

Amnesty International briefing on the deteriorating human rights situation in Aceh for participants in the ASEAN Regional Forum (ARF), July 2001

1. Background: New military operations in Aceh

On 11 April 2001 President Wahid issued Presidential Instruction IV/2001 (*Inpres IV/2001*) on 'comprehensive steps towards resolving the problems of Aceh'. Although the Instruction lists political, social, economic and legal measures as part of the comprehensive approach, the main focus has been on new security arrangements which have resulted in renewed military operations and a further deterioration in the already serious human rights situation.

Military operations against the armed political group, the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM), had been threatened for months but were finally prompted by the forced closure of ExxonMobil facilities in North Aceh on 9 March 2001 after a series of attacks on its staff and facilities, allegedly by GAM, and by the virtual collapse of peace negotiations between the government and GAM. In mid-March 2001, GAM was officially declared a separatist movement and demands were made by military, police and some government officials for military operations against the armed group.

Under *Inpres IV/2001* the police and military were instructed to cooperate to restore security and order to Aceh. On 14 April 2001, the Commander of the Armed Forces, Admiral Widodo, issued a decision to set up a special military command, TNI Operational Command (*Komando Pelaksana Operasi TNI - KOLAOPS TNI*), to take charge of military operations in Aceh. The number of military personnel in Aceh is now estimated to be in the region of 12,000. The police contingent numbers around 20,000 and includes a significant component of the Police Mobile Brigade (Brimob), a para-military police unit which has been responsible for many of the human rights violations committed in Aceh over the past two years.

One thousand troops, drawn from the army, navy and air force, received training in counter-insurgency techniques at the Special Forces Command (*Kopassus*) training centre in West Java before being deployed to Aceh as part of the new operations. *Kopassus* is a military elite force which has been responsible for some of the most grave human rights violations in Indonesia including in Aceh, Papua (Irian Jaya) and East Timor. Members of *Kopassus*, including its former Commander, General Prabowo, were also implicated in the "disappearance" of political activists in 1998, 14 of whom are still missing. The deployment of troops is being overseen by the Operations Assistant of the Indonesian military, Major-General Adam Damiri, who is among the suspects named by the Indonesian Attorney General in the investigations into crimes against humanity committed in East Timor during 1999.

For its part, GAM has warned that it will fight back against the new military operations and warned non-Acehnese people to leave the province. In a statement quoted in the media in late April, GAM's North Aceh deputy commander Sofyan Daud, said "*non-Acehnese residents, we ask you to leave the country of our forebears as soon as possible...we ask our brothers from the Javanese ethnic group to temporarily move out...*". Other GAM commanders have stated that they are willing to continue the peace dialogue with Indonesia under certain conditions.

Some parliamentarians and other influential individuals and groups in Indonesia have expressed their concern about the military operations in Aceh and have urged the government to focus

more on dialogue and negotiations. The former Minister for Human Rights, Hasballah Saad, was quoted in the Straits Times of 22 March 2001 as saying: "The root of the problem is injustice, but we are dealing with only the symptoms". The Secretary-General of the National Commission of Human Rights (Komnas HAM) also urged the government to emphasise dialogue rather than military action.

2. Amnesty International's concerns

Amnesty International is concerned that the new security operations in Aceh have resulted in a further deterioration in the human rights situation. There are daily reports of grave human rights abuses by both the Indonesian security forces and GAM. Amnesty International is particularly concerned by the targeting of human rights defenders, humanitarian workers, journalists and political activists by the security forces in what appears to be a coordinated effort to prevent them from carrying out their legitimate, peaceful activities.

Extrajudicial executions

Amnesty International continues to receive daily reports of extrajudicial executions in Aceh. Such reports are becoming increasingly difficult to verify given increased security threats directed at local NGOs who are attempting to monitor the human rights situation on the ground. Despite the constraints on their activities, the Commission for the Victims of Disappearance and Violence (Kontras) has collected data on 40 killings, seven "disappearances", 10 cases of torture and 19 of arbitrary detention that took place between 11 April 2001 (the date that Presidential Instruction IV/2001 was issued) and 20 April 2001. The Legal Aid Foundation (LBH) reported on 1 June 2001 that 155 had been killed since 11 April 2001. Amnesty International is unable to confirm these figures. Kontras and other Aceh-based NGOs estimate that close to one hundred people, many of them ordinary civilians, have been killed each month this year. According to media reports bodies are often discovered bearing the marks of torture. In many cases it is not possible to identify the perpetrators.

Impunity

Investigations into past cases of violations, including against human rights defenders and political activists, have either not been carried out or have not resulted in perpetrators being brought to justice. Amnesty International knows of only one trial since January 2000 in which members of the Indonesian security forces have been brought to justice for committing human rights violations.¹ This failure to resolve cases of extrajudicial executions, torture, arbitrary detention and other violations reinforces the belief of both the security forces and GAM that they can act with impunity.

Internal displacement

Clashes between the security forces and GAM have resulted in civilian casualties and the internal displacement of thousands of people. Ambushes by GAM regularly result in sweeping operations in the surrounding villages as the security forces try to locate members of GAM. Buildings are often set on fire during such operations and civilians subjected to human rights violations. Among the recent incidents reported in the media were the burning of 30 houses and shops in Meukek Sub-district of South Aceh on 16 May 2001 following a clash between GAM and the security forces. According to

¹ One civilian and 24 soldiers, accused of killing a religious teacher and over 50 of his students in July 1999, were brought to trial in a joint military/civilian court in April 2000. They were found guilty and sentenced to terms of imprisonment of up to ten years. Amnesty International is concerned that the trial did not meet international standards for fair trial.

Agence France Press (AFP) which reported the story, both sides have denied responsibility. Two civilians, including a female school teacher, were killed in the same incident after being caught in the cross-fire. The previous week more than 100 houses had been set on fire after the security forces conducted a sweeping operation in Samalanga Sub-district in Bireun District. Further displacement has been caused by GAM's warning to non-Acehnese people, in particular Javanese residents, to leave the province. GAM, which has now taken over the administration of large parts of Aceh, is also reported to be forcibly recruiting people, particularly young men, in the villages.

The targeting of human rights defenders, humanitarian workers, political activists and journalists

The security of human rights defenders and humanitarian workers in Aceh has been precarious for many months but in the last weeks the threats and intimidation against them has intensified. Human rights defenders and other activists have fled the province, and some have sought safety abroad. Access for journalists and human rights monitors to Aceh, which was already poor, has deteriorated further since the new security operations began, making comprehensive monitoring of the situation in Aceh impossible and the daily reports of abuses by both sides being carried in the media difficult to verify. Communication is increasingly difficult as telephone lines and electricity have frequently been cut in the past weeks. Stop and search operations by both the security forces and GAM make travelling by road both difficult and dangerous.

Recently, a number of leading human rights and political activists have been accused of criminal acts and are the subject of police investigations. Amnesty International fears that these sanctions are intended to prevent or intimidate them and others from carrying out their legitimate work. One leading political activist, Muhammad Nazar, has already been sentenced and imprisoned in violation of his fundamental human rights. Amnesty International considers him to be a prisoner of conscience.

3. Recent cases of human rights violations

Human rights defenders

A number of human rights defenders are currently under investigation by the police in connection with a case in which members of the Police Mobile Brigade (Brimob) are alleged to have raped a number of women from South Aceh. Five of the victims, who had travelled to Banda Aceh in February 2001 with the assistance of a number of NGOs to give their testimonies to the National Commission on Human Rights (Komnas HAM), were detained by the police and members of Brimob as they returned to their village on 3 March 2001. Two volunteers from the human rights organization, Kontras, who were accompanying the women back to their village, were also detained briefly. The five rape victims were still being held under "police protection" as of May 2001.

While in police custody the women retracted their allegations that members of Brimob raped them and they claimed instead that they had been kidnapped by GAM and had been forced to make the accusations against Brimob. The police have since launched an investigation into defamation and kidnap. A number of activists involved in assisting the women to bring their case to Komnas HAM and eight journalists have been summoned for questioning in relation to the investigation. One of them, Teungku Al-Kamal, was shot dead in Sawang Sub-district, South Aceh on 29 March 2001 together with his lawyer, Sufrin Sulaiman (also a member of the Human Rights Coalition for Aceh, *Koalisi NGO HAM Aceh*), and his driver, Amiruddin. The killings happened as the three were returning from the South Aceh Police Resort (Polres) where Teungku Al-Kamal had been summoned for questioning about the rape case. The identity of the perpetrators remains unclear.

In April 2001, the head of the Banda Aceh branch office of Komnas HAM, was summoned to the Aceh Regional Police Headquarters (Polda) for questioning. The following month, the Aceh Coordinator of KontraS was also summoned and in June 2001, two representatives of women's organizations who were part of the group of five NGOs which had assisted the women, received summons. As of late May 2001 there has been no investigation into the killing of Teungku Al-Kamal, his lawyer and driver, although the Chief of Police for Aceh had announced in April 2001 that a team would be set up to investigate the killings.

In light of the killing of Teungku Al-Kamal and other recent human rights violations against human rights defenders, Amnesty International is concerned for the safety of all those under investigation in this case and of the rape victims. A thorough and impartial investigation of the allegations of rape is required to establish whether or not members of Brimob were responsible. In the meantime, Amnesty International is concerned that the police accusations against, and investigations of, human rights activists linked to this case are intended primarily to intimidate them and discourage them from continuing with their human rights work.

Other recent cases of violations against human rights defenders, which have not yet been investigated or brought to trial, include:

- The torture and extrajudicial execution of three members of the Aceh based organization, Rehabilitation Action for Torture Victims in Aceh (RATA) in North Aceh District on 6 December 2000. A police investigation into the killings has taken place and eight people were detained including four members of the regional military command and four civilian military informers. The four civilians escaped from detention in March 2001 and have not been recaptured.
- The killing of Jafar Siddiq Hamzah, a lawyer and activist on human rights in Aceh whose tortured body was found in early September 2000 after he "disappeared" on 5 August 2000. A police investigation has so far not resulted in the identification of any suspects.

Political activists

Political activists with the Information Centre for a Referendum on Aceh (SIRA) have been subjected to repeated threats and intimidation over the past year. The Chair of SIRA is currently serving a ten-month prison sentence. Amnesty International considers him to be a prisoner of conscience. Other members of SIRA have been subjected to arbitrary detention and torture in recent months. During May 2001 the pressure on the organization intensified. SIRA offices in both Banda Aceh and Jakarta were raided and its members in Jakarta have been accused of responsibility for a bomb explosion in the capital on 10 May 2001.

Amnesty International believes that SIRA activists are being targeted because of their political activities in support of a referendum on Aceh's political future. Amnesty International takes no position on the political aspirations of SIRA but is concerned that they should be permitted to carry out their activities in accordance with their rights to freedom of opinion, expression and association.

In the second week of May 2001, SIRA's offices in both Banda Aceh and Jakarta were raided. Property was damaged or removed from both offices. The Jakarta office which was raided twice in the space of a week had graffiti written on the walls which accused SIRA of being a communist organization.

In the same week, SIRA was publicly accused of responsibility for a bomb blast in a hostel for students from Aceh in South Jakarta on 10 May 2001 in which three people died. SIRA issued a statement on 12 May 2001 in which it condemned the bombing and denied any involvement in it or any other violent activities. A number of SIRA members have been summoned for questioning by the police in both Jakarta and Banda Aceh since the bombing. However, the summons in each case refer not to the bombing but to various peaceful political activities in which the SIRA members were involved during the year 2000. An activist with the human rights organization Solidamor, Bonar Tigor Naipospos, has also been publicly accused by the police of involvement in the bombing. Bonar Tigor Naipospos is a former prisoner of conscience who was arrested in 1989 and sentenced to eight-and-a-half years' imprisonment for possessing and distributing literature said to contain communist ideas.

In the meantime, the Chair of SIRA, Muhammad Nazar continues to serve a ten-month prison sentence after being found guilty in March of violating Article 154 of the Criminal Code, which forbids the public expression of feelings of hostility, hatred or contempt towards the government. The accusations against him focused on his political activities in August 2000. These included the dissemination of leaflets and brochures and displaying banners which called for a peaceful resolution to the Aceh conflict and in which Indonesia was described as being "neo-colonialist". Amnesty International considers Muhammad Nazar to be a prisoner of conscience and is calling for his immediate and unconditional release.

Other SIRA activists have been subjected to brief periods of arbitrary detention. In some cases they have been tortured. Seven members of SIRA and one other person were detained by the police on the night of 21 March 2001. They were detained after police, some wearing masks, arrived at their office in Banda Aceh soon after 10pm. They were all released the following morning without charge. On 19 September 2000, Muhammad Saleh and Muzakkir, both members of SIRA, were abducted by unidentified armed men. They were taken first to the Brimob headquarters in Banda Aceh and then to the Aceh Besar Police Resort (Polres) where they were punched, kicked and severely beaten with the butts of guns and chairs. There have been no investigations into these and other human rights violations committed against SIRA activists.

Journalists

Both national and international media have faced increasing restrictions on their work in Aceh in the past months. In January 2001 visas issued to visiting foreign journalists stated that they were not valid for travel to Aceh, Papua and the Maluku islands.² These restrictions were soon lifted, or at least not enforced, following complaints from the Foreign Correspondents Club in Jakarta and others. However, non-accredited journalists continue to be restricted from travelling to certain areas, including Aceh, without obtaining official permission in advance. A number of journalists working in Aceh have become the victims of human rights violations.

On 15 May 2001, Murizal Hamzah, the editor of a weekly Acehnese newspaper, Media Kutaraja, who was travelling with a team of journalists from the Sydney Morning Herald, was beaten by troops near the town of Lhok Nibong in North Aceh District. Murizal Hamzah was reported to have been taking photographs of troops clearing a barricade from the road when he was called over by a soldier who then beat him. He was detained for three hours. The Sydney Morning Herald also reported another attack on journalists the same day in which two Indonesian journalists were beaten by soldiers and had their cameras, telephones and identification papers confiscated in the Samudera area of North Aceh.

² These restrictions did not apply to accredited foreign journalists already based in Indonesia.

On 25 May 2001, Torgeir Norling, a Norwegian journalist, together with two Aceh-based NGO activists, were detained by the police in Peudada, North Aceh. Torgeir Norling was reportedly investigating allegations of rape and other human rights violations committed by the security forces in the region. According to media reports, a local police spokesman stated that they were detained because the police wanted to question them about their activities in Aceh and to check Torgeir Norling's travel documents. The three were released early the next day without charge, but Torgeir Norling was prevented from continuing his investigation, apparently because he did not have official permission to travel in Aceh.

4. Recommendations

a) Upholding human rights during internal armed conflict

Amnesty International urges the Indonesian government to fulfil its obligations under international human rights and humanitarian law to which it remains bound in all circumstances, including internal armed conflict. In particular:

- instructions should be issued to both the military and police that basic human rights, including the right to life, must be protected. Acts of provocation by GAM cannot be used to justify reprisal attacks on civilians under any circumstances;
- prompt, independent and impartial investigations should be carried out into any reported violations committed and the results of such investigations should be made public;
- anyone implicated in such an inquiry should be brought to justice in procedures which meet with international standards for fair trial.

b) The protection of human rights defenders and humanitarian workers

Amnesty International urges the Indonesian authorities to uphold the provisions of 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 (Declaration on Human Rights Defenders). In particular, the Indonesian authorities are urged to:

- ensure that national and international human rights defenders have secure, unimpeded and unhindered access to all parts of Aceh and that they are able to carry out their work free from fear of human rights violations and intimidation;
- ensure that humanitarian workers have secure and unhindered access to all internally displaced persons in Aceh.

c) Upholding rights to freedom of opinion, expression, assembly and association

Amnesty International urges the Indonesian authorities to ensure that everyone in Aceh, including peaceful political activists, are able to exercise their rights to freedom of opinion, expression, assembly and association without fear of human rights violations, including extrajudicial executions, torture or arbitrary detention. In particular, the authorities are urged to :

- release prisoners of conscience immediately and unconditionally;
- guarantee that peaceful political activists can carry out their activities without fear of human rights violations or intimidation.

d) Recommendations to GAM

Amnesty International condemns human rights abuses committed by armed political groups. The organization calls on GAM to uphold the minimum standards laid down in international humanitarian law. In particular, GAM should:

- refrain from committing acts prohibited in Common Article 3 of the Geneva Conventions including the arbitrary killing or torture of persons taking no active part in the hostilities and hostage taking;
- ensure that no one under the age of 18 years old is recruited into GAM, either compulsorily or voluntarily.