aceh District in May 1999. © Private.

Two Acehese political activists were sentenced to prison terms for their peaceful political activities in 2002. In December 2002, **Raihana Diany**, the leader of the Acehese Democratic Women's Organization (*Organisasi Perempuan Aceh Demokratik*, ORPAD) was sentenced to six months' imprisonment for insulting the President by defacing a photograph of the President during a peaceful demonstration in July 2002. She was released in January 2003 upon completing her sentence. In January 2002, **Faisal Saifuddin**, the Chairman of SIRA's Jakarta branch was sentenced to one year imprisonment for his involvement in two peaceful demonstrations in front of the United Nations' (UN) office in Jakarta in November 2000. He was released upon completing his sentence. Amnesty International considered Raihana Diany and Faisal Saifuddin to be prisoners of conscience.

Intimidation, such as attacks on the offices of political organizations has also occurred. In May 2002 the ORPAD office in Banda Aceh was raided and graffiti written on one of the office walls accusing ORPAD members of being members of the outlawed Indonesian Communist Party (*Partai Komunis Indonesia*, PKI).⁶ The raid followed a telephone call in which the caller threatened to “finish off” the women. The SIRA office in Banda Aceh was similarly attacked and painted with graffiti in 2001. The perpetrators of these attacks have not been identified.

GAM has also been responsible for intimidating and threatening activists, although reports of threats and intimidation by GAM are often difficult to verify. One humanitarian group in Banda Aceh reported in May 2000 that its members had been threatened with death and told that their office would be bombed by individuals who identified themselves as members of GAM. Following this, several staff members of the organization received threats by letter and telephone.

Background

Between 1989 and 1998, when NAD (formerly known as Aceh) was designated as a Military Operations Area (*Daerah Operasi Militer*, DOM), counter-insurgency operations by the Indonesian security forces against GAM resulted in gross human rights violations. Amnesty International estimates that between 1989 and 1993 alone, 2,000 civilians were unlawfully killed. Although the level of violations declined in the following years, regular reports of unlawful killings, “disappearances, arbitrary arrest and torture continued to be received.

Following the 1998 resignation of former President Suharto, there were hopes that the human rights situation in the province would improve. A number of government statements and initiatives at the time indicated a willingness on the part of the new government to improve the human rights situation. An important element in these efforts involved initiatives to investigate past human rights violations and commitments to bring those responsible to justice – commitments which were never fulfilled.

From late 1998, the situation in NAD once again deteriorated as violent conflict between the Indonesian security forces and GAM intensified and led to widespread abuses by both sides. A dialogue between the Indonesian government and GAM, facilitated by the Swiss based Centre for Humanitarian Dialogue (HDC) was initiated in 2000 and an agreement known as the Humanitarian Pause was signed in May 2000. The agreement quickly collapsed, and the situation continued to deteriorate over the next years. Local human rights organizations estimate that over 1,000 people were killed in 2001 and over 1,300 people were killed in 2002. Hundreds of cases of “disappearances” and unlawful detention were also reported, and torture in detention was routine.

⁶ The Indonesian Communist Party (*Partai Komunis Indonesia*, PKI) was banned after it was accused of being behind an alleged coup attempt in 1965. Thousands of alleged communists were killed and detained during the following years. During the rule of former President Suharto, political opponents were regularly accused of being communist and imprisoned. Despite the political reforms since 1998, the communist label continues to have strongly negative implications in Indonesia and the PKI is still banned.

APPEAL CASE

The extrajudicial execution of Musliadi, human rights defender

“We want this case to be followed up by legally by the Indonesian authorities. We want the perpetrators to be found”

Muhammad Nazar, Aceh Referendum Information Center (*Sentral Informasi Referendum Aceh, SIRA*)



Musliadi, 4 December 2002 ©SIRA

The body of **Musliadi**, a 25-year-old human rights and political activist was discovered near a bridge over a river in Lembah Seulawah Sub-district, Aceh Besar District on 3 December 2002. He had been missing since 30 November 2002, when he had been detained by six plain-clothed armed men in the provincial capital Banda Aceh. His body had large bruises on the legs, back and chest, burns on the face and right wrist, and a stab wound at the back of the head.

Musliadi was the leader of the West Aceh Youth and Student Action

Coalition (*Koalisi Aksi Gerakan Mahasiswa dan Pemuda Aceh Barat, KAGEMPAR*). He was also a member of the pro-independence political organization Centre for a Referendum in Aceh (*Sentral Informasi Referendum Aceh, SIRA*). On 30 November 2002, Musliadi and four other people had gathered in the KAGEMPAR office to break the fast observed by Muslims during the month of Ramadan. At around 6.30 pm, a dark Toyota minivan carrying six plain-clothed armed men arrived at the office. Four of the men entered the office, ordered those present to line up and checked their identification cards. After approximately ten minutes the men left, ordering Musliadi to accompany them.

During the following days KAGEMPAR activists searched for Musliadi at police and military posts in Banda Aceh. However, the police and military both denied detaining him. On 3 December 2002, an unidentified body was found floating in a river in Lembah Seulawah Sub-district, some 70 km outside Banda Aceh. The body was taken to a hospital in Banda Aceh, where it was identified as Musliadi. No autopsy was performed and it remains unclear exactly how and why Musliadi was killed. However, there are serious concerns that he may have been killed because of his activities against human rights violations and violence in NAD. On 2 December 2002, witnesses reported seeing the vehicle used at the time of Muliadi's detention in the parking lot of Banda Aceh Police Resort (Polres Banda Aceh).

Musliadi's body was found only days before signing of a Cessation of Hostilities (COH) Agreement between the Government of Indonesia and the armed opposition Free Aceh Movement (*Gerakan Aceh Merdeka, GAM*) on 9 December 2002. He was one of eight representatives of Acehnese civil society who had been selected to witness the signing of the agreement in Geneva, Switzerland.

Recommended action

Please send politely worded letters in English, Bahasa Indonesia or your own language,

- ✍ expressing serious concern that Musliadi was found killed after being detained by unknown men at the KAGEMPAR office in Banda Aceh on 30 November 2002;*
- ✍ urging the authorities to carry out an effective and independent investigation into Musliadi's killing and urging that the findings of the investigation be made public;*
- ✍ urging that anyone suspected of involvement in his killing be brought to justice in a process that meets international standards for fair trial and that his family be given reparations;*
- ✍ calling on the authorities to take concrete measures to guarantee the security of human rights defenders as guaranteed in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. This would include inviting the UN Special Representative on Human Rights Defenders to visit Indonesia, including NAD Province.*

Addresses for appeals

National Police Chief

Com. Gen. D'ai Bachtiar
Markas Besar Kepolisian RI
Jl. Trunojoyo 3
Kebayoran Baru
Jakarta Selatan
Indonesia

Fax: +62 21 720 1402

Salutation: Dear Commander General

Chief of Police – Nanggroe Aceh Darussalam

Brigader General BahrumSyah Kasman
Jalan Cut Meutia No. 3
Banda Aceh
Nanggroe Aceh Darussalam
Indonesia

Fax: +62 651 22488

Salutation: Dear Inspector General

President of the Republic of Indonesia

Megawati Sukarnoputri
Istana Merdeka
Jakarta 10110
Indonesia

Fax: + 62 21 345 2685 / + 62 21 526 8726 / + 62 21 380 5511 / + 62 21 345 7782

Salutation: Dear President

National Commission on Human Rights (Komnas HAM)

Abdul Hakim Garuda Nusantara, Chairman
Jl Latuharhary No. 4B
Menteng
Jakarta Pusat 10310
Indonesia

Fax: +62 21 392 5227

Salutation: Dear Chairman

APPEAL CASE

The extrajudicial execution of Jailani bin Yahya, Human Rights Defender

“We want to be tried...if proven guilty, put us in jail... just don’t kill us!”
SPKP HAM member, 2001



Jailani bin Yahya, © Private

Jailani bin Yahya, a 26-year-old staff member of the Association of Human Rights Abuse Survivors (*Solidaritas Persaudaraan Korban Pelanggaran HAM Aceh*, SPKP HAM) is believed to have been extrajudicially executed in February 2002 after being detained by members of the Indonesian military (*Tentara Nasional Indonesia*, TNI) in Cot Baroh village, Glumpang Tiga Sub-district, Pidie District, Nangroe Aceh Darussalam (NAD).

Jailani bin Yahya, who lived in the provincial capital Banda Aceh where the main office of SPKP HAM was located, had returned to his home in Cot Baroh village to visit his family. At around 12 noon on 4 February 2002, witnesses reported having seen him being stopped and having his identification card checked by members of the Indonesian military on the main road in Cot Baroh village. It is believed that the soldiers recognized Jailani bin Yahya as the son of a member of the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM) who had been killed by the military in 2000. The soldiers forced him into their truck, apparently to take him to the site of his fathers grave.

Later the same day villagers found Jailani bin Yahya’s body near his father’s grave. The bodies of the two other people, a farmer and a student, who had reportedly been detained at the same time as Jailani bin Yahya were found nearby. Both had been shot in the head.

Other members of SPKP HAM, a province-wide network of survivors of human rights violations, have also been subjected to human rights violations. In March 2002, three members of the organization, **Drs Nasrullah Ibrahim** (aged 45), **Muhammad** (aged 22) and **Rizal Fahlevi** (aged 23) were held in incommunicado detention by police for four days before being released without charge. All three were tortured or ill-treated. **Koes Sofyan**, the head of the South Aceh District Branch of SPKP-HAM was detained by members of the Special Forces Command (*Komando Pasukan Khusus*, Kopassus) and held for nearly three months before being released without charge. No investigations are known to have been carried out into these cases.

Jailani bin Yahya had become active in SPKP-HAM after the killing of his father in 2000. No investigation by the authorities into the killing of Jailani bin Yahya or the two other men is known to have been carried out.

Recommended action

Please send politely worded letters in English, Bahasa Indonesia or your own language,

- ✍* urging the authorities to carry out an effective and independent investigation into the killing of Jailani bin Yahya who was last seen alive being detained by member of the military;
- ✍* urging that the findings of the investigation be made public;
- ✍* calling for those suspected of involvement in Jailani bin Yahya's killing to be brought to justice in a process that meets international standards for fair trial and that his family be given reparations;
- ✍* calling on the authorities to take concrete measures to ensure the security of human rights defenders in Aceh as guaranteed in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. This should include inviting the UN Special Representative on Human Rights Defenders to visit Indonesia, including NAD.

Addresses for appeals

Commander – KODAM Iskandar Muda

Maj.Gen. M Djali Yusuf
Jl. Ahmad Yani, Simpang Lima
Banda Aceh
Nanggoroe Aceh Darussalam
Indonesia

Fax: +62 651 270 63

Salutation: Dear Major General

Chief of Police – Nanggroe Aceh Darussalam

Brigader General BahrumSyah Kasman
Jalan Cut Meutia No. 3
Banda Aceh
Nanggroe Aceh Darussalam
Indonesia

Fax: +62 651 22488

Salutation: Dear Inspector General

President of the Republic of Indonesia

Megawati Sukarnoputri
Istana Merdeka
Jakarta 10110
Indonesia

Fax: + 62 21 345 2685 / + 62 21 526 8726 / + 62 21 380 5511 / + 62 21 345 7782

Salutation: Dear President

National Commission on Human Rights (Komnas HAM)

Abdul Hakim Garuda Nusantara, Chairman
Jl Latuharhary No. 4B
Menteng
Jakarta Pusat 10310
Indonesia

Fax: +62 21 392 5227

Salutation: Dear Chairman

APPEAL CASE

The “disappearance” of Junaidi, political activist

Junaidi, the 37-year-old head of the Aceh Besar District Branch of the Aceh Referendum Information Center (*Sentral Informasi Referendum Aceh*, SIRA), a student based organization which campaigns for a referendum on independence in Nanggroe Aceh Darussalam (NAD), was last seen after being detained by members of the Army Strategic Reserve Command (Kostrad), a combat unit of the Indonesian Military (*Tentara Nasional Indonesia*, TNI).

On 8 January 2002, Junaidi and a colleague were visiting the office of the regent (*bupati*) in Jantho town, Selimeun Sub-district, Aceh Besar District on work-related business. According to witnesses, the two men were stopped by a group of uniformed Kostrad officers in front of the *bupati*'s office. The Kostrad officers asked for Junaidi, and after having confirmed his identity ordered him to come with them.

At around 5 pm on the same day, one of Junaidi's relatives received a phone call from him saying that he was being detained in Seulimeum Sub-district. In February 2002, SIRA activists received information that Junaidi was being detained, possibly in the Police Mobile Brigade (*Brigade Mobil*, Brimob) headquarters in the provincial capital Banda Aceh. However, both the military and police denied detaining Junaidi. The following month, the Commander of the Regional Military Command (*Komando Daerah Militier*, Kodam) covering Nanggroe Aceh Darussalam (NAD) reportedly stated at a meeting that Junaidi was being held by the military on suspicion of providing logistical assistance to GAM. He has not been heard of since then.

SIRA activists have been among the most outspoken civil society organizers in NAD, and have been subjected to human rights violations in the past. In September 2000 two SIRA activists, **Muhammad Saleh** and **Muzakkir**, were detained first at the Brimob headquarters and then at the Police Resort (Polres) in Banda Aceh, where they were tortured including by being forced to strip and blindfolded, kicked and beaten with baseball bats and chairs. According to Muhammad Saleh's testimony some 40 people were involved in the beatings. The two men were released at around 5 pm the following day without charge. The authorities have never investigated the allegations of torture and ill-treatment.

Members of SIRA have also been sentenced to prison terms for their peaceful political activities. In March 2001, SIRA Chairman **Muhammad Nazar** was sentenced to 10 months' imprisonment, while **Faisal Syaifuddin**, the head of SIRA's Jakarta branch was sentenced to one years imprisonment in January 2002. Both men were charged with violating articles under the “Hate-sowing Articles” of the Indonesian Criminal Code (KUHP) which forbid “spreading hatred” against the Indonesian government. In the past, these articles have been widely used to detain and imprison political activists and others opposing the government. Amnesty International regarded both men to be prisoners of conscience. They have been released upon serving their sentences.

Recommended action

Please send politely worded letters in English, Bahasa Indonesia or your own language,

- ✍* expressing concern about the whereabouts of Junaidi, who was reportedly last seen being detained by members of Kostrad in Janthoo town, Aceh Besar District on 8 January 2002;
- ✍* urging the authorities to immediately clarify Junaidi's whereabouts;
- ✍* urging the authorities to carry out an effective and independent investigation into Junaidi's "disappearance" and urging that the findings of the investigation be made public;
- ✍* calling for those responsible for Junaidi's "disappearance" to be brought to justice in a process that meets international standards for fair trial;
- ✍* calling on the Indonesian government to ensure that those peacefully exercising their right to freedom of expression are not subjected to human rights violations, as guaranteed under international standards including the Universal Declaration on Human Rights (UDHR).

Addresses for appeals

Commander – KODAM Iskandar Muda

Maj.Gen. M Djali Yusuf
Jl. Ahmad Yani, Simpang Lima
Banda Aceh
Nanggoroe Aceh Darussalam
Indonesia

Fax: +62 651 270 63

Salutation: Dear Major General

Commander of the Army Strategic Reserve Command (KOSTRAD)

Maj. Gen. Bibit Waluyo
Panglima KOSTRAD
Kantor KOSTRAD
Jl. Merdeka Timur 3
Jakarta
Indonesia

Fax: 62 21 384 9020

Salutation: Dear Major General

President of the Republic of Indonesia

Megawati Sukarnoputri
Istana Merdeka
Jakarta 10110
Indonesia

Fax: + 62 21 345 2685 / + 62 21 526 8726 / + 62 21 380 5511 / + 62 21 345 7782

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Jl Latuharhary No. 4B
Menteng
Jakarta Pusat 10310
Indonesia

Fax: +62 21 392 5227

Salutation: Dear Chairman

APPEAL CASE

The possible “disappearance” of Zakaria, political activist

Zakaria, the 34-year-old head of the Regional Committee of the Aceh People’s Democratic Resistance Front (*Front Perlawanan Demokratik Rakyat Aceh*, FPDRA) in Biruen town, Aceh Jeumpa District, NAD Province has not been seen since 28 October 2002. He was last seen riding his motorbike in Biruen town around 12.45 pm. He had previously been threatened by a member of the Indonesian military and there are grave concerns for his safety.

In mid-October 2002, Zakaria received threats that he would be detained because of his activism with FPDRA, a political organization which campaigns for independence for NAD through non-violent means. A person believed to be a member of a military intelligence unit stationed in Ulul Al-Bab religious school, Cot Gapu Sub-district, Jeumpa District reportedly threatened him that “*Mr. Zakaria, you are already involved in politics so be careful, because if we can’t get you now, there will be a time when we can get you*”.

Following Zakaria’s possible “disappearance”, local human rights organizations have received information that he may be being held by military intelligence in the Ulul Al-Bab religious school where troops are stationed. Meanwhile, Zakaria’s family has searched for him in military and police facilities in North Aceh Province, but have been told that he is not being held there. Reports that Zakaria’s body has been found in Medan, North Sumatra Province remain unconfirmed.

Zakaria had been detained on two previous occasions in connection with his activism with FPDRA. In March 2002 he was detained at the office of FPDRA in Bireun town by members of the Special Forces Command (Kopassus). On 15 August 2002, 12 members of FPDRA, including Zakaria were detained by police following a demonstration in the provincial capital Banda Aceh. On both occasions Zakaria was released after one day.

Other members of FPDRA have also been subjected to human rights violations. In July 2001, three FPDRA members were detained while travelling to a demonstration. Two were released the following day but **Kautsar**, the Chairman of FPDRA, was charged with “spreading hatred” against the Indonesian government. He was detained for four months before being tried and acquitted in November 2001. Kautsar has been summoned as a suspect of organizing a peaceful demonstration in support of the COH Agreement, in North Aceh District on 9 January 2003. Four men who were attending the demonstration were reportedly shot and injured by members of the Police Mobile Brigades (Brimob), apparently in order to prevent them from participating in the demonstration.



Political protesters in Banda Aceh, ©FPDRA

Recommended action

Please send politely worded letters in English, Bahasa Indonesia or your own language,

- ✍* expressing serious concern at the possible “disappearance” of Zakaria on 22 September 2002;
- ✍* urging the authorities to immediately clarify if he has been detained and if so to make public his whereabouts and the reason for his detention immediately;
- ✍* urging that, if he is being detained that he be released immediately and unconditionally unless he is to be charged with a recognizable criminal offence;
- ✍* calling on the authorities to provide guarantees for his safety, including assurances that he is not subjected to torture or other human rights violations;
- ✍* calling on the Indonesian government to ensure that those peacefully exercising their right to freedom of expression are not subjected to human rights violations, as guaranteed under international standards including the Universal Declaration on Human Rights (UDHR).

Addresses

Commander – KODAM Iskandar Muda

Maj.Gen. M Djali Yusuf
Jl. Ahmad Yani, Simpang Lima
Banda Aceh
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Indonesia
Fax: +62 651 270 63
Salutation: Dear Major General

Chief of Police – Nanggroe Aceh Darussalam

Brigader General BahrumSyah Kasman
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Salutation: Dear President

National Commission on Human Rights (Komnas HAM)

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Salutation: Dear Chairman

APPENDIX 1. Declaration on HRDs

**UNITED
NATIONS**

A



**General
Assembly**

Distr.
GENERAL
A/RES/53/144
8 March 1999

**Declaration on the Right and Responsibility of Individuals,
Groups and Organs of Society to Promote and Protect Universally
Recognized Human Rights and Fundamental Freedoms**

General Assembly resolution 53/144

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998, See *Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23)*, chap. II, sect. A. in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Taking note also of Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, Resolution 217 A (III).

1. *Adopts* the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.

*85th plenary meeting
9 December 1998*

ANNEX

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights² and the International Covenants on Human Rights Resolution 2200 A (XXI), annex. as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights,² the International Covenants on Human Rights³ and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and

fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, *inter alia*:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

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