

.....INDONESIA

A cycle of violence for Aceh's children

"We are used to violence - we have violence for breakfast", 'Ridwan', child victim of human rights violations in Aceh

Introduction

This report focuses on the impact on children in the Indonesian province of Aceh of years of human rights abuses perpetrated during the course of counter-insurgency operations by the Indonesian security forces against the pro-independence armed opposition group, the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM). For further information on the context for these abuses, please refer to the background section on pages 7-12 of this document.

Saiful's story

Saiful (not his real name) was just 13 years old, when his father “disappeared” on 7 January 1991 after he complied with a request by members of the military to accompany them to the local Sub-district military command (Koramil). The family attempted to trace his whereabouts, but in March the same year Saiful’s uncle, who had been given responsibility for the search, was arrested by the military and has been missing ever since.

Traumatized and terrified by their experiences, the family gave up their search. However, a few weeks later, in May 1991, the family became the victim of further violations when the military arrived in their village and beat Saiful and two of his brothers. One of the brothers, who was beaten around the head with a rifle, still suffers health problems as a result of his injuries.

Eight years later, on 7 October 1999, Saiful’s older brother Safriadi, aged 31, was taken from a shrimp farm in the Sub-district of Samalanga in the Bireun District of Aceh by members of the Indonesian military and police. He has not been seen since. Having already experienced the loss of his father and uncle, Saiful resolved to do his utmost to find his brother, but for his efforts he too has been threatened with the same fate. Saiful feels that, despite the dangers to himself, he has no choice but to try and find out the truth about the killing of his father and to trace the whereabouts of his brother:

“The father that I loved was taken from me and I have to do something about it. So many of us want to find out where our relatives are. I have to struggle - there is no choice - already we have three victims in my family.”

A police officer has admitted to Saiful that the security forces were involved in his brother’s “disappearance” and told him to go to the Sub-district military command (Koramil) in Samalanga to ask about his whereabouts. At the Koramil, Saiful was accused of being a member of the pro-independence armed opposition group GAM and told that he would be killed if he continued to ask questions. Since then he has travelled to Jakarta to try and raise his brother’s case with government officials but he has been unable to gain meetings with them. Saiful said that he feels he has failed because he cannot find his brother:

“I feel that it is a failing on my part that I haven’t found him - other people have managed to find members of their family.”

He says that at the very least he wants the security forces to officially acknowledge that they took his brother. If Safriadi is dead Saiful wants to know where he is buried, if he is alive the family wants to know where he is.

Ridwan’s story

Saiful is not alone in the struggle for truth and justice. Ridwan (not his real name) was about 14 years old when his father was taken from his village in Trienggadeng

Sub-district, Pidie District by troops from the Special Command Forces (Kopassus) in March 1991. During the three days in which the family searched for Ridwan's father, Ridwan estimated that he saw 20 corpses:

“Each day we would hear of more bodies - we would go immediately to see if it was my father - we would find them on the side of the road, in plantations and in other places.”

On the third day Ridwan's father's body was discovered in a plantation. He had been shot in the head, there was a six inch nail through his skull, his arms and legs had been cut and his hands were swollen from having been tied up.

One week later Kopassus returned to the village. They came to Ridwan's house looking for documents. His mother only speaks Acehnese and could not understand what they wanted, so Ridwan intervened on her behalf. He was grabbed and thrown to the ground. One of the soldiers then picked up a rock and began to smash Ridwan's hand with it until the pain became so intense that he lost consciousness. The fingers on one hand are now visibly damaged and Ridwan describes it as a daily reminder of what happened. There has been no investigation into the unlawful killing of Ridwan's father or his own torture by Kopassus troops.

An endless cycle of violence

Saiful and Ridwan are among the thousands of children whose parents were unlawfully killed or “disappeared” during counter insurgency operations by the Indonesian security forces against the pro-independence armed opposition group, the Free Aceh Movement (*Gerakan Aceh Merdeka* - GAM). These children have become known as ‘*anak korban dom*’ or ‘children of the victims of DOM’.¹ The security forces' operations in Aceh were at their height in 1991 when Saiful and Ridwan were in their early teens, but continued at a lower level until 1998. The hundreds of unlawful killings and “disappearances” which took place during those years left thousands of children orphaned or with only one parent.

After a brief respite in mid-1998, political violence resumed again and continues today. Once again the majority of the victims are not from the two parties to the conflict but are ordinary civilians. Children are among those who have been killed and injured by the security forces.

¹ “DOM” refers to the period between 1990 and 1998 when Aceh was commonly described as a “military operations area” (*Daerah Operasi Militer*). See below for further information.

According to reports, three children were among around 100 people who were injured when members of the Police Mobile Brigade (Brimob) and the military unit, Rajawali, carried out operations in the town of Idi Rayeuk in East Aceh on 13 and 14 August 2000. The joint forces burnt down shops and stalls in the market place, fired shots, and beat civilians during the two day operation which was prompted by the killing of one and injuring of another member of Rajawali by unidentified civilians in the morning of 13 August 2000. Sitra Rubjanah (aged 12), Abdul Hadi (aged 10) and Putri Riski (aged 8) were all reported to have been injured by bullets. According to a report from one Aceh-based non-governmental organization (NGO), a 15 year-old boy (name unknown) who was working at a coffee shop was ordered by members of Rajawali to lie face down on the ground and was beaten with wooden planks after he responded negatively to their question as to whether he had seen anyone pass by. He was later made to lie in the middle of the road in the sun.

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment [...]

Reports of children being killed during security force operations are not uncommon. Yaserli, aged 16 died and his 19-year-old sister and a teenage cousin were reported to have been injured when members of Brimob fired shots into their house in Air Berudang village in South Aceh while searching for Yaserli's father on 19 April 2000. Local NGOs have reported that the security forces killed Muksalmina, a five-year-old boy, as they chased after a group of people suspected of being members of GAM in Mutiara Sub-district, Pidie District on 21 October 2000. Muksalmina was reported to have been with his father in their chilli garden when he was hit by a bullet. Three others, including 15-year-old Warni who was on his way home from school, were reported to have been injured in the attack.

GAM is also believed to be responsible for causing the

deaths of children in the course of its operations. For example, on 13 April 2000, Zulnida, the 15-year-old daughter of a Sub-district police chief, was reported to have been killed when a hand grenade was thrown into their house.

States are obliged to respect and protect the human rights of everyone within their jurisdiction, including children. Children enjoy the same range of human rights as adults, from the right to life and the right to freedom from torture to the right to freedom of expression and the right to an education. However, their relative lack of power and vulnerability means that children tend to be less able than adults to claim their rights or resist those who would violate them. A state's obligation to protect human rights is therefore particularly important with regard to children.

The 1989 UN Convention on the Rights of the Child is one of the most comprehensive instruments in international human rights law which elaborates human rights specifically for children. It has been signed and ratified by all member states of the UN except two: the United States of America and the collapsed state of Somalia. Indonesia ratified the Convention on the Rights of the Child in September 1990.

The impact of the conflict on children's rights

The impact of the violence on the human rights of Ridwan and Saiful and the thousands of other '*anak korban dom*' has been far reaching. For Saiful's family it meant poverty. He had just finished junior school and was due to begin high school when his father "disappeared". Without his father's income, Saiful's family could no longer afford to let him continue his education. Saiful explained that: "*basically all my family could do was exist - not more - we could not develop. Since then you could describe me as a street child.*"

Local schools were afraid that if Ridwan's father had been killed by the security forces the family must have links with GAM and therefore refused to let Ridwan enrol. Instead he was sent to school in the provincial capital, Banda Aceh.

However, the stigma attached to being an '*anak korban dom*' caught up with him there when his headmaster found out that his father had been killed by the military and told other students that they should not associate with him.

States Parties recognize the right of the child to education, and with a view to achieving this

(a) Make primary education compulsory and available free to all; [...]

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Prospects for employment are also scarce for '*anak korban dom*'. The economy in Aceh has been badly damaged by the ongoing conflict and the economic crisis which hit

Indonesia in 1997. Jobs are scarce, and without an education the chances of finding employment are low. Under the government of former President Habibie (May 1998 - October 1999) reparations were offered including financial compensation, free education and provision of opportunities for '*anak korban dom*' to enter government employment. However, in Aceh there are doubts about the sincerity of the offer since many have yet to receive anything, in some cases because they do not know how to apply, because schools are not functioning, or, in the case of government employment, because they lack the necessary qualifications. Accepting assistance also brings its own risks. The population is actively discouraged by GAM from receiving government assistance and '*anak korban dom*' are among those who fear

that they will be labelled as traitors or collaborators if they take up offers of compensation or other assistance.

Child soldiers in Aceh

The existence of a generation who have known little but brutality by the Indonesian security forces, who have given up hope that justice will be done and often have little prospect of finding employment has created fertile ground for recruitment by GAM. Children of DOM victims are said to be particular targets and, although some join voluntarily, others are coerced. The numbers recruited by GAM are unknown but Amnesty International has received information about a number of 16 and 17 year old children, both boys and girls, who have recently joined GAM. Those who refuse to join are often said to be accused of being collaborators or informers and reported to be threatened with death.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.*

*An Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict aims to prevent the recruitment of children under the age of 18 into the armed forces of the State or any other armed forces. Indonesia has yet to sign this Protocol.

Ridwan explained that he had to leave his village in Pidie because GAM were actively recruiting there. He does not want to join the group but fears for his safety if he does not. He is now living elsewhere in Indonesia. In some cases recruits have been told that GAM knows the name and whereabouts of the person who killed their father or other family member and that this person should therefore be their first target once they join GAM. In several cases, NGO sources have been able to confirm that the person alleged by GAM to have killed the father of a recruit was not in fact responsible.

Yahya (not his real name) is one of '*anak korban dom*' who has taken this path and joined GAM. Yahya questions the morality of his decision and is concerned by reports of GAM abuses. However he explains that he joined because he was angry:

“Although I am a member of GAM I don’t want to be a killer. But nobody is listening to us - the government is not making anyone accountable”.

Yahya is among those who have been shown a photograph which GAM claims is a picture of the soldier responsible for killing his father. Yahya is willing to admit that he knows the soldier in the picture may not be the culprit but, in the absence of other options, he feels that the opportunity to seek revenge for his father's death offered to him by GAM may be the only real choice that he has.

Background

Aceh is situated in the northernmost part of the island of Sumatra, about 1,000 miles from the Indonesian capital of Jakarta. It has a population of around three-and-a-half million people. The Acehnese are often regarded as having a long tradition of resistance to domination by outside authorities. Over the past quarter of a century dissatisfaction with Indonesian rule has been largely rooted in economic grievances related to inequalities in the distribution of revenues drawn from the province's extensive natural resources. Opposition to the Indonesian government has been further fuelled by the repressive policies employed by the security forces in Aceh.

In December 1976 the recently formed armed opposition movement, the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM) declared Aceh to be an independent state. The government responded with force and GAM was largely destroyed within a few years. However, in 1989 GAM re-emerged and carried out a number of attacks against police and military installations which led to renewed military operations in the province.

Counter-insurgency operations by the Indonesian security forces resulted in gross human rights violations, a large number of which were committed against the civilian population. Amnesty International estimates that between 1989 and 1993, two thousand civilians, including children and the very elderly, were unlawfully killed and at least 1,000 people were arbitrarily arrested. Many were held in incommunicado detention and subjected to torture or ill-treatment.² Although the levels of violations declined in the following years, regular reports of unlawful killings, “disappearances”, arbitrary arrest and torture continued to be received.

Thirty-two years of authoritarian rule in Indonesia ended in May 1998 when former President Suharto was forced to resign in the face of massive popular

² For further details see *Indonesia: “Shock Therapy” Restoring Order in Aceh, 1989-1993* (AI Index: ASA 21/07/93, July 1993).

opposition. The fall of the Suharto government heralded a new era of reform leading to expectations for change throughout Indonesia, including in Aceh. A number of government statements and initiatives provided some basis for optimism. On 7 August 1998, General Wiranto, the Armed Forces Commander at the time, offered an apology for the actions of members of the armed forces in Aceh. He also announced that Aceh's status as a military operations area (*Daerah Operasi Militer - DOM*) would be lifted and that all non-organic troops would be withdrawn.³ A number of investigations into human rights violations during the previous ten years were also initiated, bringing hope to victims and their families that justice would be done.

Hope proved to be short lived. At the end of 1998 the human rights situation began to deteriorate again following a number of attacks on military and police personnel and installations in December. Despite doubts about who was responsible, the authorities blamed the attacks on GAM and responded by launching *Operasi Wibawa 99* (Operation Authority 1999) in early January 1999, during which scores of people were arrested and dozens killed.

This has been followed by a series of further operations throughout 1999 and 2000. Although these have been headed by the police, they differ little from earlier military operations in that they have been characterized by serious and widespread human rights violations against civilians. The nature of the violations are strikingly similar to those perpetrated in the early 1990s and include unlawful killings, "disappearances" and arbitrary detention. Figures are difficult to determine with any degree of accuracy, but it is estimated that hundreds of people have been unlawfully killed over the past two years. Torture and ill-treatment is routine both inside and outside police or military custody as a means to extract confessions or as a form of punishment or intimidation. Although scores of alleged GAM members have been detained in the past two years, few cases have ever come to trial.

Growing levels of repression are widely seen to have contributed to increased levels of support for a referendum on Aceh's political future among the population of Aceh. Pressure in support of a referendum reached its height in late 1998 when, on 8 November 1999, over one million people attended a pro-referendum rally in Banda Aceh, the provincial capital. A second pro-referendum rally took place on 10-11 November 2000. However, the security forces blocked people from travelling to

³ Aceh's status as a DOM area was never publicly declared, but was generally assumed to apply from 1990. The status of DOM confers considerable powers on the military. The withdrawal of non-organic troops refers to all units which are not within the territorial command structure. Roughly 900 combat troops, mostly from Kopassus and Kostrad units, were withdrawn during August 1998. However, the withdrawals were suspended in early September 2000 after disturbances broke out in Lhokseumawe, North Aceh following a withdrawal ceremony.

Banda Aceh to participate including by opening fire on convoys of vehicles. The total number of people killed remains unconfirmed but is thought to be over 20.

In the meantime, the government engaged in initiatives towards entering into a dialogue with GAM. In May 2000 an accord was signed under which both parties agreed to halt offensive operations to allow the distribution of humanitarian aid and prepare the ground for further negotiations on ending the conflict. Known as the Joint Understanding on Humanitarian Pause for Aceh, it came into force on 2 June 2000 for a period of three months. The agreement initially appeared to result in a decrease in the level of human rights violations. However, within a matter of weeks reported incidents of abuses by both the security forces and GAM escalated once again.

On 24 September 2000 the agreement was extended by an additional three months, until 15 January 2001. At the same time both sides agreed to take all necessary measures to improve the effectiveness of the "humanitarian pause" and reconfirmed their commitment to the early and safe return of internally displaced persons (IDPs), to prevent any new exodus and to ensure the safety of humanitarian workers.

Amnesty International welcomed the acknowledgment by both sides of the importance of measures to protect those working with IDPs and other victims of human rights violations in Aceh. However, despite these commitments, violations have continued, causing further internal displacement, and cases of violations against human rights defenders, humanitarian workers and other activists have also been reported since the extension of the agreement. An essential component of effective protection must be that those suspected of responsibility for carrying out violations against humanitarian and human rights activists are brought to justice.

GAM Abuses

Members of GAM have been responsible for human rights abuses in Aceh both before and after 1998. Information on GAM abuses is often difficult to verify, and is further confused by the many reported cases of abuses which are attributed by the authorities and in the media to unknown third parties. However, there are credible reports of unlawful killings, abductions and torture being carried out by GAM members against both members of the security forces and civilians. Other victims have included alleged military informers and people suspected by GAM of being criminals. There are also credible reports of threats, intimidation and other abuses by GAM against local government officials, religious officials, humanitarian workers and others.

GAM is also reported to be responsible for widespread destruction of government buildings, including schools, and has pressurised government

employees to stay away from work so that large parts of the government administration are no longer functioning. Extortion is reported to be carried out by the group on a wide scale and is backed up by threats and intimidation.

The “humanitarian pause” is regarded by some observers as having provided GAM with an opportunity to regroup. Recruitment activity, including recruitment of children, is said by some observers to have intensified since the implementation of the accord. GAM is also said to be extending its influence at village-level and in some areas has taken over local government functions, including the administration of justice.

“Perhaps the single most important factor contributing to the phenomenon of disappearances may be that of impunity. The Working Group’s experience over the past 10 years has confirmed the age-old adage that impunity breeds contempt for the law. Perpetrators of human rights violations, whether civilian or military, will become all the more brazen when they are not held to account before a court of law”

United Nations Working Group on enforced or involuntary disappearances, 1990 report, paragraph 344.

Investigations and Trials

Since July 1998, a number of official investigations have been initiated into human rights violations in Aceh. Each of these investigations gathered evidence of hundreds of cases of violations committed since 1989 and pointed to involvement of the Indonesian security forces in these violations. However, to Amnesty International's knowledge only two cases have come to trial in the past two years. One took place in a military tribunal and the other in a joint military/civilian court.

Investigations

- **July 1998:** a parliamentary investigation team (*Tim Gabungan Fakta - DPR*) was established. In October 1998 it made public provisional findings in which it said that it had received over 1,700 cases of human rights violations, including 426 "disappearances" and 320 unlawful killings.
- **July and August 1998:** The Indonesian National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia*, Komnas HAM) carried out investigations in Aceh. Its preliminary report stated that it had found evidence of at least 781 deaths, 163 "disappearances", 368 cases of torture and 102 cases of rape committed between 1989 and 1998.
- **July 1999:** The Independent Commission for the Investigation of Violence in Aceh (*Komisi Independen Pengusutan Tindak Kekerasan di Aceh*, KPTKA) was established by presidential decree. It reported that it had collected information about 5,000 cases of human rights violations in Aceh committed in the past ten years including cases of unlawful killings, torture, "disappearances, arbitrary detention, rape and sexual violence. It recommended that five cases be brought to trial immediately.
- **November 1999:** a parliamentary hearing on Aceh was held in which senior military and government officials were questioned about their role in human rights violations since 1989
- **November 1999:** the Attorney General's office set up an investigation into five cases recommended for prosecution by the KPTKA. The five cases were: a rape case in Pidie which took place in August 1996; cases of torture and "disappearance" between 1997 and 1998 in a facility known as Rumoh Geudong in Pidie; the unlawful killings of seven civilians in Idi Cut, East Aceh in February 1999; the unlawful killing of 35 civilians at Simpang KKA in North Aceh in May 1999; and the unlawful killings of a Muslim cleric and his followers in Blang Meurandah village, West Aceh in July 1999.

Trials

- **February 1999:** Five soldiers were sentenced, by a military tribunal, to between two and six-and-a-half years' imprisonment for beating to death five detainees in Lhokseumawe, North Aceh the previous month.

- **April 2000:** the first of the five cases being investigated by the Attorney General's office was brought to trial in a joint civilian/military (*koneksitas*) court in Banda Aceh. One civilian and 24 soldiers were found guilty of the killing of the Muslim cleric, Teungku Bantaqiah 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.

Recommendations

Children are among the thousands of civilians who have fallen victim to human rights violations in Aceh. Both the Indonesian government and GAM are urged to take measures to prevent such abuses and ensure the protection of children's rights in Aceh. The international community is also urged to address the specific needs of Acehnese children, including as part of their ongoing dialogue and donor relations with the Indonesian government.

Amnesty International urges the Indonesian authorities to:

- conduct credible investigations into allegations of past and current human rights violations in Aceh; ensure that those responsible for human rights violations, including those who issued orders to commit such violations, are brought to justice in trials which meet international standards of fairness;
- establish effective programs for the protection of victims and witnesses called to give testimony or evidence during the judicial process;
- ensure that security force personnel are under orders and trained to carry out their duties in line with international standards of human rights and humanitarian law; in particular, ensure that women and children do not become the target of human rights violations, including extrajudicial executions and torture or ill-treatment.
- take effective measures to protect the human rights of children in Aceh as set out in the Convention on the Rights of the Child, including their right to protection from all forms of physical and mental violence, their right to freedom from discrimination and their right to reparations for past violations perpetrated against them or members of their families;
- ensure that all those displaced by the violence in Aceh, including women and children, are protected from human rights violations and have secure, ongoing and unhindered access to humanitarian and human rights organizations;
- sign and ratify the Optional Protocol to the Convention on the Rights of the Child aimed at preventing the recruitment of children under the age of 18 into the armed forces of the State or any other armed forces.

Amnesty International urges GAM to:

- make a public commitment to abide by international humanitarian law as defined in Common Article 3 of the Geneva Conventions, in particular that those taking no active part in hostilities must be treated humanely and must not be subjected to acts of violence such as killing, torture or hostage-taking;
- declare its total opposition to human rights abuses committed against children;
- prevent the compulsory or voluntary recruitment of anyone into GAM under the age of 18;

Amnesty International urges the international community, in particular, Indonesia's donor assistance partners, to:

- raise the above cases with the Indonesian government and put pressure on the government to fulfil its human rights obligations to children in Aceh in line with the above recommendations;
- develop aid and investment strategies for Indonesia which strengthen human rights protection and promotion, including support for programs aimed at establishing accountability for the military in civilian courts;
- provide targeted and ongoing assistance to the large number of child victims of human rights violations in Aceh, including trauma counselling and other measures aimed at their physical and psychological recovery and social rehabilitation;
- demonstrate their opposition to the recruitment of child soldiers by signing and ratifying the Optional Protocol to the Convention on the Rights of the Child aimed at preventing the recruitment of children under the age of 18 into the armed forces of the State or any other armed forces.