

TABLE OF CONTENTS

1.	INTRODUCTION.....	1
2.	ACEH: THE POLITICAL CONTEXT.....	3
	A Tradition of Resistance.....	3
	The Roots of Rebellion.....	6
	Human Rights Abuses by <i>Aceh Merdeka</i>	8
3.	THE GOVERNMENT RESPONSE.....	10
	The Counter-insurgency Campaign.....	11
	Impunity and the Failure to Investigate.....	14
4.	EXTRAJUDICIAL EXECUTIONS.....	17
	Mysterious Killings and Mass Graves.....	18
	History and Responsibility.....	20
	Case Studies of Extrajudicial Execution.....	22
5.	ARBITRARY DETENTION AND "DISAPPEARANCE".....	27
	Patterns of Arbitrary Detention, "Disappearance" and Release.....	27
	Detention, "Disappearance" and National Security.....	31
	Case Studies of "Disappearance".....	32
6.	TORTURE AND ILL-TREATMENT.....	35
	Methods, Victims and Perpetrators.....	35
	Torture and National Security.....	36
	Case Studies of Torture.....	37
7.	UNFAIR POLITICAL TRIALS AND PRISONERS OF CONSCIENCE.....	41
	The Pre-trial Stage.....	42
	The Trial Stage.....	43
	The Accused.....	45
	Case Studies of Possible Prisoners of Conscience.....	46
8.	ACEH AND THE INTERNATIONAL COMMUNITY.....	53
	Acehnese Asylum-seekers.....	53
	International Acquiescence and Responsibility.....	56
9.	CONCLUSIONS AND RECOMMENDATIONS.....	57
	Recommendations to the Government of Indonesia.....	58
	Recommendations to Member States of the United Nations.....	61
	APPENDICES	
I	Political Prisoners Convicted in <i>Aceh Merdeka</i> Trials.....	62

INDONESIA

@ "Shock Therapy" *Restoring Order in Aceh, 1989-1993*

1. INTRODUCTION

It is now four years since Indonesian security forces began counter-insurgency operations against an armed resistance movement in the province of Aceh¹ in northern Sumatra. In that time an estimated two thousand civilians, including children and the very elderly, have been unlawfully killed, some in public executions and others while in military custody. At least one thousand people, and possibly many more, have been arbitrarily arrested on suspicion of supporting the rebel group, *Aceh Merdeka*, or because they were related to an alleged member of the group. Many of those detained have been held incommunicado for periods of more than one year, and subjected to ill-treatment and torture to extract confessions or political intelligence. Others have "disappeared" in military or police custody. At least 50 have been sentenced to lengthy prison sentences for subversion after unfair trials, including some who neither used nor advocated violence.

The incidence of political killings, "disappearances" and arrests in Aceh peaked in late 1990 and early 1991, and has declined significantly in the past year and a half. This decline has led many observers to conclude that there is no longer a serious human rights problem in Aceh. Amnesty International takes a different view. It believes that the pattern of gross human rights violations reported from Aceh since 1989 continues to warrant urgent international concern, and to demand prompt and concrete measures by the Government of Indonesia and members of the international community. There are several reasons why.

First, no thorough and impartial investigations of the violations committed over the past four years have yet been carried out. Independent human rights observers, both domestic and international, have been prevented from conducting proper first hand investigations, while government and military authorities have simply dismissed allegations of human rights abuse as "lies." Not only has this left unresolved the fate of thousands of victims, it has created an atmosphere conducive to future abuse both in Aceh and in other parts of Indonesia and East Timor.

Second, the repercussions of past violations are still being felt by the victims and their families. The fate of many of those killed and "disappeared" in Aceh remains unresolved, and no compensation of any kind has been provided to their relatives. In addition, at least fifty people are

¹ Pronounced "Achay".

only now beginning to serve lengthy prison terms, imposed after blatantly unfair trials, while an untold number of political suspects remain in unacknowledged, incommunicado detention.

Third, none of the suspected perpetrators of past violations has yet been brought to justice, and there is no indication that they will be. This slackness on the part of the authorities stands in marked contrast to the considerable effort and expense devoted to bringing alleged members of *Aceh Merdeka* to trial. In Amnesty International's experience, the failure to prosecute those who have committed grave human rights violations sends a clear message that such acts may be committed with impunity, thereby making future violations even more likely to occur.

Fourth, while the Indonesian Government has given repeated assurances that life in Aceh has returned to normal, the evidence in this report indicates that serious violations continue to occur, even if on a reduced scale. Scores of people have been killed in apparent extrajudicial executions within the past year and a half, and a similar number are thought to have "disappeared." That the number of victims of serious violations reported since early 1992 has been in the scores rather than the hundreds or thousands is a welcome change, but it is small consolation to the victims themselves.

Fifth, the relative "peace and order" which now prevails in Aceh, and the decline in the overall number of human rights violations reported, does not reflect any significant change in the policies or practices of the Indonesian security forces. On the contrary, it appears to reflect a continuing and pervasive fear of government retribution on the part of ordinary people living in areas of suspected rebel activity. Under the circumstances, a pattern of grave and widespread violations may quickly re-emerge in the event of renewed opposition to Indonesian rule.

Finally, the pattern of grave human rights violations reported from Aceh since 1989 is not unique. On the contrary, the heavy-handed methods employed by the security forces in Aceh are strongly reminiscent of those that have been used to "restore order" in other parts of Indonesia for more than a quarter of a century, and in East Timor since the invasion of 1975. The most conspicuous similarity has been in the government's use of summary executions by anonymous death squads, known locally as "mysterious killings", a technique which President Suharto described in 1989 as a kind of public "shock therapy" designed to restore public order.

In short, the failure of the Indonesian Government to address the serious human rights situation in Aceh has left past violations unresolved, and has thereby created a situation conducive to future abuse, not only in Aceh itself but in other parts of Indonesia and in East Timor. In Amnesty International's view, it is incumbent on the Indonesian Government to demonstrate its stated commitment to the protection of human rights and to take immediate and concrete steps to resolve these problems.

Yet responsibility does not rest solely with the Government of Indonesia. The international community has failed to respond firmly to reports of grave violations in Aceh for almost four years. Some governments, too, have failed to offer adequate protection to Acehnese who have fled the

country to seek asylum. Amnesty International urges member states of the United Nations, which have recently expressed deep concern over a pattern of serious human rights violations in East Timor, to demonstrate similar resolve with respect to violations in Aceh.

A degree of responsibility must also be borne by the leadership of *Aceh Merdeka*. Whether as a matter of policy or not, members of the organization are known to have committed serious human rights abuses, including the arbitrary killing and ill-treatment of civilians. The abuses committed by opposition groups, however violent, can never justify violations of human rights by government forces. Nevertheless, Amnesty International condemns them unreservedly, and calls upon the leadership of *Aceh Merdeka* to uphold and abide by basic standards of international humanitarian law.

2. ACEH - THE POLITICAL CONTEXT

Aceh, with a population of about 3.4 million, lies at the northern tip of the island of Sumatra, about 1,000 miles from Jakarta, the capital city of Indonesia. The site of one of the earliest Islamic sultanates in Southeast Asia, and the centre of a powerful trading empire in the 16th and 17th centuries, Aceh has a rich cultural heritage and a long tradition of resistance to domination by outside authorities. That tradition has been rekindled in the past two decades by the armed independence group, *Aceh Merdeka* (Free Aceh).² Popular support for independence has been fuelled by resentment over the unequal benefits of industrial development in the area, and a perceived lack of respect for local custom and religion by central government officials, military authorities, and economic migrants.

2.1 A Tradition of Resistance

Dutch efforts to incorporate Aceh into their colonial empire, starting with a military expedition in 1873, met with fierce guerrilla resistance for more than 30 years, and the area had yet to be fully "pacified" by the time the colonial regime collapsed in 1942. Following a three-and-a-half year Japanese occupation, some Acehnese supported Indonesia's armed struggle against the restoration of Dutch rule (1945-1949), though Dutch forces did not actually attempt to reoccupy the area.³ A few years after independence, resentment toward the new central government in Jakarta galvanized Acehnese support for an armed rebel movement, *Darul Islam* under the leadership of Daud Beureueh, which aimed to establish an Islamic state, though it did not call for Aceh's independence from Indonesia.⁴ In

² The organization's full name is *Aceh/Sumatra National Liberation Front* (ASNLF), but *Aceh Merdeka* is used as a short-hand both in Aceh and abroad. The organization prefers to use the spelling "Acheh" rather than the modern Indonesian spelling "Aceh" which is used in this report.

³ During the period of the Indonesian National Revolution, Acehnese religious leaders led a revolt against the local aristocracy (*uleebalang*).

1959 Aceh was granted the status of a "Special Region" with control over matters of education, religion and customary law, and overt opposition to the central government temporarily subsided.

Figure 1 *Daud Beureuéh, with members of Darul Islam, an armed movement which sought to establish an Islamic state in Indonesia during the 1950s.*

Open resistance resurfaced in the mid-1970s with the formation of a new rebel group, *Aceh Merdeka*, which called for the establishment of an independent state of Aceh and parts of the Indonesian province of North Sumatra. Led by Dr Teungku Hasan di Tiro, whose ancestors had played a leading role in resisting the Dutch in the late 19th and early 20th centuries, *Aceh Merdeka* gained a measure of popular support and on 4 December 1976 unilaterally declared Aceh's independence. Support for the group was particularly strong in the Tiro district of Pidie, the leader's home territory. Over the next few years Indonesian forces conducted operations against the

⁴ Teungku Muhammad Daud di Beureueh, from the Pidie district of Aceh, was a highly respected figure in the struggle against Dutch colonialism, both before the Second World War and during the Indonesian National Revolution (1945-1949). He was arrested in May 1978 and remained in prison until 1984 when he was permitted to return to his home village of Beureueh in Aceh. He died in 1987 at the age of 92.

movement, and dozens of alleged members were brought to trial in the late 1970s. By the early 1980s most of the group's key leaders had either been killed or imprisoned, or had fled the country. Hasan di Tiro, who had resided outside of the country between 1950 and 1976, left Aceh again in 1979 to establish a government in exile.

After a period of dormancy, *Aceh Merdeka* re-emerged in early 1989, claiming responsibility for a series of attacks on police and military installations that resulted in the destruction of property and several deaths. At the time, government and military authorities publicly dismissed it as an insignificant group with fewer than 30 poorly armed fighters and little popular support. However, it later appeared that scores of *Aceh Merdeka* fighters had returned from military training in Libya in 1988-1989. By November 1990 Indonesian authorities estimated that the group had about 200 armed fighters while the *Aceh Merdeka* leadership claimed to have thousands, some of them armed with modern automatic weapons.⁵ Moreover, it became evident through 1989 and 1990 that the group had gained the sympathy of a significant cross-section of the population, particularly in the northeastern districts of Pidie, Aceh Utara and Aceh Timur.

Support for *Aceh Merdeka* remained fairly strong in these base areas through 1990, and seems to have increased in certain areas as a result of intensive counter-insurgency operations launched by government forces in July 1990. However, heavy-handed military reprisals against villages believed to be providing sanctuary or assistance to *Aceh Merdeka* dramatically reduced the group's room for manoeuvre in the country-side, thereby weakening its military position. Government and military authorities claimed, as early as March 1991, that *Aceh Merdeka* had been "crushed"⁶ and indeed by the end of the year many of the group's key field commanders had been killed or captured. Nevertheless, *Aceh Merdeka* continued to mount isolated assaults on military and police targets through 1992 and well into 1993.

2.2 The Roots of Rebellion

A variety of social, economic, political and religious factors have contributed to the re-emergence of widespread antipathy to central government authority in the late 1980s and to support for Aceh's independence. *Aceh Merdeka* has tapped the political potential of this sentiment and given it institutional and military expression. However, not all those who sympathize with the aims espoused by *Aceh Merdeka* necessarily support or belong to the organization itself.

⁵ It is difficult to be sure of *Aceh Merdeka's* precise military strength. As a rule, the estimates provided by the Indonesian government authorities have been too low, while those provided by *Aceh Merdeka* leaders may have exaggerated their strength. In January 1991, the Governor of Aceh claimed that the number of rebel fighters was fewer than 20, while in April 1991, *Aceh Merdeka* claimed to have a fighting force of "5,000 trained rebels".

⁶ *Jakarta Post*, 21 March 1991.

Figure 2 *Members of Aceh Merdeka with Dr Teungku Hasan di Tiro, the group's leader.*

Among the factors contributing to popular support for independence has been unhappiness over the unequal distribution of benefits from the large industrial enterprises and plantations along the east coast of Aceh. The discovery of substantial reserves of natural gas near Lhokseumawe, Aceh Utara, in the early 1970s, led to the establishment of large extraction and processing facilities, as well as associated industries.⁷ The revenue derived from these enterprises now accounts for a substantial proportion of Indonesia's foreign earnings. Agricultural cash crop plantations along the east coast, including rubber, coffee, tobacco and pepper, have also generated significant revenue. Yet to many in the local Acehnese community the benefits of the economic boom have been less obvious. Critics say that industrial expansion has forced farmers and fishermen from their traditional occupations without necessarily providing alternative employment. Acehnese also complain of spiralling prices, serious pollution and social dislocation, while an estimated 40% of Aceh's population are said to continue to live in poverty.

These problems have been compounded by the steady influx of economic migrants (known as transmigrants), military personnel and civil servants from other parts of Indonesia, particularly from

⁷ The largest enterprises in the area include: PT Arun; PT Pupuk Asean; PT Pupuk Iskandar Muda; PT Kertas Kraft; and Mobil Oil.

the island of Java. From the perspective of at least some Acehnese, including the leadership of *Aceh Merdeka*, these "outsiders" have gained a disproportionate share of the benefits of industrial growth and government development spending, while at the same time encouraging behaviour deemed inconsistent with, or offensive to, local customs and religious belief. Some Acehnese blame the increased incidence of prostitution, gambling, drinking and other practices considered anathema by Aceh's devout Muslims, on their influence. The leadership of *Aceh Merdeka* has gone further, accusing the "Javanese imperialists" of cultural genocide.

Figure 3 *An Aceh Merdeka flag-raising ceremony in the highlands of Pidie, Aceh. Aceh Merdeka declared Aceh's unilateral independence on 4 December 1976.*

Simmering resentment over these issues began to take the form of open, and sometimes violent, protest as early as 1988. In May 1988, for example, villagers of Idi Cut, Aceh Timur, burned down the local police station following reports that a police officer had sexually assaulted a local woman. In August, a hotel in Lhokseumawe, Aceh Utara, was bombed following repeated complaints by the local community that it was being used as a prostitution centre. In March 1989, an estimated 8,000 people rioted in the same town destroying a military-owned building in which a circus, considered offensive by local Islamic leaders, was due to perform. Later the same month, military and police authorities mobilized thousands of troops to prevent a planned demonstration against official corruption by university students in Aceh Utara.

Support for *Aceh Merdeka* - or at least for the group's open opposition to the central government - appears to have come from other quarters as well, particularly from members of a syndicate involved in the illegal drugs trade and a number of soldiers and police officers recently dismissed from the armed forces.⁸ The *Aceh Merdeka* leadership strongly denies any link with the illegal drugs trade. However, some former members of the armed forces thought to be involved in the trade led a number of the armed assaults on security force posts and transmigration sites attributed to *Aceh Merdeka* between 1989 and 1991. One of these, **Robert Suryadarma**, a former army sergeant who became a key *Aceh Merdeka* field commander, was tried in absentia for subversion in April 1993, and sentenced to death.

2.3 Human Rights Abuses by Aceh Merdeka

Aceh Merdeka members are reported to have committed numerous acts of violence against both military and civilian targets since 1989. Amnesty International condemns unreservedly the torture and killing of civilians by armed opposition groups. It calls on the leadership of *Aceh Merdeka* to halt these practices and to uphold and abide by the principals of international humanitarian law.

According to official Indonesian sources and local media reports, *Aceh Merdeka* has been responsible for attacks on military and police posts; the targeted killing of dozens of military and police personnel and a smaller number of government officials; the burning of schools and other public buildings; the destruction of vehicles and other property owned by commercial enterprises; and the intimidation, ill-treatment and killing of dozens of civilians, including suspected informers and non-Acehnese residents of "transmigration villages". Because access to the area is closed, there is no possibility of independently verifying information on *Aceh Merdeka* abuses, but Amnesty International believes these reports must be treated with the utmost seriousness.

For at least a year, from early 1989 to early 1990, the victims of alleged *Aceh Merdeka* violence were almost exclusively police and military personnel. Some two dozen were killed in ambushes or armed raids on security force installations during this period. The pattern was apparently so clear that, in February 1990, the regional military commander in Aceh, Major General Joko Pramono, told the media that the attackers "*...do not aim to harm the common people. Their target is armed forces members.*"⁹ Less clear was the identity of the perpetrators and their precise motivation. At the time, government and military authorities attributed the attacks to criminal elements involved in the illegal

⁸ In the year prior to the outbreak of violence, government forces had conducted a military-style anti-narcotics campaign, called "Operation Nila". The operation resulted in the capture of thousands of tons of *ganja* in early 1989, and the exposure of key figures in the syndicate, including some military and police officials. At about the same time, at least 47 military and police officers in Aceh were dismissed from the armed forces for criminal or disciplinary offenses, possibly relating to the drug trade.

⁹ *Jakarta Post*, 5 May 1990.

drugs trade and, speaking before the UN Commission on Human Rights in February 1991, the Indonesian delegation referred to the violence in Aceh as "*the security disturbances of a criminal gang*".¹⁰ Yet, within a few months the authorities had begun to claim that such attacks were the work of *Aceh Merdeka* members seeking to establish an independent Islamic state.

The pattern of *Aceh Merdeka* violence began to shift in mid-1990 with an increasing number of attacks on civilians and on commercial property. The principal victims were suspected informers and non-Acehnese living in transmigration sites in Aceh Timur and Aceh Utara. Up until April 1990 only one civilian, a suspected informer, was reported to have been killed by *Aceh Merdeka*. However, official reports of attacks on civilians increased dramatically in May 1990 and escalated in June, just before the government announced the deployment of additional counter-insurgency troops in the area. By the end of June, at least thirty civilians had been killed and thousands of transmigrants had fled their homes following threats and intimidation by alleged *Aceh Merdeka* members. The attacks on civilian targets appear to have led to increasing disenchantment with the group among the civilian population.

In a series of high-profile press conferences in late June 1990 military authorities described the attacks as acts of terrorism, and attributed them uniformly to *Aceh Merdeka*. These claims were then used to justify the deployment of additional troops and the start of an intensive counter-insurgency campaign. *Aceh Merdeka* members subsequently acknowledged responsibility for some of these attacks. However, evidence revealed during political trials in 1991, indicated that not all *Aceh Merdeka* members or sympathizers supported the use of violence against civilians.

3. THE GOVERNMENT RESPONSE

Through 1989 and 1990 government and military authorities insisted that the violent disturbances in Aceh were the work of criminal gangs, and that they had no political motivation. Yet, the perpetrators were soon identified as members of a "Security Disruptors Movement" (*Gerakan Pengacau Keamanan*) or GPK, a government-coined term generally used to describe rebel movements. The methods used to contain the trouble also suggested that the government saw the disturbances as a political rather than simply a criminal problem. Through 1989 and the first half of 1990, some 6,000 territorial forces normally stationed in the region were mobilized to conduct counter-insurgency operations against the GPK. In July 1990, President Suharto ordered the deployment of a further 6,000 troops, including two battalions of the Army's Special Forces Command (*Komando Pasukan Khusus*) or Kopassus, and other elite counterinsurgency units.¹¹

¹⁰ Republic of Indonesia Right of Reply (Item 10), UN Commission on Human Rights, 19 February 1991. Similarly, in May 1990, armed forces commander General Try Sutrisno said that the attacks on ABRI personnel "...were common crimes and not at all related to security matters".

¹¹ President Suharto ordered the deployment of about 5,000 troops on 6 July 1990, and further reinforcements were deployed in early August 1990. The total number of troops in the province in late 1990, including territorial forces, was said to be about

Figure 4 *Members of the Indonesian armed forces (ABRI) at a post in Aceh.*

Territorial armed forces are deployed down to the village level throughout Indonesia and East Timor.¹² This territorial structure allowed the almost immediate implementation of a military strategy in Aceh involving intensive surveillance, check points, dawn to dusk curfews, house raids, and arrests on a wide scale. This resulted in some early abuses by government forces in 1989 and early 1990, including the killing of civilians at army check points, widespread arbitrary arrest and the harassment and ill-treatment of civilians in suspected rebel base areas.

However, the incidence of grave violations by government forces accelerated after the deployment of special counter-insurgency units from outside the region in mid-1990. This deployment coincided with clear political signals from the President, the Armed Forces Commander, General Try Sutrisno, and the new Regional Military Commander, Major General H.R. Pramono,

12,000. The troops deployed from outside the region included units of: Kopassus Jakarta, Marinir Jakarta, Kujang Bandung, KODAM VII Brawijaya, Arhanud Medan, Linud Medan and Police Mobile Brigades. See Lembaga Bantuan Hukum, *Laporan Observasi Lapangan di Propinsi Daerah Istimewah Aceh* December 1990, pp.34-35. Also see *Reuter*, 22 July 1990, 15 August 1990, 25 November 1990.

¹² Beneath the ten Regional Military Commands (KODAM) is a hierarchy of geographically-defined military units. At the village level, a small military detachment of a few men is headed by a non-commissioned officer known as a "Babinsa"; at the sub-district level is a Sub-District Military Command (KORAMIL); next is a District Military Command (KODIM); and at the sub-Regional level is a Resort Military Command (KOREM).

that the "security disruptors" must be wiped out by the end of the year.¹³ The political authority of the armed forces, considerable even under normal conditions, now became unchallengeable. In the name of national security, military and police authorities deployed in Aceh were thereafter free to use virtually any means deemed necessary to destroy the GPK.

3.1 The Counter-insurgency Campaign

The methods employed to defeat *Aceh Merdeka* bore all the hall-marks of counter-insurgency campaigns conducted elsewhere in Indonesia and in East Timor. In an effort to undercut the civilian support base of the guerrilla resistance, Indonesian forces carried out armed raids and house-to-house searches in suspected rebel areas. The houses of villagers suspected of providing shelter or support to the rebels were burned to the ground. The wives or daughters of some suspected rebels were detained as hostages and some were raped. Anyone suspected of contact with *Aceh Merdeka* was vulnerable to arbitrary arrest and detention, torture, "disappearance" or summary execution. The counter-insurgency campaign also resulted in the flight of hundreds of Acehnese to neighbouring Malaysia beginning in March 1991.¹⁴

Figure 5 *Indonesian troops on patrol in Banda Aceh, capital city of Aceh.*

¹³ Major General H.R. Pramono replaced Major General Joko Pramono as Commander of Regional Military Command I (KODAM I/Bukit Barisan) in June 1990.

¹⁴ For further details on Acehnese asylum-seekers in Malaysia, see Section 8.1 of this report.

A key component of the counter-insurgency campaign in Aceh was the strategy of civil-military cooperation, officially known as the "People's total defence and security system" (*Sishankamrata*). The involvement of civilians in the military campaign inevitably increased the scale of human rights violations. The most notorious example of the strategy of civil-military cooperation was the "fence of legs" operation - used previously in East Timor - in which ordinary villagers were compelled to sweep through an area ahead of armed troops, in order both to flush out rebels and to inhibit them from returning fire.¹⁵ Essential to the success of these operations were local "vigilante" groups and night patrols made up of civilians but established under military order and supervision. Between 20 and 30 young men were mobilized from each village in suspected rebel areas. In the words of a local military commander: "*The youths are the front line. They know best who the GPK are. We then settle the matter.*"¹⁶ Refusal to participate in these groups - or failure to demonstrate sufficient commitment to crushing the enemy by identifying, capturing or killing alleged rebels - sometimes resulted in punishment by government forces, including public torture, arrest and execution.

¹⁵ Priests who witnessed such an operation in East Timor described it as the "...mass mobilization of citizens to make war on each other." Cited in John Taylor, *Indonesia's Forgotten War: The Hidden History of East Timor*, (London: Zed Books, 1991), p.117. The "fence of legs" strategy was used in East Timor in *Operasi Keamanan* in 1981 and *Operasi Kikis* in 1986-1987.

¹⁶ *Kompas*, 11 July 1991

Figure 6 *A government-organized mass rally against Aceh Merdeka.*

One such government-backed "vigilante" group, the *Laskar Rakyat* (People's Militia), established in Idi, Aceh Timur, in August 1990, was said to have recruited 1,500 members within a few months. Recruits were given basic military training, armed with knives, machetes and bamboo spears, and told to "hunt" the GPK. Within a few weeks, the group announced that it had arrested some 80 people believed to be *Aceh Merdeka* members, and had handed them over to the armed forces. With the explicit approval and encouragement of military commanders, the group's leader also organized mass "surrender" ceremonies in suspected rebel strongholds, at which hundreds of villagers were compelled to swear an oath that they would "*crush the terrorists until there is nothing left of them*". In Aceh Utara, military commanders recruited young men to form local paramilitary groups called *Bela Negara* (Defend the Nation) to track down suspected rebels. They too were permitted to carry sharp weapons, though not firearms. New groups were still being mobilized in mid-1991. They included the *Ksatria Unit Penegak Pancasila* (Noble Warriors for Upholding Pancasila), whose members were reported to have helped army units to flush out some 300 suspected "security disruptors" between May and July 1991.¹⁷

In a style reminiscent of the anti-communist campaign that followed the 1965 coup, military authorities organized mass rallies at which civilians were urged to "*crush the GPK*". Banners and posters with similar messages were displayed throughout the troubled areas. One banner exhibited in

¹⁷ *Kompas*, 11 July 1991

Idi, Aceh Timur, in July 1991, declared: "*We submit Hasan Tiro to you, ABRI, to be destroyed*"; another said "*Destroy the GPK for the sake of national development!*" Military commanders also explicitly encouraged civilians to spy upon, turn in, or even kill suspected GPK members. In November 1990, for example, the Regional Military Commander, Major General H.R. Pramono, said:

*I have told the community, if you find a terrorist, kill him. There's no need to investigate him. Don't let people be the victims. If they don't do as you order them, shoot them on the spot, or butcher them. I tell members of the community to carry sharp weapons, a machete or whatever. If you meet a terrorist, kill him.*¹⁸

3.2 Impunity and the Failure to Investigate

Many of the violations reported in Aceh - including torture and extrajudicial execution - are considered criminal offences under Indonesia's civilian and military legal codes, and all constitute infringements of international human rights law. However, to Amnesty International's knowledge, no military or police officials have been brought to justice for human rights related offences in Aceh, though at least twelve current or former armed forces members have been tried for allegedly supporting *Aceh Merdeka*. The government's failure to punish the suspected perpetrators of serious human rights violations in Aceh raises serious questions about the sincerity of its commitment to promoting and protecting human rights. Just as importantly, it sends a message that violations by government forces will be tolerated, thereby increasing the likelihood of future abuse.

Government and military authorities have also failed to initiate any investigations into reported human rights violations in Aceh. With few exceptions, they have flatly denied allegations of grave human rights abuse in the area, while failing utterly to address their substance. Speaking before the UN Commission on Human Rights in February 1991, for example, the Indonesian delegation said:

*There is nothing new in the allegations that thousands of people have been killed, tortured or summarily executed in Aceh, and we have always refuted them in the past.*¹⁹

Not only has the government failed to conduct its own investigations, it has impeded others from doing so as well. Human rights monitors, both domestic and international, have faced serious obstacles in reporting about the situation in Aceh. These restrictions have inhibited efforts to clarify

¹⁸ From interview with Major General H.R. Pramono, *Tempo*, 17 November 1990; translation as cited in JPRS-SEA-90-034, 26 December 1990. Apparently seeking to reassure a foreign journalist that such methods were acceptable, he further commented: "*We have written laws and unwritten laws...The people know the unwritten laws so they won't kill anyone who's not in the wrong. Well, one or two maybe, but that's the risk.*" *Reuter*, 25 November 1990.

¹⁹ Republic of Indonesia Right of Reply (Item 10), UN Commission on Human Rights, 19 February 1991.

the fate of victims of human rights violations, and to identify the perpetrators. Amnesty International believes they have also contributed to an atmosphere in which human rights violations are more likely to occur.

Representatives of the Indonesian Legal Aid Institute (LBH) were able to conduct field investigations and trial observations in the provinces of Aceh and North Sumatra in 1990 and 1991. However, a report published in July 1991, which outlined the organization's main findings about political trials in Aceh, was subsequently banned on the grounds that it portrayed government forces in a negative light, and might cause instability in the region.²⁰ LBH staff members involved in human rights work in Aceh have been placed under tight surveillance, and some have been summoned for questioning by military intelligence following contact with representatives of international human rights organizations.

International human rights organizations themselves, including UN bodies, have been prevented from carrying out thorough, first-hand investigations. For example, the UN Special Rapporteur on Torture, Professor Peter Kooijmans, who visited Indonesia and East Timor in late 1991, was not given permission to go to Aceh. In his report, Professor Kooijmans noted that he had specifically asked to visit the area, but had been told by the Indonesian authorities that there was insufficient time to make the necessary arrangements.

Amnesty International's requests to visit Aceh to conduct first-hand investigations have also been repeatedly refused, as have its requests to meet government officials to discuss outstanding human rights concerns there and elsewhere in Indonesia and East Timor. Government and military officials have questioned the relevance of international human rights standards in Indonesia. Responding to Amnesty International's allegations of serious human rights violations in Aceh, Major General H.R. Pramono said: "*We don't need lessons from other nations about human rights. We have our own values. They have a liberal state, ours is a Pancasila state. It's different.*"²¹ And, while Amnesty International was granted a five-day visa to attend a UN human rights workshop in January 1993, the government has continued for more than 15 years to reject the organization's requests for access to carry out research in Indonesia and East Timor.²²

²⁰ The title of the banned LBH report is: *Resume Hasil Observasi Proses Peradilan Kasus Aceh*. It was banned in June 1992.

²¹ *Editor*, 13 July 1991. Similarly, following an Amnesty International appeal that Acehnese asylum-seekers not be forcibly returned to Indonesia, the Foreign Minister, Ali Alatas, told journalists: "*We do not need sermons from international organizations.*" *Reuter*, 11 October 1991.

²² In a letter to Amnesty International, dated 20 March 1993, for example, the Foreign Minister explained that those requests had been denied, and the likelihood of future visits had been seriously diminished because, while in Jakarta, the Amnesty International delegate had made "...sweeping indictments and accusations against the Government of Indonesia..."

High ranking government and military authorities have displayed little tolerance for reports of human rights violations in Aceh, thereby further inhibiting genuine efforts to monitor and investigate. Credible reports of serious violations in Aceh have been summarily dismissed as "lies" by military officials, and those who disseminated the reports have been characterized as rumour-mongers and enemies of the state. In a letter to Amnesty International, dated July 1991, the Indonesian Government stated that:

Accusations of human rights violations in Aceh, for example killings, torture and mass murder, are in fact pure inventions and are launched with the intention of discrediting the Republic of Indonesia in the eyes of the international community.

The public expression of similar attitudes by government and military authorities in Aceh has contributed to a sense of deep insecurity and vulnerability on the part of ordinary citizens. According to domestic human rights organizations and testimonies received by Amnesty International, many have avoided reporting or lodging complaints about the death or "disappearance" of relatives or friends out of fear of reprisals from the armed forces.

On a more positive note, the government has gradually improved access to Acehnese political detainees by the International Committee of the Red Cross (ICRC). ICRC delegates were granted permission to visit several detention centres in Aceh and North Sumatra for the first time in July 1991, and have been able to make a number of return visits since then.²³ However, throughout Indonesia and East Timor, military authorities continue to deny access - or to grant it only after some delay - where it considers matters of "national security" to be at stake.

4. EXTRAJUDICIAL EXECUTIONS

The extrajudicial execution of civilians and alleged *Aceh Merdeka* combatants has been a central feature of the government's counter-insurgency campaign in Aceh.²⁴ Amnesty International estimates that some 2,000 civilians, including children and the very elderly, have been killed by Indonesian soldiers in or near the province since 1989. Some have died in public executions, while others have

²³ ICRC representatives visited detention centres in Aceh and Medan in December 1991-January 1992, July-August 1992, and May-June 1993. In May 1993, the ICRC announced its desire to establish an office in the area, but as of June an agreement with the government had not yet been reached.

²⁴ Amnesty International uses the term "extrajudicial executions" to describe unlawful and deliberate killings carried out by governments or with their acquiescence. These killings take place outside any legal or judicial framework. They are not accidental or "panic" killings by law enforcement officials and are distinct from killings which occur as a direct consequence of a violent engagement between parties to an armed conflict - for example, the killing of civilians in cross-fire. However, Amnesty International does consider as an extrajudicial execution the deliberate killing during an armed encounter of any individual manifestly defenceless, including combatants incapacitated by wounds or who have surrendered.

been killed secretly, their decomposing and often mutilated bodies left in public places as a warning to others. Scores of the dead are reported to have been dumped in mass graves.

Most of the victims have been ordinary villagers living in areas of suspected rebel activity, and particularly in the districts of Aceh Pidie, Aceh Utara and Aceh Timur. One objective of the killings has apparently been to terrorize the local population so that they will cooperate fully with the security forces in tracking down alleged rebels. However, some villagers have been killed solely as retribution for the death of a soldier, or for failing promptly to obey a military command. Government troops are also reported to have killed dozens of *Aceh Merdeka* combatants in extrajudicial executions, rather than taking them into custody.²⁵

Limitations on access to the area by human rights monitors, heavy restrictions on media and other reporting during the counter-insurgency campaign, and a deep-seated fear on the part of witnesses and relatives, make it difficult to give a precise number of victims of extrajudicial execution. *Aceh Merdeka* sources claim that as many as 20,000 have died in Aceh and North Sumatra since 1989, while some independent observers in Aceh suggest a figure of about 10,000. Amnesty International's much lower estimate of 2,000 dead is based on evidence which the organization has been able to obtain from a wide variety of sources over three years including the personal testimony of eyewitnesses and the relatives of victims interviewed by Amnesty International and other human rights organizations, both domestic and international.

The timing of the worst killings in Aceh, the methods and techniques employed, and the public comments made by military officers in the region, suggest strongly that extrajudicial execution was part of a deliberate and coordinated counter-insurgency strategy. Moreover, the uniformity of the pattern of human rights violations reported in Aceh and those documented in other parts of Indonesia and East Timor, indicates that, where it faces serious opposition to its authority, political killing may be a central aspect of Indonesian Government policy.

4.1 Mysterious Killings and Mass Graves

Arbitrary killings by government forces were reported as early as 1989, shortly after the first *Aceh Merdeka* attacks, and intermittent reports continued through the first half of 1990. However, extrajudicial execution on a massive and systematic scale appears to have begun in July 1990, immediately after the replacement of the Regional Military Commander of KODAM I and the

²⁵ In a February 1992 report the US-based human rights organization, *Asia Watch*, commented: *A string of deaths of alleged Aceh Merdeka leaders suggests that the government has been pursuing a policy of shoot to kill and may have deliberately shot suspected leaders rather than taking them into custody. That likelihood is reinforced by the fact that in none of the cases listed below was any member of the security forces wounded or killed in the alleged "ambushes" by suspected guerrillas or in the reported efforts of the latter to "resist arrest". See Asia Watch, Indonesia: Commission of Inquiry Needed For Aceh, 17 February 1992.*

special deployment, on the President's order, of some 6,000 counter-insurgency troops. This was also the point at which the pattern of "mysterious killings", in which hundreds of civilians were killed by unknown assailants, began to emerge. Reports of widespread political killings - particularly in the areas of Sigli, in Pidie, and Peureulak, in Aceh Timur - continued to the end of 1991.

The "mysterious killings" in Aceh had the following general features. The corpses of victims were usually left in public places - beside a main road, in fields and plantations, next to a stream or a river - apparently as a warning to others not to join or support the rebels. Most had clearly been prisoners when they were killed. Their thumbs, and sometimes their feet, had been tied together with a particular type of knot. Most had been shot at close range, though the bullets were seldom found in their bodies. Most also showed signs of having been beaten with a blunt instrument or tortured, and their faces were therefore often unrecognizable. For the most part, the bodies were not recovered by relatives or friends, both out of fear of retribution by the military and because the victims were usually dumped at some distance from their home villages. A human rights lawyer who visited Aceh in October and November 1990 said:

It's got to the point where villagers say they are bored of having to bury bodies they fish out of the river. It happens pretty much every day in some areas.²⁶

Most of the unidentified corpses appeared in Aceh Utara and Aceh Timur, base areas of the rebel movement, but some were also discovered just across the provincial boundary in North Sumatra. In September and October 1990, the national newsweekly, *Tempo*, reported the discovery of scores of corpses in these areas.²⁷ Many of these reports were later confirmed by foreign journalists and human rights workers who conducted brief first-hand investigations. Their investigations suggest that the cases mentioned in *Tempo*, some of which are described below, were only a small proportion of the total number killed.

Three corpses, one still in a gunny sack, were left under rubber trees by the side of the main north-south highway near the village of Seumadam, Kejuruan Muda, Aceh Timur between 12 and 16 September 1990. Four more corpses were found in Kejuruan Muda in the next few weeks, all of them bearing signs of having been bludgeoned on the head and face with a heavy instrument. Eight corpses were discovered in one spot in the village of Juli, Jeumpa, Aceh Utara in mid-September. A corpse with mutilated genitals was discovered near the village of Halaban, Besitang, North Sumatra on 19 September, and another, with a hole in the head and the throat slit was found nine days later in the nearby village of Perapen, Pangkalansusu, North Sumatra. In mid-October 1990, the corpse of a man, aged about , was found beneath a bridge over the Bukitbatu River near Halaban village. His big toes and his knees were still tied together, his ears had been cut off, and his skull had been pierced with a

²⁶ Cited in *Reuter*, 8 November 1990.

²⁷ See *Tempo*, 20 October 1990 and 17 November 1990.

sharp instrument. Local residents said he was not from the area. Two corpses - still blindfolded, with hands tied behind their backs, and a single bullet hole in the head - were discovered in early October in a sugar-cane field near the village of Tunggurono, Binjai Timur, not far from the city of Medan in North Sumatra. In December 1990, a foreign journalist reported that some twenty corpses had been discovered in the vicinity of Tangse, Pidie in the previous few weeks. On 4 April 1991, a corpse was discovered in a black plastic bag at the bus station in the town of Tjeleue; there was a bullet hole in the forehead and the face had been badly disfigured.

Not all victims of unlawful killing in Aceh were tortured and left in public places. Many were simply shot and thrown into mass graves, some of which reportedly contained hundreds of bodies. Government and military authorities have acknowledged the existence of at least one mass grave, while disputing the number of corpses believed to be buried there. However, to Amnesty International's knowledge no thorough forensic investigation of any of the reported grave sites had been conducted by June 1993.

According to one report, a group of 56 detainees were summarily executed by Indonesian troops on 12 September 1990 at Bukit Panglima, about 27 kilometers along the road from Bireuen, Aceh Utara, to Takengon. Witnesses said that the detainees were ordered off the military trucks in which they were being transported from the Kopassus camp at Rancong and then shot. Their bodies were reportedly allowed to fall into a ravine just off the road. Residents of Buloh Blang Arah told a national human rights organization about a similar case in which scores of people from Sidomulyo, Kota Makmur, Aceh Utara, were killed and dumped into a mass grave. They said the victims were made to stand at the edge of a steep ravine and then shot. The bodies reportedly fell into the ravine and were then covered over with earthmoving equipment.

According to another report, a mass grave containing some 200 bodies was discovered near the village of Alue Mira in mid-1990. Commenting on the report, Major General H.R. Pramono disputed the number of corpses but, significantly, did not deny the existence of the grave itself. Speaking to a journalist in November 1990, he said:

*The grave certainly exists but I don't think it could have been 200 bodies. It's hard to tell with arms and heads all mixed up.*²⁸

An Indonesian journalist who visited the village in late 1990, confirmed that residents had found dozens of corpses in the vicinity within the previous two months, thereby suggesting that the figure of 200 dead was too high, but not disputing the occurrence of mass killings or the existence of a mass grave.

²⁸ Ibid.

4.2 History and Responsibility

The pattern of targeted killing and corpse display documented in Aceh bears a striking resemblance to the campaign of "mysterious killings" carried out by the government between 1983 and 1986 in other parts of Indonesia. In the mid-1980s, Indonesian government and military authorities flatly denied any responsibility for the killings, blaming the deaths on gang warfare. However, in 1989 President Suharto revealed in his memoirs that the "mysterious killings" had indeed been carried out by members of the security forces and that they were part of a deliberate government policy to deal with "criminal elements" through a kind of public "shock therapy". The President provided the following rationale for the killings:

*The peace was disturbed. It was as if there was no longer peace in this country. It was as though all there was was fear... We had to apply some **treatment** to take some stern action. What kind of action? It had to be with violence. But this violence did not mean just shooting people, pow! pow! just like that. No! But those who tried to resist, like it or not, had to be shot... Some of the corpses were left [in public places] just like that. This was for the purpose of **shock therapy**... This was done so that the general public would understand that there was still someone capable of taking action to tackle the problem of criminality.*²⁹

As they did in the mid-1980s, military and government authorities have strenuously denied that government troops were responsible for the "mysterious killings" in Aceh, claiming that they were the work of *Aceh Merdeka*.³⁰ There is no doubt that rebels have committed acts of violence, including the murder of suspected informers. Yet eyewitnesses, relatives of victims and a wide range of independent observers, including human rights lawyers, journalists, and religious and community leaders concur that most of the "mysterious killings" were committed by government forces. The authorities have also questioned the accuracy of the figures reported by non-governmental organizations. In December 1990, for example, a military spokesman dismissed reports of hundreds of mysterious killings as "baseless lies", and claimed that "only 20 or 30" corpses had been found, in spite of clear evidence that the number was far greater.³¹

Moreover, while they have formally denied responsibility for arbitrary killings, government and military authorities have made public statements which appear to accept, condone and even

²⁹ Suharto: *Pikiran, Ucapan dan Tindakan Saya*, (Jakarta: PT Citra Lantoro Gung Persada, 1989), p. 364.

³⁰ In July 1991, Major General H.R. Pramono claimed that the rebels "...dumped the bodies by the roadside to discredit the army". *Far Eastern Economic Review*, 25 July 1991. Speaking to journalists in November 1990, Major General H.R. Pramono acknowledged that the special knot used to tie the victims of "mysterious killings" was one developed and employed by the military, but claimed that it had been used by the rebels to confuse and terrorize the public.

³¹ Cited in *Far Eastern Economic Review*, 24 January 1991.

encourage the use of extrajudicial execution in the interest of restoring order and protecting national security. These statements suggest strongly that the mysterious killings and mass executions in Aceh were carried out according to plan. In May 1990, for example, Armed Forces Commander (now Vice President) General Try Sutrisno admitted military responsibility for some "accidental" civilian deaths, but attempted to justify them saying: "*If there were victims on the civilian side, that was something that could not be avoided.*"³² Commenting on the public display of corpses, six months later, a military officer in Aceh said: "*Okay, that does happen. But the rebels use terrorist strategies so we are forced to use anti-terrorist strategies.*"³³ When asked whether the "mysterious killings" were intended as "shock therapy" the Regional Military Commander, Major General H.R. Pramono, said: "*As a strategy, that's true. But our goal is not bad. Our goal must be correct.. We only kill them if they are members [of Aceh Merdeka].*"³⁴

Though extrajudicial executions continue to be reported from Aceh, the scale of killing has steadily diminished since late 1991. With the arrest, death or flight of *Aceh Merdeka's* key field commanders, there is no powerful military or political rationale for continued extrajudicial executions or "disappearances". However, there has been no fundamental change in the counter-insurgency strategy employed by the Indonesian military in Aceh, a central component of which was the killing of civilians in guerrilla base areas. If *Aceh Merdeka* resumes its armed opposition, it can be expected that the pattern of mass political killings of suspected rebel supporters, including civilians, by government forces would resume almost immediately.

Just as importantly, the fate of most of those killed in previous years has yet to be clarified. To Amnesty International's knowledge, there have been no investigations into the unlawful killings reported over four years in Aceh, and no official condemnation of the practice. Thus, while the absolute number of political killings has declined, Amnesty International believes that there is a danger that a similar pattern of violations may emerge in the context of future counter-insurgency operations in Aceh or other parts of the country.

4.3 Case Studies of Extrajudicial Execution

Djamilah Abubakar - wife of suspected rebel

Djamilah Abubakar, aged 24 and the wife of a suspected *Aceh Merdeka* member, was reportedly shot dead in military custody in March 1991, and her body left by the side of the road

³² *Jakarta Post*, 8 May 1990

³³ *Reuter*, 25 November 1990.

³⁴ *Ibid.*

miles from her home. Djamilah's encounters with the military began in mid-June 1989, when dozens of soldiers came to the family home at about 5am searching for her husband, a fisherman named **Mohammad Jasin bin Pawang Piah**. When she told the soldiers that Jasin was out at sea and would be gone for several days, they shouted "*You're lying!*" Pointing their automatic weapons at her, they forced her to admit that her husband was an *Aceh Merdeka* member. One soldier then reportedly ordered her to undress, and once she had done so, jabbed her body with his rifle. When Jasin returned home several days later, he found his house burned to the ground and learned that Djamilah had gone to another village to stay with relatives. She stayed there without difficulty for about six months, until soldiers came to the area warning villagers not to give shelter to those linked with *Aceh Merdeka*, and mentioning her by name as a suspect. In early 1990, she fled to another village to stay with different relatives and remained there safely for about one year. However, on about 24 March 1991, shortly after Jasin visited her there, she was arrested and taken away in a car by soldiers. Two days later her corpse was found by the side of the road in a village about 15 kilometers from her residence. Her head was smashed and she had been shot in the chest. One other member of the family was reportedly killed a few days later, and shortly thereafter Jasin fled to Malaysia.³⁵

Teungku Ahmad Lutan - suspected rebel

Teungku Ahmad Lutan, a suspected *Aceh Merdeka* supporter aged 45, was tortured and killed in military custody in May 1990. According to eyewitnesses, soldiers of Battalion 111 arrested Teungku Ahmad Lutan at his home in Idi Cut, Peureulak, on 10 May 1990, and took him to their camp in nearby Tualang Cut for interrogation. At about 2am three days later his mutilated body was dumped in a ditch near his home. His hands were tied behind his back with plastic rope, his head was smashed, and his body bore signs of torture. Relatives who learned of his death were afraid to pick up the body for fear of retribution from the military. When other village residents went to retrieve the corpse in order to give it a proper burial, they were confronted by soldiers who demanded: "*What do you think you're doing burying him? Don't you know he's a GPK?*"

Mohammad Jahja - suspected rebel

Mohammad Jahja, a suspected *Aceh Merdeka* supporter aged 60, was reportedly shot and killed in custody by Kopassus soldiers in March 1990. Residents of his village told Amnesty International that soldiers and a local government official had come to Mohammad Jahja's home in Idi Cut, Peureulak, on 10 March 1990 to persuade him to surrender. They took him first to the local KORAMIL, and from there he was transferred to the Kopassus post in Idi. The following day he was reported dead from a bullet wound to the head. A Kopassus soldier told a relative that Mohammad

³⁵ Mohammad Jasin bin Pawang Piah was one of several Acehnese arrested in Malaysia in April 1993, and threatened with deportation to Indonesia. However, according to reports, he and two others managed to escape from custody before being returned and so remained in Malaysia in mid-June 1993. For further information on Acehnese asylum-seekers in Malaysia, see Section 8.1.

Jahja had been shot because he had tried to "resist" while under interrogation. Kopassus authorities initially refused to return the body to relatives, but after the village head intervened they agreed to do so, and Mohammad Jahja received a proper burial. Not long afterwards, soldiers came to the village and burned four houses to the ground, including the house of Mohammad Jahja's family.

Hamzah - mentally ill

Hamzah, aged 25 and mentally ill, was reportedly beaten to death in July 1990 by Kopassus soldiers who apparently mistook the symptoms of his mental condition as politically suspicious behaviour. According to reports, Hamzah was detained by soldiers at about 10am on 7 July 1990 as he stood on the beach near Seuneubok Ramong, Peureulak, waving his arms in the air. The soldiers handcuffed him and took him to a vacant building in the middle of a rice field near Blang Me, a few kilometers away. There, he was reportedly beaten with coconut branches while being questioned about his reasons for being on the beach. The following morning, at about 7am, a group of school children found his dead body, wrapped in cardboard, hanging under a bridge on the main road at Bukit Beulawi, about five kilometers from his home. There were no bullet wounds but his corpse was badly swollen.

A Kopassus Prisoner

A suspected *Aceh Merdeka* supporter, blindfolded and hands tied, was reportedly shot dead by a Kopassus officer in June 1991 near Kemukiman Tjue, in the village of Mesjid Runtoh. The village was in an area where a large number of mysterious corpses appeared after mid-1990. The execution was apparently intended as a warning to members of the local village night-watch not to support the rebels. When the Kopassus truck, carrying six blindfolded prisoners, stopped at the village that night, the soldiers noticed that only seven of the nine night-watchmen were on duty. After locating the two absentee members, the commanding officer of the Kopassus unit ordered one of the prisoners being held on the truck to be brought down, and told him to squat on the ground. The officer turned to the leader of the night-watch team and asked "*Have you ever seen someone killed?*" Next the officer told the same man to go and find a papaya. When he returned with the fruit, the officer took it and thrust the barrel of his pistol inside it. He then shot the prisoner, silently, twice in the head. His corpse was left by the side of the road.

Public Executions in Sigli

Five people were reportedly shot dead by Indonesian soldiers in the town of Sigli, in Pidie, on 4 May 1991. According to eyewitnesses, the public executions began at dusk and took place in different parts of the town in full public view. None of the victims had been charged or tried, and their names were not made public. A local official reportedly attempted to justify their execution on the grounds

that they were suspected rebels: *"You have to understand, they were rebels, they were in the wrong."*³⁶ A spokesman for the armed forces told reporters on 14 May that he knew of no public executions but said: *"...even they [the rebels] have a right to legal process. If it did happen without due process of law, we will certainly deal with everyone involved very severely indeed."*³⁷ Amnesty International wrote to the government to urge a prompt investigation into the executions, and to inquire about measures taken to identify the alleged perpetrators. In a reply from the Indonesian Embassy in Bonn, Germany, dated 11 July 1991, the government wrote: *After an immediate examination we were informed that these reports were not correct. The truth is that there were GPK victims but this was due to a shoot-out amongst themselves...* It was unclear what sort of investigation had been undertaken, and two years later, there was no evidence that those responsible had been brought to justice.

Iskandar Salim - health worker

Iskandar Salim, an employee at a government health clinic in Alue Niri, Peureulak, was shot and killed while in the custody of Indonesian soldiers in March 1991. He had reportedly been arrested on suspicion of providing medicine and treatment to *Aceh Merdeka* rebels. An eyewitness told Amnesty International that he saw Iskandar Salim in a Chevrolet automobile with 2 soldiers in uniform at about 7 am. The car drove to the bridge at Alue Niri, where Iskandar Salim was ordered out with hands on his head, and told to walk. As he walked away, he was shot in the back of the head. His body was left by the side of the road and the soldiers drove away.

Jaenal Aman Amirin

A deaf man, Jaenal Aman Amirin, 35, was executed at his home on 10 May 1990 by police officers of POLSEK Terangun, who apparently mistook him for an *Aceh Merdeka* member. According to a relative, the killing took place at the family home in Rerebe, Aceh Tenggara, at about 11.30 pm. Jaenal and his wife, Tika, and their children were awoken when three police knocked at their door. They invited the police in and put on a lamp, but the husband was so deaf that he stayed in another room to soothe the children while his wife took care of the police. When she excused herself to call her uncle who lived nearby, Jaenal followed her through the back door. Shortly thereafter several shots rang out. Hearing the shots, the neighbourhood head went to the house. Outside, the police asked him about someone with the initials BED. When he said that this person lived in a different village the police looked shocked and suddenly left. A few minutes later, Jaenal's dead body

³⁶ Reuter, 15 May 1991

³⁷ Reuter, 15 May 1991

was found. Relatives complained to the ABRI Commander and to National Chief of Police in Jakarta a few days later. On 15 June 1990, the Chief of Police for Aceh Tenggara confirmed that police had killed the man, and had received a copy of the letters of complaint, but he refused to make further comment. To Amnesty International's knowledge no further action has been taken against the three police officers.

Jusdar bin Umar - Businessman

The counter-insurgency campaign has provided ideal cover for the settling of personal scores, sometimes with the assistance or the acquiescence of the security forces. In February 1991, an Acehnese businessman, Jusdar bin Umar, 35, and a colleague whose name is not known, were shot dead by two soldiers in military fatigues using M-16 weapons. According to an eyewitness, the soldiers burst into the house in Kandang, Aceh Timur, where the men were meeting, shouted "Don't move!" and opened fire. A third man who was sitting with them survived the incident. The shooting occurred shortly after Jusdar bin Umar, who was Director of a company called PT Ina Indah, had secured a lucrative joint venture contract with a Japanese firm. The timing of the attack, and the fact that neither of the victims had any known association with *Aceh Merdeka*, suggested that the soldiers may have been hired by Jusdar's business rivals. A relative who witnessed the killing reported it to the local military and police authorities, and to a local human rights organization, but to Amnesty International's knowledge no investigation was ever conducted, and no charges were brought.

Political Killings Since Late 1991

While the pattern of widespread extrajudicial execution peaked in late 1990 and early 1991, killings have continued to be reported since then. The precise circumstances of these more recent killings are sometimes unclear, and restrictions on human rights monitoring in the area have made them difficult to verify. Nevertheless, in view of the established pattern of extrajudicial execution in Aceh and elsewhere, Amnesty International believes that the reports of killings cited below, and many others, warrant immediate investigation.

- On 12 October 1991, a combined force of soldiers from Battalion 132, Kopassus and the Mobile Brigade reportedly arrested a man named **Amri Zaini** in the village of Krung Batee, Aceh Timur. Two days later, his corpse - bearing signs of torture and bullet wounds to the head - was found in Batee Iliak, Aceh Utara.

- On 10 December 1991, **Nurdin Usman Murni**, a young man from Blang Kumot, Pidie, was reportedly arrested and then killed by soldiers belonging to Kopassus in Pidie. According to reports, Nurdin was decapitated and his arms and legs were severed from his body.

- Three men were reportedly shot dead in a public execution on 10 January 1992 in Reubee, Pidie. **Ismail Kunjet**, a retired businessman aged 65, **Piah Sjech**, a village councillor aged 60, and **Ismail Husein** a farmer aged 40, were apparently suspected of supporting *Aceh Merdeka*.

- On 24 January 1992, **Abdullah Pari**, aged 35, of Idi, Peureulak, Aceh Timur, was reportedly shot and killed by Indonesian soldiers in front of his home after returning from the market place.

- **Sulaiman Tjot Murong**, aged 25, was reportedly shot dead by Indonesian troops in Lammeulo, Pidie, on 14 March 1992. His body was later returned to relatives by soldiers who said they had shot him by mistake.

- On 3 April 1992, **Teungku Imam Hamzah**, aged 80, was reportedly shot dead without reason by security forces while walking down the road in Lhok Kruntjong, Aceh. Teungku Imam Hamzah was thought to be a well-known supporter of *Aceh Merdeka*, according to reports he was not armed at the time of his death and soldiers gave no warning before firing.³⁸

- **Ilyas Ali**, aged 40, and **U. Yusuf**, aged 50, both of Pasi Lhok, Pidie, were reportedly shot dead by Indonesian troops in Amut village on 10 June 1992. Both were said to be *Aceh Merdeka* sympathizers.

- **T. Husein**, aged 45, was reportedly detained by Indonesian army soldiers in the town of Geureubak on 28 June 1992. His corpse, bearing signs of torture - was discovered the following day.

5. ARBITRARY DETENTION AND "DISAPPEARANCE"

At least one thousand people, and possibly more, have been held in unacknowledged, incommunicado detention in Aceh and North Sumatra for periods ranging from a few days to more than a year, since counter-insurgency operations began in 1989. The practice appears to have been part of a deliberate strategy to gather political and military intelligence and to intimidate potential political opponents through the suspension of all legal safeguards.³⁹ Widespread arbitrary detention has also resulted in further serious violations such as "disappearance", torture and extrajudicial execution. Scores and possibly hundreds of Acehnese political detainees are thought to have "disappeared" in custody, and it is feared that many may have been killed. Some have reappeared after

³⁸ A photograph of an elderly man named **Imum Hamzah** appeared on a government poster of the 25 most wanted members of *Aceh Merdeka*. The poster was distributed in July 1991 and by the end of the year at least 19 of the 25 named had been shot dead.

³⁹ Attempting to justify the practice of widespread arbitrary detention, Aceh's Governor Hasan said in July 1991: "We need information. When you try to kill a snake in a chair, you sometimes break the chair too." *Far Eastern Economic Review*, 25 July 1991.

several months in military custody. They include an estimated 900 untried political detainees who have been conditionally released since late 1990.

5.1 Patterns of Arbitrary Detention, "Disappearance" and Release

As a rule, arbitrary detention and "disappearances" in Aceh have conformed to the following general pattern. Suspects, sometimes the entire population of a village or neighbourhood, have been detained without warrant by military authorities. Their relatives have not been told of the fact of the arrest or the place of detention. Family members courageous enough to inquire after the whereabouts of a detainee have routinely been told that the person concerned is no longer in custody or has been transferred to another military camp or detention centre. Public registers of detainees have not been kept, and little effort has been made by military or police authorities to assist the family in locating the detainee. Some relatives have themselves been subjected to interrogation or intimidation by the authorities. Requests for clarification made by national and international human rights organizations on behalf of the family, though infrequent, have generally been ignored by the authorities.

Military and government authorities have sought to justify mass arbitrary detention by invoking national security interests, and the need to restore law and order in the area. Speaking at the UN Commission on Human Rights in February 1991, for example, the Indonesian delegation said:

*Faced with this situation, it was only natural that the Government of Indonesia should take measures to restore peace and public order. In the process some people were temporarily detained.*⁴⁰

The government has offered similar explanations for the pattern of widespread arbitrary arrest in East Timor, and indeed wherever it has faced serious opposition to its rule. In Amnesty International's view, such explanations deliberately obscure the unlawful and repressive nature of the practice, and the opportunities it creates for further grave violation of human rights. Those held in unacknowledged military custody have effectively "disappeared" and are vulnerable to torture and extrajudicial execution.

Political detainees have "disappeared" in the custody of both police and military authorities in a wide range of installations throughout Aceh and North Sumatra. However, the danger appears to be greatest for those held by units of the counter-insurgency force, Kopassus. In the words of an Acehnese political party leader, who must remain anonymous: *"If you're taken away by the military you have a fifty-fifty chance of coming back. If you're taken by Kopassus you can forget it."*

⁴⁰ Republic of Indonesia, Right of Reply (Item 12), 27 February 1991.

To Amnesty International's knowledge, the government has not initiated any investigations into reports of "disappearance" in Aceh and North Sumatra, nor has it acted to put an end to the practice of arbitrary detention which has contributed to the problem. Needless to say, those responsible for arbitrary detentions and "disappearances" have not been brought to justice. Under the circumstances, the fate of those who have "disappeared" since 1989 is unlikely ever to be resolved, and the phenomenon of "disappearance" will continue to occur wherever government or military authorities are able to invoke "national security" interests to justify the practice of arbitrary arrest.

Notwithstanding the government's failure to act on reports of "disappearance", some of those arbitrarily imprisoned have reappeared in custody. They include an estimated 900 uncharged and untried political detainees who were conditionally released between September 1990 and March 1993.⁴¹ The official explanation provided for the release of such detainees has typically been that they were found to have only a limited connection with *Aceh Merdeka*, and that they should be given an opportunity to reform politically. On the occasion of the release of 83 political detainees in Langsa in April 1991, for example, the Regional Military Commander, Major General H.R. Pramono, said they had been freed on humanitarian grounds in the hope that "*they would realize their mistake and would become good Indonesian citizens*".⁴²

The releases have been accompanied by elaborate official ceremonies apparently intended to demonstrate the military's good-will and respect for the "rule of law". In June 1991, on the occasion of the release of 77 detainees in Medan, a military official commented that the prisoners were being "... *released from detention not because the authorities captured the wrong man, but to give them an opportunity to clear their minds*".⁴³ Amnesty International believes that, far from demonstrating a commitment to the rule of law, the releases have highlighted the arbitrary nature of the original detentions, and have demonstrated that military adherence to basic principles of human rights in Aceh has been essentially arbitrary. All of the released political detainees had been denied the legal safeguards provided in Indonesia's Code of Criminal Procedure, none had been charged or tried, and some had been held for more than a year.

In effect, military authorities in Aceh and North Sumatra have usurped the authority of the judiciary to determine the guilt or innocence of political suspects in their custody. Speaking at a release ceremony in June 1991, for example, the Regional Military Commander told the political detainees. "*Bear in mind that you are found guilty. But the level of your guilt is low, so we give you a*

⁴¹ The releases took place in several waves: 140 were released in Lhokseumawe on 20 September 1990; 83 were released in Langsa on 11 April 1990; 77 were released in Medan on 21 June 1991; at least 226 but possibly as many as 299 were released from various centres in August 1991; 127 were released in Lhokseumawe on 10 October 1991; 68 were released in Sigli on 14 August 1992; and 23 were released in Lhokseumawe in March 1993.

⁴² *Jakarta Post*, 13 April 1991.

⁴³ *Jakarta Post*, 26 June 1991

chance to improve yourselves."⁴⁴ In all likelihood, most of these and other untried political detainees should never have been arrested in the first place. However, because of continued restrictions on their freedom following conditional release, none has dared to protest openly for fear of being detained again.

Figure 7 *The release of 77 untried political detainees in an official ceremony in Medan, June 1991.*

As a rule, untried political detainees in Aceh have only been released after they have signed and sworn an oath of loyalty to the government and the national ideology, *Pancasila*. Since their identities are made known to local military authorities, and they are generally required to report to the local command once every week, they are in permanent danger of re-arrest, and therefore under constant pressure to demonstrate their loyalty to the government. They are expected, for example, to join the civilian "vigilante" groups described earlier and to play an active role in tracking down alleged rebels. A

⁴⁴ *Reuter*, 22 June 1991.

lack of enthusiasm for such tasks has sometimes been construed as evidence of sympathy for the rebels.⁴⁵

5.3 Detention, "Disappearance" and National Security

The closely related phenomena of arbitrary detention and "disappearance" are by no means restricted to Aceh. They have been most common in the context of government counter-insurgency campaigns throughout Indonesia and East Timor, but they have occurred wherever the authorities have been able to invoke the interest of "national security". In such situations, legal provisions designed to protect the rights of detainees, are either ignored or superseded by exceptional laws.

Indonesia's Code of Criminal Procedure, in principle, provides significant guarantees against arbitrary arrest and detention. Under the Code, suspects must be served with a warrant of arrest - unless they are caught in the act of committing a crime - and their relatives must be furnished immediately with a copy of the warrant (Article 18). Only police authorities are legally entitled to carry out arrests, and they are required to charge or release a suspect within a specified time period. The Code also provides that detainees have the right to be accompanied by legal counsel of their own choosing at all stages of investigation (Articles 54 and 55).

In practice, however, these legal provisions are frequently ignored by the authorities, thereby creating opportunities for the practice of unacknowledged detention and "disappearance". The problem is particularly acute wherever the authorities deem that there is a threat to national security or stability. In such cases the military, rather than the police, routinely assume responsibility for arrest, detention and investigation. With few exceptions, arrest warrants are not issued, relatives are not informed, and detainees are held for extended periods without charge. Political suspects are generally held incommunicado, interrogated without the presence of a lawyer, and are made to sign interrogation depositions under duress, sometimes following torture.

These practices are facilitated by exceptional legal provisions governing the arrest and detention of persons suspected of "subversion". The Anti-Subversion Law, originally promulgated as a Presidential Decree in 1963 and never substantially amended, allows for the administrative detention of alleged "subversives" for periods of one year, renewable indefinitely on the authority of the Attorney General, without any other judicial authorization. Given the exceedingly vague definition of subversion contained in the Anti-Subversion Law, and the virtually unchallenged power of the military in matters relating to national security, this effectively allows military authorities unlimited powers of arrest.

⁴⁵ After the release of 226 political detainees in August 1991, Major General Pramono pointedly warned: "*If they betray Indonesia, our bullets will be their risk*". *Reuter*, 16 August 1991.

Amnesty International believes that under these circumstances, the related phenomena of long-term unacknowledged detention and "disappearance" are more or less inevitable.

5.4 Case Studies of "Disappearance"

Drs Mahdi Jusuf (and Four Others)

Drs Mahdi Jusuf, a businessman and local political party official in Banda Aceh, "disappeared" in March 1991, one month after being detained for questioning about his wife's employer's alleged links with *Aceh Merdeka*. Together with four other political detainees, Mahdi Jusuf was removed from his cell at Lhoknga Detention Centre on 4 March. None of the five were seen again, and it is feared that some or all of them may have been executed or tortured to death. In response to an enquiry from the UN Special Rapporteur on Torture, dated 21 August 1992, the government denied that Mahdi Jusuf had been detained.⁴⁶

Mahdi Jusuf, who was aged 34 at the time, was arrested at his home by two military officials on the afternoon of 7 February 1991. The officials had originally sought to question his wife in connection with the political activities of her employer, Abdullah Husein.⁴⁷ However, Mahdi Jusuf refused to let them take her, and said that they should question him instead. He was reportedly seen at the district headquarters of the internal security apparatus (BAKORSTANASDA) in Banda Aceh. However, when relatives went there to inquire shortly after his arrest, military officials denied any knowledge of him. Relatives then inquired at the Lhoknga Detention Centre and discovered that he had previously been detained there, but had been taken from his cell some time in March and not seen again. A few months later they heard that he had been seen at the Kopassus camp at Rancong, near Lhokseumawe. However, when asked for clarification of his fate, military officials there refused to provide relatives any details or assistance. Eventually, relatives sought the assistance of the Legal Aid Institute (LBH), whose representatives looked for him at the Gaperta military detention centre in Medan. Shortly thereafter, Mahdi Yusuf's relatives began to receive threats believed to come from local military authorities.

The other four men who "disappeared" from Lhoknga Detention Centre with Mahdi Jusuf were **Abdullah Ibrahim**, a student, **Amiruddin**, a bus-driver, **Idris Ishaq** and **Ibrahim Hasan**, both shop-keepers. The latter two and Mahdi Jusuf had been scheduled to testify against an alleged *Aceh*

⁴⁶ The 1993 annual report of the UN Special Rapporteur on Torture, UN document E/CN.4/1993/26, p.62, para 273.

⁴⁷ Abdullah Husein was later tried for subversion and, in March 1992, sentenced to six years imprisonment. See Appendix I.

Merdeka supporter, Marwan Yunus, in a subversion trial that began later the same month.⁴⁸ However, none of the three appeared in court, and their testimonies were read out in their absence. One fellow detainee said that they had been badly tortured before they "disappeared" from Lhoknga Detention Centre.

Abdurachman bin Samad

Abdurachman bin Samad (alias Rahman Toyo), an alleged supporter of *Aceh Merdeka*, reportedly "disappeared" from Lhokseumawe jail some time in early 1992. Accused of providing arms and finances to *Aceh Merdeka*, he was sentenced to 17-and-a-half years for subversion on 27 May 1991.⁴⁹ However, members of a prison fellowship who went for a regular visit to the jail in June 1992 discovered that Abdurachman was not there. Prison officials said that he had been transferred to the military headquarters (KOREM) in Lhokseumawe but military authorities there denied having him in custody. His whereabouts remained unknown in early 1993.

Mohamad Jafar bin Abdurahman Ed

Mohamad Jafar bin Abdurahman Ed "disappeared" in August 1990 after protesting to a local military command in Aceh Utara that soldiers had ransacked his house and confiscated some of his property. Aged 28 at the time of his arrest, a farmer and father of four, Jafar is now feared dead.

⁴⁸ Marwan Yunus was convicted of subversion in May 1991. For further details, see Section 7.4 and Appendix I of this report.

⁴⁹ For further details see Appendix I.

According to relatives, two men in civilian clothing who said they were Kopassus officers, came to look for Jafar at his home in Tegak Rembah, Aceh Utara, apparently suspecting him of being an *Aceh Merdeka* supporter. Neighbours and relatives told the men that Jafar was visiting relatives in a village some 30 kilometers away. Ignoring their protests, the soldiers ransacked his house and, after conducting a search, left with a Honda motorbike and an air-gun. When Jafar returned home later that evening and found that his house had been broken into, he immediately contacted his parents. They reported the incident to the Village Head and the Sub-District Head. Together they went to the KORAMIL headquarters to protest Jafar's innocence and to request the return of his property. Jafar was detained for questioning, accused of being involved in *Aceh Merdeka*, then transferred to a Kopassus post nearby. He has not been seen since.

Figure 8 *Mohamad Jafar bin Abdurahman Ed, a farmer who "disappeared" after his arrest in August 1990.*

When relatives returned to the KORAMIL headquarters several days later, military officials told them that Jafar had been transferred to the KODIM headquarters in Lhokseumawe, Aceh Utara. At the KODIM they were told that Jafar had been transferred to Medan, but they were not told where. After lodging a complaint through the Aceh Utara District Parliament (DPRD-II) in December 1990, the family learned that Jafar had been detained at the Gaperta detention centre in Medan. However, military authorities refused to provide relatives or lawyers with any further information about his fate. In July 1991, a man who had been held at Gaperta reported that Jafar had died in custody there. In October 1991, after trying unsuccessfully to meet the Regional Military Commander, Jafar's parents contacted a national human rights organization for help in clarifying his fate. The organization wrote to the Commander of the Armed Forces, General Try Sutrisno, on 15 November 1991, seeking information but, to Amnesty International's knowledge, had not received a reply by June 1993. Responding to an enquiry from the UN Special Rapporteur on Torture, dated 21 August 1992, the government simply denied that Mohamad Jafar had been detained.⁵⁰

⁵⁰ The 1993 annual report of the UN Special Rapporteur on Torture, UN document E/CN.4/1993/26, p.62, para 273.

Teuku Ahmad Dewi

Teuku Ahmad Dewi, a well known Islamic scholar and the head of a rural religious school (*pesantren*) in Idi Cut, Aceh Timur, "disappeared" in March 1991. Before his "disappearance" Teuku Ahmad Dewi had reportedly been working with the government to convince *Aceh Merdeka* supporters to return to the fold of the law. However, he is reported to have "disappeared" following a disagreement with military authorities in Alue Mira, where he had gone to collect the body of his brother, a suspected member of *Aceh Merdeka* reportedly shot by government forces. According to one report, Teuku Ahmad Dewi was shot and killed with a bullet in the head and in the chest, but another report suggests that he may have been taken into military custody.

Efforts to trace Teuku Ahmad Dewi have been stymied by fear and by official indifference. When a journalist asked after his whereabouts at his home village in April 1991, residents reportedly said: "*We don't know where he is. If you ask anyone they won't know, and if anyone asks you, just say you don't know either.*" Local and international human rights organizations made inquiries with government authorities but Teuku Ahmad Dewi's fate remained unknown in early 1993.

6. TORTURE AND ILL-TREATMENT

Torture has been used routinely in Aceh since mid-1989, and in a number of cases it has resulted in death. Military and police authorities have used torture to extract confessions from suspects and witnesses; to obtain political and other information from detainees; and to intimidate suspected political activists, their colleagues and their relatives. The methods of torture reported in Aceh are consistent with those used elsewhere in the country and in East Timor. While this does not necessarily prove that torture is military or government policy, it does indicate a high degree of shared information within the armed forces and the institutionalization of torture as a *modus operandi* during investigations.

6.1 Methods, Victims and Perpetrators

The methods of torture commonly suffered by political detainees in Aceh include: beating on the head, shins and torso with fists, lengths of wood, iron bars, bottles, rocks and electric cables; kicking with heavy military boots; burning with lighted cigarettes; electrocution; slashing with razor blades and knives; death threats, faked executions and deliberate wounding with firearms; pouring water through the nose; immersion for long periods in fetid water; suspension upside down by the feet; placing heavy objects on knees, and other joints; isolation, sleep and food deprivation; mutilation of the genitals, sexual molestation and rape.

In addition to the torture of Acehese political detainees, Indonesian security forces are reported to have ill-treated civilians in their homes and in public places, particularly in rural areas thought to be sympathetic to *Aceh Merdeka*. This has taken the form of threats, beatings, night-time house raids, house-burnings, forced patrols and occasionally rape. In areas where the same troops are known to have killed or "disappeared" large numbers of people, their mere presence is cause for considerable anxiety. The relatives and friends of suspected *Aceh Merdeka* members have also been subjected to torture and ill-treatment, in order to extract information from them, to force them to cooperate with security forces in locating the suspect, or to put pressure on the suspect to surrender.

Those principally responsible for the torture of Acehese political detainees have been military officials, sometimes high ranking officers. Incidents of torture and ill-treatment are reported to have taken place at virtually every level of the military command structure, and in dozens of different security force installations. Like human rights violations generally in Aceh, the incidence of torture has been concentrated in the districts of Pidie, Aceh Utara and Aceh Timur. However, suspected rebels and sympathizers have also been tortured in the districts of Aceh Besar and Aceh Tengah. In addition, a substantial number of suspected rebels arrested in Aceh have been transferred to various military and police installations in Medan, North Sumatra, where many have been tortured. The following is a partial list of centres cited in the testimony of witnesses and victims:

- Kopassus Camp, Kreung Geukeuh, Rancong, Aceh Utara
- Kopassus Post, Rantau Panjang, Peureulak, Aceh Timur
- Kopassus Post, Idi, Peureulak, Aceh Timur
- Bukit Sintong Camp, Lhoksukon, Aceh Utara
- Resort Military Command (KOREM/012) in Lampineung, Banda Aceh
- Resort Military Command (KOREM/011) in Lhokseumawe, Aceh Utara
- District Military Command (KODIM) in Sigli, Pidie
- District Military Command (KODIM) in Lhokseumawe, Aceh Utara
- District Military Command (KODIM) in Langsa, Aceh Timur
- District Military Command (KODIM) in Takengon, Aceh Tengah
- Sub-District Military Command (KORAMIL) in Peureulak, Aceh Utara
- Mobile Brigade Headquarters, Medan, North Sumatra
- Gaperta detention centre, KODAM I, Medan, North Sumatra
- Gandhi prison, Medan, North Sumatra

As in other parts of the country, the treatment of political detainees in Aceh has generally improved significantly after they have been tried and transferred to a regular prison facility, though incidents of ill-treatment have been reported from regular prisons as well. It is the fear of being returned to military custody, to face further torture, which according to Indonesian lawyers, compels many of those tried for political crimes to plead guilty and offer no defence.

6.2 Torture and National Security

Torture and ill-treatment are prohibited under the Indonesian Criminal Code (KUHP) and the Code of Criminal Procedure (KUHAP). According to government authorities, they are also proscribed by the Constitution, the state ideology *Pancasila*, various Ministerial regulations, and armed forces service oaths. However, existing laws and regulations have not proven effective in preventing torture and ill-treatment in practice. Nor have they been effective in ensuring that the perpetrators are brought promptly to justice. This is hardly surprising in view of the attitude of blanket denial which has characterized military and government responses to virtually all allegations of torture in Aceh and elsewhere. In April 1991, an armed forces spokesman said: "*If there is a beating or something like that I can't deny it, but it's not real torture*".⁵¹ And, in response to enquiries from the UN Special Rapporteur on Torture concerning several specific reports of torture in Aceh, the government has simply denied all allegations.

The vulnerability of detainees in Indonesia and East Timor is especially great when they have been arrested for alleged political offenses such as subversion. As the UN Special Rapporteur on Torture noted in his 1992 report on Indonesia:

*...torture occurs in Indonesia, in particular in cases which are considered to endanger the security of the state. In areas which are deemed to be unstable, torture is said to be practised rather routinely;...torture is also allegedly used elsewhere, in particular on persons who are suspected of belonging to groups which threaten the State philosophy, e.g. by advocating the creation of an Islamic State.*⁵²

In such cases, the Code of Criminal Procedure is commonly ignored, and where the case is classified as subversion, it may be legally superseded. In either case, suspects are likely to be held indefinitely in pre-trial detention, and without any guarantee of access to relatives, lawyers or medical professionals, thereby increasing the risk of torture.

6.2 Case Studies of Torture

Drs Adnan Beuransyah

Drs Adnan Beuransyah, a journalist, was convicted of subversion and sentenced to eight years in prison in May 1991.⁵³ In his trial he described his treatment after being detained by soldiers of the

⁵¹ *Asiaweek*, 4 April 1991.

⁵² Report of the UN Special Rapporteur on Torture on his visit to Indonesia and East Timor, UN Document E/CN.4/1992/17/Add.1.

⁵³ For further details of the charges against Drs Adnan Beuransyah and his trial, see Section 7.4 of this report.

Sub-District Military Command (KOREM/012) post at Lampineung, Banda Aceh, on 16 August 1990.

"As soon as we got to Lampineung, I was stripped to my underwear and my hands were handcuffed behind me. Then I was shoved into a room where I was treated inhumanely. I was kicked and punched about the chest and legs until I fell on the floor. I was forced into consciousness again only to be kicked and punched all over my body. I collapsed again and had difficulty breathing. This went on for about an hour. Then I was taken to another room. Here I was tortured more than before. I was hit with a 5x5 cm block of wood and beaten and kicked while I was blindfolded. My shins were a particular target, and I still bear the scars on my back. My hair and nose were burned with cigarette butts. I was given electric shocks on my feet, genitals and ears until I fainted. As a result of the shocks, I was impotent for three months.

Figure 9 *Drs Adnan Beuransyah*

Then I was ordered to sit with my legs outstretched and a length of wood was held down over my knees. Another length was placed under my buttocks which was then pumped up and down like someone jacking up a car. Imagine the pain. My knees felt as though they

would break. In this posture I was ordered to confess to all the accusations against me. I thought then, it's better to admit to anything they want. The pumping ceased, and I was ordered to sit on a long bench facing the interrogator. I was still blindfolded and the wire for electric shocks was still wound around my big toes. If I said anything they didn't like, they'd turn on the current. This went on until about 8am, meaning I was tortured for about eight continuous hours.

On the third night I was tortured again, though not as badly as the first night. The pain, however, was worse because my body was already weak and bruised as a result of the beating with the block of wood. My body was bruised and bloodied, and I had been beaten and kicked so much that I coughed up blood and there was blood in my urine...It continued like this until I signed the interrogation deposition (BAP).

Responding to an enquiry from the UN Special Rapporteur on Torture, dated 21 August 1992, the Government of Indonesia acknowledged that Adnan Beuransyah had been arrested and tried, but claimed that there was "no indication whatsoever" that he had been tortured.⁵⁴

Syaifulah - Political Detainee

Syaifulah was an Acehnese who worked in Jakarta as a petty trader but had returned to Medan in 1990 to visit his ailing parents. He was arrested on suspicion of supporting *Aceh Merdeka* and detained at the Mobile Brigade headquarters in Medan in late 1990. According to other prisoners who spoke to Amnesty International, police officials came to the room where Syaifulah and about 30 suspects were being held. They tied his hands behind his back, covered his eyes with heavy tape and took him out of the room to a yard close by. From the room, the other detainees were able to see and hear him being beaten. They said that he was kicked by soldiers wearing combat boots, and forced to drink urine. They also said that he was stripped naked and his genitals squeezed with a pair of metal pliers. Syaifulah did not return to the detention room and his whereabouts remained unknown in late 1992. Responding to an enquiry from the UN Special Rapporteur on Torture, dated 21 August 1992, the government denied that Syaifulah had been detained.⁵⁵

Drs Ismail bin Gani - Political Detainee

Drs Ismail bin Gani, a father of four and a civil servant at the office of the Regent of Pidie was arrested and tortured by military authorities in March 1992. Suspected of being an *Aceh Merdeka*

⁵⁴ The 1993 annual report of the UN Special Rapporteur on Torture, UN document E/CN.4/1993/26, p.62, para 273.

⁵⁵ The 1993 annual report of the UN Special Rapporteur on Torture, UN document E/CN.4/1993/26, p.62, para 273.

supporter, he was arrested without a warrant outside his home in the village of Paloh, Pidie. He was held incommunicado for two months at the Kopassus headquarters in Rancong, and reportedly tortured to extract a confession. His wife was not informed of the arrest, but heard by word of mouth that he was being held at Rancong. When she was allowed to visit him there in May 1992, for the first and only time, his arms and legs were broken and he reportedly had to be carried by soldiers to meet her. He told her that he had been beaten repeatedly with a length of wood two inches in diameter, and had not received any medical treatment.

Abbas - Political Detainee

Abbas, a political detainee, was repeatedly tortured while in custody at Mobile Brigade headquarters and later at Gaperta prison in Medan in September 1991. After being beaten with a thick electric cable he was reportedly forced to squat with a length of wood placed behind his knees, with a second prisoner sitting on his shoulders. Other prisoners said that one of his legs broke during the torture, and that the rest of his body was severely bruised. He was sent briefly to the infirmary, then by helicopter to Lhokseumawe, reportedly to point out other *Aceh Merdeka* members in custody there, and finally back to the Mobile Brigade camp in Medan on about 8 September 1991.

A former detainee told Amnesty International that when she saw Abbas in September 1991 he had an open wound on his forehead and bruises all over his body. These were visible because, at the time, Abbas was wearing only a pair of undershorts. About one week later, Abbas and several others were taken to Gaperta, hands tied and eyes taped closed. A detainee who saw him in Gaperta in November 1991 said that he had a festering wound on the calf of one leg and that he was unable to talk, only nodding or shaking his head in reply to questions. Amnesty International believes that Abbas may still be in detention. However, in response to an enquiry from the UN Special Rapporteur on Torture, dated 21 August 1992, the government denied that Syaifulah had ever been detained.⁵⁶

Nasrun Majid - Relative of Suspected Rebel

Nasrun Majid, 33, was arrested in June 1990 when a group of about 40 soldiers came to his family's house in Alue Nirih, Peureulak, in search of his elder brother, Razali Abdul Hamid, a suspected *Aceh Merdeka* activist. He was held for 11 days at the Aceh Utara KODIM in Lhokseumawe. According to relatives, he was beaten on the shins and head with a wooden club while being questioned by a senior intelligence officer of the KODIM concerning the whereabouts of his brother. Nasrun Majid was released on condition that he help to turn his brother over to the authorities. Razali's wife was also pressured to reveal information about his whereabouts. Toward the end of 1990, soldiers went to her house in Alue Nirih to ask after his whereabouts. When she said

⁵⁶ The 1993 annual report of the UN Special Rapporteur on Torture, UN document E/CN.4/1993/26, p.62, para 273.

that she did not know, one of the soldiers reportedly grabbed her month-old baby by the feet and, holding it upside down, said: "*If we can't get your husband we'll take the baby instead!*" She and others in the house began to scream and eventually the soldiers departed, leaving the baby behind. For roughly six months thereafter, soldiers visited the house at least once a week looking for Razali. In March 1991, 17 members of the family decided to flee to Malaysia where they were detained as illegal immigrants.

7. UNFAIR POLITICAL TRIALS AND PRISONERS OF CONSCIENCE

At least fifty people have been sentenced to prison terms of between three years and death, since 1990, for their alleged links to *Aceh Merdeka* (see Appendix I); and the government has announced that some 20 others are due to be brought to trial in the near future.⁵⁷ All those tried by mid-1993 had been convicted under the sweeping Anti-Subversion Law, which carries a maximum penalty of death, and which is still in use despite repeated recommendations for its repeal by members of the Indonesian legal profession and the UN Special Rapporteur on Torture. At least twenty of those sentenced appear neither to have used nor to have advocated the use of violence. Amnesty International believes they may be prisoners of conscience.

The trials have been intended, in part, to answer domestic and international criticism of government human rights abuse in Aceh, and to demonstrate that the government adheres to "the rule of law". Yet like political trials in Indonesia and East Timor generally those in Aceh have, without exception, failed to meet international standards of fairness, or even to conform to Indonesia's own Code of Criminal Procedure (KUHAP).

The Indonesian judiciary, while formally independent of executive authority is, in practice, subordinate to it. Judges, public prosecutors and other court officials are civil servants and are therefore vulnerable to pressure from executive, and particularly military, authorities. Pressure tends to be especially great where the government faces a perceived threat to "national security". In such circumstances, military authorities routinely interfere in the judicial process, in defiance of Indonesia's own Code of Criminal Procedure. Judicial authorities seldom, if ever, challenge such interference in political cases. A guilty verdict is, therefore, a foregone conclusion; and even the sentencing is likely to be agreed in advance with military officials.

Far from demonstrating a commitment to the rule of law, the subversion trials in Aceh have shown how readily the Indonesian judicial system can be influenced by those in power. Whatever the central government may say about respect for the rule of law, military authorities in Aceh have

⁵⁷ Only two trials took place in 1990; A.M. bin Usman, and Abu Bakar were sentenced to four and three years imprisonment respectively. The rest were held in several waves starting in March 1991. For more details see Appendix I.

demonstrated contempt for the principle since 1989. Their attitude was neatly summarized by a military commander who told lawyers of the Indonesian Legal Aid Institute (LBH) in 1991:

"You can eat your KUHAP [Code of Criminal Procedure]. It doesn't apply here."

7.1 The Pre-trial Stage

At virtually every stage of the pre-trial process - including arrest, detention, and investigation - defendants in the *Aceh Merdeka* cases tried to date encountered treatment highly prejudicial to a fair trial, and at odds with minimal guarantees in Indonesian and international law.

Most of the defendants were arrested by military authorities, and held in military custody, in contravention of Article 18 of the Code of Criminal Procedure which stipulates that the police have sole responsibility for arrest and detention. And whereas the Code requires that a warrant of arrest be served, most were arrested without a warrant, on the pretext of being "invited for questioning." The legal requirement that detainees be promptly charged or released was also ignored by the authorities. Most defendants were held incommunicado, without charge, for periods of up to several months. To Amnesty International's knowledge none was permitted to receive visits from relatives until his trial began and, in many cases, families were not officially notified of the reasons for the prisoner's arrest or his place of detention.

Even more serious irregularities were evident at the investigation stage. As noted above, the confessions of many defendants - recorded in their interrogation depositions (*Berita Acara Pemeriksaan* or BAP) - and the testimony of some prosecution witnesses, were extracted under duress, and sometimes under torture. In June 1991, Amnesty International received a letter from a man who had been detained since late 1990 on suspicion of involvement with *Aceh Merdeka*. The letter described his arrest by the military, his treatment while in detention, and his trial:

"I was undressed to only one piece of underwear. A moment later I was blinded with a piece of black cloth then dragged to a small and dark mosquito-dominated cell where I was locked in. That night, toward the morning or dawn, I heard loud screams of pain of a detainee being tortured...Sometimes the screams were so long and so fainting near the end that I thought the detainee was going to die..."

The following 15 days witnessed the severest tortures inflicted on me during the day and night interrogations by the military intelligence; beatings, cigarette burnings, whippings, electric shocks, water poured through the nose, forced drinking of urine and curses were their methods...The interrogations were to force me to confess to things that I did not do, know of or see. They dragged me into a ditch of confession which would tie my neck so that they had the reasons to lock me up.

One person being interrogated, five inflicting all sorts of tortures. During these same days and nights five other detainees were also being interrogated in the same ways. Later I was told by other detainees that ten detainees had been paralysed, one had died and twenty had suffered serious injuries; wounded, swelling, immense headaches, vomiting and constant nausea.

...Most of the detainees became detainees as the result of the inhumane practice of the government authorities. When one is arrested, he has to tell as many people as possible who have relation with him. Otherwise the torture would not be stopped... Several were forced to watch other detainees being tortured in front of them."

This prisoner was sentenced to a lengthy prison term for subversion in 1991, and following an appeal to the High Court of Aceh, his sentence was increased. In his letter to Amnesty International he asked that his name not be mentioned "*...otherwise things will go worse at my end.*"

The use of torture to extract confessions was facilitated by the denial of other basic rights by the authorities. For example, in contravention of Article 54 of the Code of Criminal Procedure, none of the defendants was permitted to have a lawyer present during interrogation, or to consult with a lawyer at any time prior to the start of the trial.⁵⁸ Efforts by the Indonesian Legal Aid Foundation to act on behalf of some of the accused were obstructed by military and judicial authorities. Military authorities and the Public Prosecutor also warned some detainees against seeking the assistance of a defence lawyer, and threatened to return them to military custody if they refused to cooperate. The fear of further torture, and the fear of remaining indefinitely in incommunicado detention, was sufficient to convince most defendants to comply with the recommendations of the Public Prosecutor and the military.

7.2 The Trial Stage

Pre-trial irregularities were compounded at the trial stage. Judicial authorities ignored the testimony of witnesses and defendants that their interrogations were extracted under torture, despite the fact that, according to the Code of Criminal Procedure, evidence improperly obtained is inadmissible in court. Fearing that the courts might not protect them from further abuse, some defendants did not dare to testify about the torture they had suffered. In a letter to a friend, one of those convicted in 1991 explained why he had not had the courage to describe his experience openly during his trial:

⁵⁸ Article 54 of the Code of Criminal Procedure states: "*In the interest of defence, a suspect or defendant has the right to get legal assistance from one or more legal advisers during the period and at every level of examination, according to the procedure determined by this law*".

A friend of mine... died in the prison on 13 December 1990, because of the torture; he vomited fresh blood when he was dying. Several others became completely paralysed. Ten or eleven were taken out during the night and killed outside the jail; their bodies have not been found until now. Those circumstances caused me to be unable to express my own experience in the court hearings. The threats being made against us at that time made me give in; a thing I deeply regret now.

Because defendants were not free to appoint or consult lawyers of their own choice, the majority were defended by court-appointed lawyers with little or no experience in political trials. Apart from the problem of inexperience, lawyers faced almost insuperable obstacles in providing an effective defence for their clients. Most were appointed only a few days before the commencement of the trial, and had no opportunity to meet their clients until the first court session. They were also denied access to crucial court documents to which they were legally entitled, such as the interrogation depositions (BAP); documents upon which, in most instances, the case against their client would rest.

Figure 10 *Ridwan Ibas being brought to court*

Defence lawyers also laboured under heavy political pressure from the military authorities. Prior to each trial, they were called in for a briefing by military intelligence authorities, and warned not

to mount too strong a defence. In most cases they complied, both because to do otherwise could be construed as sympathy for *Aceh Merdeka* and because, out of fear, their clients had asked them to do so. Consequently, few defence lawyers even attempted to challenge the charges against their client. Fewer still questioned procedural irregularities during arrest, detention and investigation. Prosecution witnesses were not subjected to rigorous cross-examination and, with rare exceptions, witnesses were not called for the defence.

7.3 The Accused

The accused were informally grouped into three broad categories - "intellectual leaders", "sympathizers" and "activists" - according to the nature of their alleged involvement with *Aceh Merdeka*. Amnesty International believes that many of the "intellectual" and "sympathizer" group may be prisoners of conscience, convicted solely for their non-violent activities or beliefs. The organization is currently investigating the validity of the allegations against members of the "activist" group to determine whether some of them may also be prisoners of conscience.

The alleged intellectual leadership - which included university lecturers, civil servants and school teachers - were the first to be brought to trial. As their trials got underway in March 1991, the Public Prosecutor acknowledged that members of this group "*were not armed*" but charged that they were "*...the brains which planned the terrorist actions*" of *Aceh Merdeka*. However, there was little or no evidence presented in court that any of this group had advocated violence or planned violent acts; and some appeared to have argued openly against violence and in favour of peaceful solutions. Moreover, while virtually all of the accused acknowledged their sympathy for the nationalist goals of *Aceh Merdeka*, most appeared to have no formal position within the organization. It was therefore doubtful that they could have had any personal responsibility for acts of violence committed by *Aceh Merdeka* members.

Like the "intellectual" group, the "sympathizers" were accused of a variety of non-violent activities including: participation in "clandestine meetings" at which the goals of *Aceh Merdeka* were discussed; distributing "illegal pamphlets" considered to pose a threat to national security; criticizing the President and the government in public meetings or religious seminars; providing shelter and transportation to alleged *Aceh Merdeka* members; and soliciting financial contributions for the organization. However, some members of this group were also accused of providing weapons and other logistical support for *Aceh Merdeka's* armed assaults. This group included a number of armed forces personnel, who were publicly tried in military courts in late 1991 and early 1992.

Members of the "activist" group were accused of actually carrying out violent attacks in 1989 and 1990, including several armed assaults on police and military posts, transmigration sites, schools and other public buildings. A number of members of this group were also said to have received military training in Libya, and to have stolen arms and ammunition from Indonesian security forces. One of

this group, the former army sergeant **Robert Suryadarma**, was tried for subversion in absentia, and sentenced to death in April 1993.

7.4 Case Studies of Possible Prisoners of Conscience

Drs Hasbi Abdullah

Drs Hasbi Abdullah, aged 46, a lecturer in the Faculty of Economics at the Syiah Kuala University (Unsyiah) in Banda Aceh, was arrested without a warrant on 15 October 1990 and held incommunicado until he was brought to trial at the District Court of Banda Aceh in mid-March 1991. He was convicted of subversion and sentenced to 14 years in prison on 11 May 1991 but, following an appeal to the High Court in July 1991, his sentence was increased to 17 years. An observer who attended several court sessions in April 1991, described the defence mounted by court-appointed lawyers as "totally inadequate."

Figure 11 *Drs Hasbi Abdullah*

The prosecution alleged that Hasbi Abdullah had attended two "clandestine meetings" at the Kuta Alam tailor shop in Banda Aceh, in June and July of 1990, together with other members of the "intellectual group". The participants in these meetings were said by the prosecution to have discussed the need for a diplomatic initiative to place Aceh on the agenda of the United Nations. He was also said to have taken part in one meeting in Montasik, Aceh Besar, at which hiding places for *Aceh Merdeka* members were discussed and plans for obtaining vehicles for the group were drawn up. Hasbi Abdullah did not deny participation in these meetings, and he admitted having sympathy for *Aceh Merdeka's* nationalist goals. However, he denied having any formal role within the organization, and his claim was supported by the testimony of all the witnesses for the prosecution.

A former student leader, and a relative of known *Aceh Merdeka* figures, Hasbi Abdullah had been arrested on at least two previous occasions for his alleged political activities. In 1978 he was

detained for one year and four months for allegedly failing to report to the authorities a meeting he had had with his elder brother, Zaini Abdullah, an *Aceh Merdeka* leader wanted by the Indonesian authorities. He was arrested again in 1983 and sentenced to two and a half years in prison for assisting his brother and another man to escape to Malaysia.

Mulkan Usman

Mulkan Usman, 39, trained as a lawyer but self-employed, was arrested without warrant on 25 September 1990 in Banda Aceh, and held in unacknowledged, arbitrary detention for nearly six months before being brought to trial in March 1991. He was convicted of subversion and sentenced to 12 years in prison on 8 May 1991 at the District Court of Banda Aceh. Following an appeal to the High Court in July 1991, his sentence was increased to 15 years.

The prosecution alleged that he had solicited funds for *Aceh Merdeka* and had attended a number of "clandestine meetings" at the Kuta Alam Tailor shop in June and July of 1990, together with other members of the organization's "intellectual group". Mulkan Usman reportedly admitted in court that he had been a sympathizer of *Aceh Merdeka* since the late 1970s; he had joined, he said, out of frustration at not being able to find a job. However, there was no clear evidence that he had used or advocated violence. According to the prosecution, Mulkan Usman admitted in his interrogation deposition that, during one of the meetings in 1990, he had said that *Aceh Merdeka's* violent methods were necessary. Usman acknowledged that this statement appeared in his deposition but said it had been extracted under duress and that he had not been accompanied by a lawyer while under interrogation. His claim was supported by evidence that he had been tortured or severely ill-treated in custody. Trial observers said that when he first appeared in court he was unable to walk and had to be supported by security guards. In later sessions, he walked only with the help of a cane. The court dismissed his complaints and his interrogation deposition was accepted as evidence.

Formerly a student activist like Hasbi Abdullah, Mulkan Usman was first arrested for his political activities in 1977. He was sentenced to three years in prison for raising the flag of *Aceh Merdeka* at two public schools in the area of Banda Aceh. In 1983 he was sentenced to two years and eight months in jail for helping Hasbi Abdullah's brother, Dr. Zaini Abdullah, and another man escape to Malaysia.

Figure 12 *Mulkan Usman*

Drs. Adnan Beuransyah

Drs Adnan Beuransyah, 34, a journalist with the newspaper *Serambi Indonesia* and a lecturer at the National Islamic Institute (IAIN), was arrested on 16 August 1990. He was held incommunicado in three different detention centres for nearly eight months before being brought to trial in March 1991 at the District Court of Banda Aceh. In spite of evidence that his confession of links to *Aceh Merdeka* had been extracted under duress, he was convicted of subversion and sentenced to 8 years in prison in May 1991. His sentence was increased to nine years in July 1991 following an appeal to the Aceh High Court.

The prosecution alleged that Adnan Beuransyah had distributed "illegal pamphlets" in June 1990, including one which urged Acehese not to take part in Indonesia's national day celebrations on 17 August 1990. It also alleged that he had attended "clandestine meetings" in June 1990 at which *Aceh Merdeka* goals and tactics were said to have been discussed. His defence lawyers did not contest his attendance at the meetings, but pointed out that he had made little or no contribution to the discussions. None of the prosecution witnesses testified that he was an *Aceh Merdeka* member. In his defence plea, Adnan Beuransyah retracted much of his interrogation deposition, saying that he had signed it after being severely tortured. He also testified in court that, before the trial began, the Public Prosecutor had threatened to have him returned indefinitely to military custody - where he had suffered torture - if he dared to retract his interrogation deposition. These and other serious irregularities in arrest, detention and investigation procedures were ignored by the court.

Sergeant Muhammad Yacob and Lieutenant Idris Ahmad

Police Sergeant **Muhammad Yacob**, aged 28, and Lieutenant **Idris Ahmad**, aged 51, were convicted of subversion and sentenced to 11 years' imprisonment each by Military Court I-01 in Banda Aceh in June 1992. Both were also discharged from the armed forces. They were accused of reproducing and distributing an "illegal pamphlet on religious issues" allegedly prepared by *Aceh Merdeka*. The prosecution did not disclose the content of the pamphlet but contended that it posed a threat to national security and that it might have caused inter-religious tensions or enmity.

The pamphlet in question had apparently originated with Syarifuddin, a fish trader from Banda Aceh. The prosecutor alleged that, after receiving one of the pamphlets some time in April 1990, Lieutenant Ahmad had asked a friend to distribute copies to others, including an alleged *Aceh Merdeka* sympathizer, Drs Teungku Effendi.⁵⁹ A father of twelve with 30 years' service in the armed forces, Lieutenant Ahmad acknowledged in court that he supported efforts to promote and protect Islam but denied that he was an *Aceh Merdeka* sympathizer. He claimed that he had sent copies of the pamphlet to officials including the Governor and Vice-Governor of Aceh, as well as the chairman of the provincial Council of Religious Scholars (MUI), so that they could inform the population of its slanderous content.

Sergeant Yacob, married with one child, had served in the police for five years at the time of his trial, most recently at the Polsek Ingin Jaya, Aceh Besar. His court martial lasted just two days, and his sentence was one year longer than that demanded by the Military prosecutor (Oditur).

Ridwan Ibas

At the time of his arrest in August 1990 **Ridwan Ibas**, aged 34, was a civil servant with the Banda Aceh office of the Department of Fisheries. He was held first at the Banda Aceh office of military intelligence, and later at the KOREM headquarters in Lhokseumawe. He was brought to trial in March 1991 at the District Court of Banda Aceh and sentenced to seven years' imprisonment for subversion in May. His sentence was increased to eight years in July 1991 following an appeal to the Aceh High Court.

The prosecution alleged that he had distributed pamphlets which urged the public to ignore the celebrations of Indonesian national day on 17 August 1990. It was also alleged that he had attended an *Aceh Merdeka* meeting in Simpang Surabaya, Banda Aceh in May 1990 at which plans to bomb a power pylon at the Arun Liquid Natural Gas compound in Lhokseumawe had been discussed. However, Ridwan Ibas testified in court that he had only learned about those discussions from fellow detainees after his arrest, and that he had not attended any *Aceh Merdeka* meetings.

⁵⁹ Drs Teungku Effendi was sentenced to five years imprisonment for subversion in May 1991. For further details see below and Appendix I.

Amir Syam

Amir Syam, 35, a civil servant in the provincial office of the Ministry of Justice, was arrested without a warrant on 25 September 1990. He was held incommunicado in military custody in Banda Aceh for five months before being transferred to Lhoknga prison in mid-February 1991. He was brought to trial on subversion charges in March 1991 and sentenced to six years in prison in May. Following an appeal to the Aceh High Court in July 1991 his sentence was reduced to five years.

According to the prosecution, Amir Syam had been a member of *Aceh Merdeka* since 1989, and had acted as a liaison person between a jailed *Aceh Merdeka* leader, Teungku Muhammad Usman Lampoh Awe, and members of the organization outside. The prosecution also alleged that, at a meeting in June 1989, Amir Syam had been entrusted with the task of encouraging support for *Aceh Merdeka*, and securing funds to assist the group. As part of his efforts in this direction, the prosecutor said, he had made negative comments in public about the Indonesian President, cabinet and armed forces.

Amir Syam acknowledged that both his father and his grandfather had been members of *Aceh Merdeka*, and that his father had been jailed for his political activities in the late 1970s. However, he denied that he himself had been a member of the organization. A trained lawyer, Amir Syam argued in his defence plea (*pledoi*), that the arrest, investigation and trial procedure in his case had deviated from the law and had violated basic principles of human rights.

Figure 13 *Amir Syam being brought to court*

Marwan Yunus

Marwan Yunus, aged 31 and unemployed, was arrested on 3 October 1990, and subjected to severe torture while under interrogation in military custody. He was brought to trial in March 1991, convicted of subversion on the basis of his forced confession and, in May 1991, was sentenced to eight years in prison. His sentence was reduced to six years following an appeal to the Aceh High Court.

During his trial Marwan Yunus categorically denied prosecution claims that he had attended a meeting with *Aceh Merdeka* leader Teungku Serawak. His testimony was corroborated by prosecution witnesses. Yunus also denied that he had made financial contributions to the group. There was evidence that Marwan Yunus had been tortured in military custody, and that both his interrogation deposition and other information had been extracted under duress. In his defence plea, he testified that he had been stripped naked and blindfolded before his interrogation. While not specifying the methods of torture used, he told the court that he had suffered a broken nose and a lasting injury to one foot during the interrogation. He also testified that, in a previous investigation, he had been forced to corroborate the false confession of another detainee, Ibrahim Hasan, in order to prevent the authorities from continuing to torture the other detainee. Responding to an enquiry from the UN Special Rapporteur on Torture, dated 21 August 1992, the government acknowledged that Marwan Yunus had been arrested and tried, but claimed that there was "no indication whatsoever" that he had been tortured.⁶⁰

Drs Teungku Effendi

Teungku Effendi, 33, a teacher of Koranic verse recitation, was arrested in the middle of the night on 16 August 1990. He was held incommunicado in military custody for six months, during

⁶⁰ The 1993 annual report of the UN Special Rapporteur on Torture, UN document E/CN.4/1993/26, p.62, para 273.

which time he was reportedly tortured, before being formally charged with subversion. He was brought to trial in March 1991 and sentenced to five years in prison; his sentence was upheld by the Aceh High Court in July 1991.

The prosecution alleged that Teungku Effendi had become an *Aceh Merdeka* member in July 1990, and that he had worked since then as a propagandist for the organization. Among other non-violent activities he was accused of distributing "illegal pamphlets" in mid-1990 urging Acehnese not to take part in Indonesia's national day celebrations, and warning of Christian proselytization in the region. He was also accused of giving sermons aimed at arousing hatred among religious groups. During the trial Teungku Effendi acknowledged that he sympathized with *Aceh Merdeka's* goals because they accorded with his own religious beliefs, but he denied being a member of the organization. He admitted possessing copies of the pamphlets mentioned by the prosecution but denied writing or distributing them. Finally, he admitted that he had given sermons that were critical of the government, but said he had not intended to offend other religions. His claim was supported by prosecution witnesses who had heard his sermons.

During his trial, Tengku Effendi retracted most of the contents of his interrogation deposition, saying that it was untrue and had been extracted under duress. Though he did not reveal details of his treatment in military custody, trial observers said it appeared that he had been tortured. At the beginning of the trial his legs were so badly injured that he had to be supported by security guards, and in later sessions he was often seen using a cane.

8. ACEH AND THE INTERNATIONAL COMMUNITY

Responsibility for the pattern of grave human rights violations in Aceh rests principally with the Government of Indonesia, but the international community must also accept its share of the blame. By failing to respond firmly to reports of serious violations in Aceh for almost four years, member states of the United Nations have effectively acquiesced in them, thereby helping to perpetuate the problem. Some governments, too, have failed to offer adequate protection to Acehnese who have fled the country to seek asylum. Amnesty International therefore urges member states of the United Nations, which have recently expressed deep concern over a pattern of serious human rights violations in East Timor, to demonstrate similar resolve with respect to violations in Aceh.

8.1 Acehnese Asylum-seekers

Hundreds of Acehnese fled by boat to neighbouring Malaysia following the intensification of Indonesian counter-insurgency operations in late 1990. At least 200 Acehnese landed on the west

coast of Malaysia between March and September 1991, and scores of others arrived in 1992. Many were immediately detained as illegal immigrants in various police lock-ups and detention centres. In June 1992, 43 Acehnese asylum-seekers entered the premises of the United Nations High Commissioner for Refugees (UNHCR) in Kuala Lumpur asking for protection, and they were still there in June 1993. An estimated 160 others remained in custody in late 1992, while as many as 170 are reported to have returned to Indonesia since October 1991.⁶¹

Amnesty International believes that these asylum-seekers, and many other Acehnese in Malaysia, risk ill-treatment, torture, possible extrajudicial execution, or imprisonment as prisoners of conscience, if forcibly returned to Indonesia. The Indonesian Government has denied that the Acehnese would be in danger, claiming that no human rights violations have occurred in Aceh, and it has sought to ensure that the Malaysian authorities will not grant them asylum. While Amnesty International understands that some of those asylum-seekers who have returned home may have done so voluntarily, it fears that others have returned under pressure from the Indonesian Government, and without a proper assessment of their asylum claims. It is also concerned that those still detained in Malaysia have not been permitted to receive visits from representatives of the UNHCR thereby making the full and impartial assessment of their asylum claims impossible.

The principle of *non-refoulement* is recognized by the international community as a norm of general international law, binding on all states. It places an obligation on states not to send any person against their will to a country where they would be at risk of serious human rights violations. International standards dealing with the protection of refugees and asylum-seekers also state that the detention of refugees and asylum-seekers should be resorted to only in exceptional circumstances, and that asylum-seekers who are detained should be provided with the opportunity to contact the UNHCR.⁶² Such access is essential if the authorities are to identify asylum-seekers who would be at risk if returned to their country of origin and who should be given effective and durable protection.

⁶¹ Precise figures of asylum-seekers and returnees have been difficult to ascertain. According to Indonesian press reports, a group of ten returned to Peureulak in late September 1990 (*Tempo*, 28 September 1990) and another 12 returned to villages in Aceh Timur on 1 November 1990, but the total number of returnees is thought to be much greater. According to Indonesian military sources, for example, a total of 261 Acehnese fled to Malaysia in 1991 and, by July 1992, 60% (or about 150) had agreed to return home (*Kompas*, 25 July 1992). A similar figure was cited in a Malaysian newspaper in August 1992 (*Mingguan Malaysia*, 23 August 1992). In September 1992, *Aceh Merdeka* put the number of Acehnese in Malaysian jails at 300, and said that some 300 others had been forcibly returned to Indonesia since 1991 (ASNLF Press Release, 5 September 1992). *Aceh Merdeka* sources also reported that a group of nine Acehnese were forcibly returned to Indonesia in April 1993 (two other members of the group reportedly escaped), and that others, including known activists, had been arrested and were being threatened with deportation.

⁶² Conclusion 44 (XXXVII), which was adopted by consensus by the intergovernmental Executive Committee of the UNHCR, recognizes "the importance of fair and expeditious procedures for determining refugee status or granting asylum in protecting refugees and asylum-seekers from unjustified or unduly prolonged detention", and recommends that "refugees and asylum-seekers who are detained be provided with the opportunity to contact the Office of the UNHCR."

In accordance with these principles, Amnesty International has urged the Government of Malaysia not to forcibly return to Indonesia any Acehnese asylum-seeker who would be at risk, and to allow detained Acehnese asylum-seekers to receive visits from the UNHCR, to ensure that their claims may be fully and impartially assessed.

The position of the Malaysian Government has been strongly influenced by a concern not to offend the Government of Indonesia, a concern which has not been wholly consistent with its responsibilities under international law. Shortly after the first Acehnese asylum-seekers arrived in Malaysia, and in the absence of any independent assessment of their asylum claims, Malaysia's Deputy Foreign Minister said:

*We do not recognize their plea for political asylum and have decided to deport them. The Indonesian authorities have also assured us that these people would not be harassed unnecessarily when they return to their country.*⁶³

Following expressions of serious concern from domestic and international human rights groups, the government altered its position and has since given assurances that Acehnese would not be forcibly returned to Indonesia. At the same time, however, it has placed asylum-seekers under considerable pressure to return "voluntarily". While denying access to representatives of the UNHCR, it has granted Indonesian authorities regular and unhindered access to detained asylum-seekers. During their jail-visits, Indonesian officials have reportedly urged the detainees to return to Indonesia, and have offered promises that they will be well treated on their return. According to one former Acehnese detainee, officials showed a film of the staged homecoming of the first group of returnees in order to convince others to return. Amnesty International fears that, under these circumstances, many of those who have returned to Indonesia may have done so under pressure.

The Malaysian Government has flatly refused to grant refugee status to certain Acehnese asylum-seekers, despite evidence that they would be in real danger of serious human rights violations if forced to return to Indonesia. In June 1992, for example, the Deputy Prime Minister reportedly stated that Malaysia would not give asylum to the Acehnese seeking refuge in the UNHCR premises. He said the Malaysian Government was trying instead to persuade them to return home because it had "*no reason to believe that the situation is that bad in Indonesia*". The government has sought to justify this policy on the grounds that it has received assurances from Indonesia that they could return safely and that, in any case, most of the Acehnese in Malaysia are "*economic migrants*" rather than genuine asylum-seekers.

Amnesty International believes that, with human rights violations continuing in Aceh, and against the background of Indonesian denial of all allegations of human rights violations there, no such official assurances can be regarded as reliable. This is particularly true since continued

⁶³ *Agence France Presse*, 24 April 1991

restrictions placed on the activities of human rights organizations in Aceh mean there is no effective means of monitoring the fate of any who return. In the opinion of an Indonesian human rights lawyer:

There are absolutely no guarantees for their safety if they are sent back to Aceh. We are very worried they will be killed. Here people are killed for no reason at all. How much more so if they have made the government look bad in international spheres.⁶⁴

And while it is undoubtedly true that many Acehnese living in Malaysia are economic migrants, many of those who fled the areas of intensive counter-insurgency operations in 1991 and 1992 were unquestionably seeking protection and not economic advantage. In any case, the fundamental obligation of *non-refoulement* requires that each person who seeks protection be given a full and independent assessment of their asylum claim. This has been prevented by the Malaysian Government's refusal to permit detainees access to the UNHCR.

The precise fate of those who have returned to Indonesia has been difficult to establish, but some are reported to have suffered imprisonment, torture and ill-treatment. In May 1992 a suspected *Aceh Merdeka* supporter, **Saleh Ibrahim**, chose to return to Aceh rather than face an indeterminate stay in a Malaysian jail. On his arrival in Medan he was immediately taken to the Regional Military Command (KODAM I) where he was interrogated for three days. He was then transferred to a Kopassus command post in Peureulak, Aceh Timur, where he was reportedly detained, beaten and threatened with death. Ibrahim told Amnesty International that he had been punched and threatened with knives, pistols and dogs by three soldiers at the post so that he would confess. He was released after agreeing to cooperate with military intelligence; but then fled back to Malaysia where he was still in hiding in late 1992. Others who have returned home "voluntarily" are reported to have "disappeared" or to have been killed, but these reports have yet to be confirmed.

8.2 International Acquiescence and Responsibility

Serious human rights violations in East Timor have justly provoked international concern in recent years. Yet equally grave violations committed by Indonesian forces in Aceh appear to have gone virtually unnoticed by member states of the United Nations. The international community was appalled by the massacre of more than 200 East Timorese at the Santa Cruz Cemetery in November 1991⁶⁵, but it has turned a blind eye to the fate of some 2,000 Acehnese killed by Indonesian forces

⁶⁴ *Reuter*, 28.4.91

⁶⁵ Possibly as many as 250 peaceful demonstrators were shot and killed by Indonesian security forces on 12 November 1991 at the Santa Cruz cemetery in Dili, East Timor. More than two hundred others were subsequently reported to have "disappeared" and scores were arrested. For further information on the massacre and its aftermath see the following Amnesty International publications: *East Timor: The Santa Cruz Massacre*, November 1991 (ASA 21/23/91); *East Timor: After the Massacre*, November 1991 (ASA 21/24/91); *Indonesia/East Timor: Santa Cruz - The Government Response*, February 1992 (ASA 21/03/92); *Indonesia/East Timor: Fernando de Araujo - Prisoner of Conscience*, May 1992, (ASA 21/07/92); *East Timor: "In*

since 1989. Widespread condemnation followed the sentencing of East Timorese resistance leader, Xanana Gusmão,⁶⁶ to life imprisonment after a blatantly unfair trial in May 1993, but few voices have been raised in protest at the imprisonment of at least 50 alleged members of *Aceh Merdeka* since 1991 after equally unfair trials. A resolution passed at the 49th Session of the UN Commission on Human Rights in March 1993 strongly criticized Indonesia's human rights record in East Timor, but failed to mention very similar violations in Aceh.

The near silence of the international community regarding human rights violations in Aceh may be explained, in part, by the relative shortage of reliable information about the situation in the area. Heavy restrictions on human rights monitoring at the height of the counter-insurgency campaign, and the deep-seated fear of witnesses and victims to testify, have made such information unusually difficult to obtain even several years later.⁶⁷ Yet the apparent indifference would appear to have other roots as well. Many governments have appeared to accept the Indonesian Government's arguments that *Aceh Merdeka* posed such a serious threat to national security that virtually any means were warranted to combat it, despite the fact that such a position is contrary to the basic tenets of international human rights and humanitarian law. That position has been reinforced by the fact that the broader political question of self-determination is less clear cut in the case of Aceh than in East Timor, where Indonesian sovereignty has never been recognized by the UN. The fact that *Aceh Merdeka* has committed abuses, and the perception that it is led by Muslim fundamentalists, are also factors which appear to have contributed to a lack of international concern about government violations. Finally, the absolute decline in the level of serious violations in the past year and a half has led many observers to conclude that the issue no longer warrants international concern.

In Amnesty International's view, these factors provide no justification whatsoever for the behaviour of Indonesian security forces in Aceh, or for the failure of the international community to speak out strongly against them. The shortage of reliable information about Aceh since 1989, far from justifying inaction, only highlights the need for unfettered access to troubled areas by domestic and international human rights monitors. Perceived threats to national security posed by an opposition group and the abuses which it has allegedly committed can never be a justification for the violation of fundamental rights by government forces. Under international law, the right to life and to be free from

*Accordance with the Law" Statement before the UN Special Committee on Decolonization, July 1992 (ASA 21/11/92). The Santa Cruz massacre was only the most widely publicized case of political killings in East Timor, where as many as 200,000 of a population of about 600,000 have died since the invasion of 1975. Further information about human rights violations in the aftermath of the invasion may be found in the Amnesty International report, *East Timor: Violations of Human Rights 1985* (ASA 21/16/85).*

⁶⁶ See Amnesty International's Weekly Update, *Xanana Trial a Travesty of Justice*, 21 May 1993.

⁶⁷ In spite of these difficulties some human rights organizations, including Asia Watch and the Indonesian Legal Aid Institute have published detailed and reliable accounts of the human rights situation in the territory.

torture are non-derogable - that is, they may not be breached under any circumstances, including during states of emergency.

Finally, the decline in the absolute level of human rights violations in the past year and a half cannot justify the government's failure to resolve past abuses, and provides no guarantee whatsoever that a similar pattern of violations will not re-emerge in the future. International silence implies international acquiescence in the grave violations in Aceh. In Amnesty International's view this has created an atmosphere conducive to future violations, not only in Aceh but wherever the Indonesian Government encounters open opposition to its rule.

9. CONCLUSIONS AND RECOMMENDATIONS

The evidence in this report leaves little room for doubt about the gravity of the human rights problem in Aceh, and about the need for urgent measures to resolve and redress past and continuing violations there. Yet the pattern of gross human rights abuse documented in Aceh since 1989 is hardly unique. The violation of fundamental human rights - including extrajudicial execution, "disappearance", routine torture, incommunicado detention and imprisonment after unfair trials - has become standard operating procedure within the Indonesian security forces attempting to suppress serious political opposition or disorder, wherever it occurs. In order to prevent future violations, both in Aceh and elsewhere in Indonesia and in East Timor, there is an urgent need for concrete measures to be taken which address their root causes, and not simply their passing symptoms.

The chief responsibility for action rests with the Government of Indonesia. However, to the extent that they have acquiesced in the pattern of grave violations in Aceh for more than four years, members of the international community must share some of the burden. Amnesty International offers the following set of recommendations to the Government of Indonesia and to member states of the United Nations which, if implemented, it believes would help improve the human rights situation in Aceh and other parts of Indonesia and East Timor. The recommendations are grouped into three categories: those which would help to **resolve** or **redress** past and continuing violations in Aceh; those which would help to **prevent** future violations; and those which would demonstrate the government's genuine commitment to the **promotion** of international human rights standards, and their effective implementation.⁶⁸

⁶⁸ Most of the recommendations below are based on principles and standards enshrined in international human rights law, particularly the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Some are also based on standards set out in the following UN instruments: The UN Code of Conduct for Law Enforcement Officers adopted by the UN General Assembly in December 1979; The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the UN General Assembly in December 1988; and The Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the UN Economic and Social Council in May 1989.

Recommendations to the Government of Indonesia

A. To RESOLVE and REDRESS past or continuing human rights violations in Aceh, Amnesty International urges the government to:

1. establish the identity, the circumstances of death, and the whereabouts of the victims of "mysterious killings" in Aceh;
2. permit independent human rights monitors, including forensics experts, to conduct thorough and impartial investigations of reported burial sites of the victims of extrajudicial execution in Aceh;
3. promptly clarify the fate, or establish the whereabouts, of all those reported to have "disappeared" in custody in Aceh;
4. arrange for the prompt re-trial, in full accordance with international standards of fairness, of all those sentenced in unfair political trials for their alleged links to *Aceh Merdeka*, or release them unconditionally;
5. release immediately and unconditionally all those held solely for the non-violent expression of their political or religious views;
6. release immediately all those detained without charge in connection with their alleged political activities, or charge them with a recognizably criminal offence and try them promptly using trial procedures which conform to international standards of fairness;
7. establish a workable system for the allocation of fair compensation to the victims of all human rights violations or, in the case of those killed or "disappeared", to their immediate relatives;
8. ensure that the suspected perpetrators of serious human rights violations - including extrajudicial execution, torture, and "disappearance" - are brought promptly to justice before a civilian court, and that they are disarmed and suspended from active duty pending the outcome of the proceedings.

B. To PREVENT the occurrence of future human rights violations in Aceh and elsewhere in Indonesia, and East Timor, Amnesty International urges the government to:

1. prohibit explicitly by law all extra-legal, arbitrary and summary executions and ensure that any such executions are recognized as criminal offenses and are punishable by penalties which take into account their seriousness;
2. establish clear guidelines regarding the use of lethal force by government and government-backed troops in accordance with the UN Code of Conduct for Law Enforcement Officials;
3. prohibit explicitly by law all forms of torture and other cruel, inhuman or degrading treatment or punishment, and ensure that all such acts are recognized as criminal offences and are punishable by appropriate penalties which take into account their seriousness;
4. guarantee that all detainees, including those held for suspected national security offenses, are permitted prompt and regular access to legal counsel of their choice and to doctors and relatives;
5. take all necessary steps, including the effective enforcement of existing legislation and the introduction of further legislation, to ensure that statements extracted under torture cannot be admitted as evidence during legal proceedings, except against a person accused of torture as evidence that the statement was made;
6. conduct a thorough review of all legislation pertaining to national security and public order, and promptly repeal the Anti-Subversion Law, to ensure that national security interests cannot be invoked to imprison real or alleged political opponents for the peaceful exercise of their right to freedom of expression;
7. establish and maintain centralized public registers of all people detained in all parts of the country, to be updated on a regular basis and made available to detainees, family and lawyers;
8. establish an independent and impartial body whose duties are: to initiate prompt and thorough investigations into all reports of human rights violations; to ensure that suspected perpetrators are immediately disarmed and removed from active service pending the outcome of investigations, and that they are promptly brought to justice before a civilian court.

C. To demonstrate its commitment to PROMOTING international human rights standards, and encouraging their full and effective implementation, Amnesty International urges the government to:

1. invite the UN Special Rapporteur on Summary or Arbitrary Executions, the UN Working Group on Arbitrary Detention, and the UN Working Group on Enforced or Involuntary Disappearances to visit Aceh and other parts of Indonesia, and East Timor, in order to conduct a full investigation of the human rights situation there;

2. invite the UN Special Rapporteur on Torture to conduct a follow-up visit to Indonesia and East Timor to assess implementation of the recommendations set out in the report of his November 1991 visit, and ensure that he is able to visit Aceh on any such visit;
3. ratify or accede to the International Covenant on Civil and Political Rights (ICCPR), as well as the first Optional Protocol of the ICCPR, which permits the Human Rights Committee to receive individual complaints;
4. ratify or accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and recognize the competence of the UN Committee against Torture to receive individual complaints (article 22), and to hear inter-state complaints (article 21);
5. permit the regular and unhindered monitoring of human rights in Indonesia and East Timor by national and international humanitarian and human rights organizations, including Amnesty International.

Recommendations to Member States of the United Nations

In view of the grave concern about human rights in Indonesia and East Timor expressed in a variety of United Nations fora⁶⁹ Amnesty International calls upon member states of the United Nations to:

1. urge the Government of Indonesia to invite the UN Special Rapporteur on Summary or Arbitrary Executions, the UN Working Group on Arbitrary Detention, and the UN Working Group on Enforced or Involuntary Disappearances to visit Aceh on any proposed trip to Indonesia and East Timor;
2. seek a systematic follow-up to the January 1992 report of the Special Rapporteur on Torture on his visit to Indonesia and East Timor, urging in particular that he visit Aceh;
3. seek additional means whereby the regular and effective monitoring of the human rights situation in Indonesia and East Timor under UN auspices can be assured;
4. urge the Indonesian Government to permit the regular and unhindered monitoring of human rights in Indonesia and East Timor by national and international humanitarian and human rights organizations, including Amnesty International;
5. encourage the Government of Indonesia to ratify or accede to the International Covenant on Civil and Political Rights (ICCPR), as well as the first Optional Protocol of the ICCPR, which permits the Human Rights Committee to receive individual complaints;
6. encourage the Government of Indonesia to ratify or accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and recognize the competence of the UN Committee against Torture to receive individual complaints (article 22), and to hear inter-state complaints (article 21).
7. ensure that Acehnese asylum-seekers are not forcibly returned to Indonesia where they may risk serious human rights violations, and ensure that claims of all Acehnese asylum-seekers, including those in detention, are fully and impartially assessed.

⁶⁹ These include a consensus statement at the 48th Session of the UN Commission on Human Rights (1992); Resolution 1992/20 of the 44th Session of the UN Sub-Commission; and Resolution 1993/97 of the 49th Session of the UN Commission on Human Rights.