



NO PEACE WITHOUT JUSTICE

VICTIMS OF INDONESIA'S ACEH
CONFLICT DEMAND TRUTH, JUSTICE
AND REPARATION

AMNESTY
INTERNATIONAL



“[My hope is that the] authorities in Aceh or at the central level resolve past [abuses] and ensure [that] what has happened previously in Aceh will not recur today... Make this conflict and the human rights abuses in Aceh as [a] learning for the authorities.”

An activist from North Aceh speaking to Amnesty International, May 2012

Eight years since the bloodshed and violence in Aceh ended, victims and survivors of abuses committed during 29-years of violence are still waiting for the government to establish the truth about what happened to them. Enforced disappearance, torture, sexual violence and other serious human rights abuses were committed by both sides of the conflict – crimes which have gone largely unpunished. Appeals by victims, survivors and their families have so far been met with weak assurances. But their demands for truth, justice and reparation are gathering momentum. Ultimately, the authorities must listen and act.

On 15 August 2005, the Indonesian government and the pro-independence armed group Free Aceh Movement (Gerakan Aceh Merdeka, GAM) signed an historic agreement, bringing an end to years of violence. The Aceh conflict, which had plagued the northern region of Sumatra island in western Indonesia, had a devastating impact on the civilian population. The period 1989 to 2004 was particularly brutal, especially from 1989 to

1998 when the region was declared a “Military Operations Zone” (DOM), with the Indonesian authorities using military force to suppress separatist claims. Between 10,000 and 30,000 people were killed during the conflict, many of them civilians.

Amnesty International and other bodies documented a range of violations committed by members of the security forces and their auxiliaries. These included unlawful killings, enforced disappearances, torture, forced displacement of civilians, and arbitrary arrest and detention of those suspected of supporting GAM. Human rights abuses committed by GAM included hostage-taking and the targeted killing of suspected informers, government officials and civil servants.

Although rarely labelled as such, many of the human rights abuses committed during the Aceh conflict constitute crimes under international law. Many of the violations and abuses committed by both sides in the context of the non-international armed conflict between 1989 and 2005 may amount to war crimes. Further, many



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of the violations directed against civilians by Indonesia’s security forces and their auxiliaries while suppressing the independence movement in Aceh appear to have formed part of a widespread or systematic attack, and may amount to crimes against humanity.



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“I screamed ‘Why is this happening, I did nothing wrong’, but the soldiers started hitting me. I was kicked so many times that I lost consciousness. I think the only reason I survived was that the soldiers thought I was dead, and because the body of someone they had shot landed on top of me and covered me.”

Faisal (not his real name) recalling when military personnel shot at and beat protesters at the Simpang KKA paper mill in May 1999

THE SIMPANG KKA TRAGEDY

On 3 May 1999, dozens of people were killed when military personnel opened fire at a crossroads near the Kertas Kraft Aceh (KKA) pulp and paper mill, known widely as Simpang KKA, at Cot Morong village in Dewantara sub-district, North Aceh.

A soldier from Lilawangsa Command's Missile Detachment 001 (Den Rudal 001/Liliwangsa) had reportedly gone missing a few days earlier near the village, and soldiers from the regiment were searching houses in the village as well as intimidating villagers. On the morning of 3 May, four military trucks entered the village. A village leader attempted to negotiate with the military to leave the area as people began to gather. At about 12.30pm, the military reportedly opened fire on thousands of unarmed people as they fled the area. Two reporters who were coincidentally at the location filmed the incident, which has now been widely circulated.

According to the North Aceh Human Rights Victims Community (K2HAU), 21 people were killed and 156 injured during the attack. Many of the victims were reportedly shot in the back or side.

The incident was one of five cases recommended for prosecution by the 1999 Independent Commission for the Investigation on Violence in Aceh. Despite this, no one has been charged in relation to these crimes.

Above: An Indonesian soldier watches as hundreds of Indonesian airborne soldiers parachute into central Aceh, May 2003. The Aceh conflict raged for 29 years, with both sides committing serious human rights abuses. **Left:** Map showing Aceh province in Indonesia.

Right: Rumoh Geudong, a military post operated by the Indonesian special forces, where suspected members or supporters of GAM were detained, tortured and killed. The house was burned down by an angry mob in August 1998.

Far right: The remains of Rumoh Geudong military post, May 2012.



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TRUTH

Victims' groups and local Acehnese NGOs have called for the Indonesian authorities to establish the truth about crimes committed during the conflict, in particular to find out what happened to the disappeared.

Attempts by the authorities and the National Human Rights Commission (Komnas HAM) to investigate human rights abuses committed during the conflict, have failed to provide a comprehensive record of them. Further, all of the final reports of official investigations have yet to be made public.

Initiatives to establish truth commissions that would cover crimes committed in the Aceh conflict have been stalled for many years. In 2004, the government introduced a law to establish a national Truth and Reconciliation Commission. The law contained a provision whereby perpetrators of gross human rights abuses were granted amnesty before victims could receive compensation and rehabilitation. Deciding that this provision was unconstitutional, the Indonesian Constitutional Court struck down the law in 2006. Parliament is due to take up the

debate on a national truth commission again before 2014, but it is unclear whether there is political will to establish one.

Efforts to establish a local truth and reconciliation commission in Aceh, which was part of the 2005 peace agreement, have been delayed as a result. Some claim that a national truth and reconciliation commission needs to be established before an Aceh truth commission can be in place. However, in April 2013, the Aceh House of People's Representatives decided to prioritize the debate and passage of a draft bylaw (*qanun*) on a truth commission.

JUSTICE

Most perpetrators of crimes under international law have never been brought before an independent civilian court in Indonesia. Many victims and their families have no access to the courts due to flaws and barriers in the legal framework. A lack of political will has hampered the development of effective mechanisms and strategies to investigate and prosecute

crimes in Aceh and elsewhere in Indonesia.

Crimes under international law are currently not defined in the Criminal Code, making it very difficult for victims to seek justice before ordinary criminal courts in Indonesia. Although there has been legislation to set up Human Rights Courts since 2000, these courts can only prosecute cases of genocide and crimes against humanity, excluding other crimes under international law.

There have been a range of fact-finding investigations since 1998; however, very few of them have led to trials of those responsible for past crimes. Where members of security forces have been tried for criminal offences amounting to human rights violations, their trials have either been conducted by military or joint military-civilian courts (*koneksitas*) which lack transparency and independence.

Those suspected of crimes under international law remain in powerful positions where they could repeat such violations. Some have risen to the very top of the political system.



“I was twice taken to Rumoh Geudong... [once] I was detained for four months by Kopassus soldiers... I was beaten and kicked... they electrocuted me and injected mercury into my body... during the electrocution I was stripped of my clothes... I was taken because my son was accused of being a GAM member.”

Mani Iraya (not her real name) a woman in her sixties who was detained at Rumoh Geudong

RUMOH GEUDONG: THE “TORTURE CHAMBER”

Serious human rights violations have been documented at the Bille Aron military post known widely as Rumoh Geudong, a large house in Glumpang Tiga, Pidie District, operated by the military Special Forces Command (Kopassus) since April 1990. The military appear to have arbitrarily arrested or abducted dozens – possibly hundreds – of people accused of being GAM members or supporting or assisting GAM, including their family members between 1997 and 1998 and brought them to Rumoh Geudong for interrogation.

During interrogation, it is alleged that soldiers, assisted by government informants, tortured and otherwise ill-treated detainees – both men and women. This included being punched, kicked or beaten with pieces of wood or metal, some while suspended upside down. Others were burned with cigarettes or given electric shocks to different parts of their body, including their genitals. Detainees also reported being soaked in sewer water or having large wooden logs placed on their bodies. Some women detainees held at the military post alleged that they were

raped and subjected to other forms of sexual violence. Some detainees were allegedly killed or disappeared. Victims and witnesses reported seeing bodies being put into gunny sacks and taken away.

On 21 August 1998, weeks after the end of the DOM period a Komnas HAM fact-finding team visited Rumoh Geudong. They saw electric cables on the floor of the house and blood stains on the walls. They also found human remains, including bone fragments from hands and legs, as well as strands of hair.

Rumoh Geudong was one of five cases recommended for immediate prosecution in 1999 by the Independent Commission for the Investigation of Violence in Aceh. However, Amnesty International is not aware of anyone who has been brought to trial for these crimes.



“At 8am a group of soldiers arrived... at that time my father was returning from catching fish at the river... he was taken and killed... for no crime... he was an ordinary person... at that time I was 12 years old. Since my father died all the responsibilities were handed to me.”

Victim whose father was burned alive by soldiers in Jamboe Keupok, South Aceh, in May 2003

JAMBOE KEUPOK: SHOT AND BURNED ALIVE IN SOUTH ACEH

On the morning of 17 May 2003, dozens of soldiers including Kopassus and Raider units arrived in three trucks at the village of Jamboe Keupok in South Aceh district. They rounded up everyone in the village, separating the men from the women and children. Soldiers then beat the men in front of the women and children. They took the women and children and locked them in a school building in the village.

The soldiers then shot and killed four villagers. They took 12 men, bound their hands, and locked them up in a nearby house. They then poured oil around the house and set it on fire. Back at the school, the women and children heard the men's shouts followed by gunfire. After the military left, the women emerged to find the burned remains of the 12 men. Amnesty International is not aware of any investigation into this case.

Above left: Memorial to those killed and burned alive by Indonesian security forces in May 2003 in Jamboe Keupok, South Aceh.

REPARATION

Although some measures to compensate people for their loss or to assist children whose parents were killed during the conflict were taken during and shortly after the Aceh conflict, there has yet to be a comprehensive reparation programme specifically aimed at victims of human rights abuses and their families.

Financial and other material assistance to victims of the Aceh conflict, in particular via the Aceh Reintegration Agency assistance programme fell short of directly linking the assistance provided to an acknowledgement of the human rights abuses they had suffered. The programme was also restrictive and did not specifically include women survivors of sexual violence. Many of these women were unable to receive any financial or medical assistance as part of the programme.

Further, laws and regulations in Indonesia related to reparation for victims of human rights abuses remain inadequate and inconsistent with international law and standards. Victims face serious obstacles in



Left: A woman who survived sexual violence at the hands of Indonesian security forces during the Aceh conflict. Many such survivors have been excluded from government medical and financial assistance programmes provided to victims of the conflict.

Far left: Villagers gather at Arakundo bridge where the bodies of those killed in Idi Cut, East Aceh, were crammed into sacks by Indonesian security forces and dumped into the river, February 1999.

seeking reparation before national courts both in law and practice.

While victims' groups and NGOs have taken positive measures to remember the past, such as setting up commemoration monuments and holding ceremonies, they have been disappointed with the very limited support the authorities have offered for these initiatives so far.

INTERNATIONAL LAW AND STANDARDS

Amnesty International calls on national authorities to fulfil their obligations to ensure truth, justice and full reparation to victims whenever serious human rights violations and abuses are committed. These include genocide, crimes against humanity, war crimes, torture, extrajudicial executions and enforced disappearances – all of which are crimes under international law and violations against the international community as a whole.

Victims and survivors of serious human rights abuses, including crimes under international

law, have a right to truth. States must take measures to establish the truth about the crimes, including the reasons of, and circumstances and conditions that contributed to, the human rights abuses; the progress and results of any investigation; the identity of perpetrators (both subordinates and their superiors); and in the event of death or enforced disappearance, the fate and whereabouts of the victims. Truth can help victims and their families understand what happened to them, counter misinformation and highlight factors – such as discrimination – that led to the abuses. It allows societies to know why abuses were committed so that they are not repeated.

International law obliges states to exercise criminal jurisdiction over crimes under international law. States must ensure that the crimes are investigated and, if sufficient admissible evidence exists, those suspected of criminal responsibility should be prosecuted in fair trials in accordance with international law and standards and without recourse to the death penalty. Genuine investigations and prosecutions ensure that there can be no impunity.

Victims of human rights abuses, including crimes under international law, have a right to full and effective reparation. Victims should have access to effective measures to address the harm they have suffered and to help them rebuild their lives, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Reparation should seek, as far as possible, to wipe out all the consequences of the illegal act and restore the situation that would have existed in the absence of that act.

Given that impunity exists mainly when the national authorities of states where such crimes were committed or whose nationals are suspected of committing them fail to act, it is vital that the national, criminal and civil justice systems of all states step in, where there is sufficient admissible evidence, to try those suspected of responsibility for the crimes on behalf of the international community, and award reparation to victims by exercising universal jurisdiction.



Left and cover: Survivors of the Aceh conflict demonstrate outside Parliament, calling for the establishment of a truth commission, Banda Aceh, Aceh province, December 2010.

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RECOMMENDATIONS

To the Indonesian government and former Free Aceh Movement leaders:

- Acknowledge that serious human rights violations and abuses, including crimes under international law, were committed during the Aceh conflict.

To the Indonesian government:

- Ensure that the findings of all investigations/inquiries into human rights abuses during the Aceh conflict are made public, and implement all recommendations made in past reports which are aimed at ensuring truth, justice and reparation and which are in line with international human rights law and standards.
- Immediately set up a truth commission in line with international standards to ensure that victims, their families and affected communities are provided with full disclosure about what happened during the Aceh conflict.
- Ensure that specific measures are taken to reveal the fate and whereabouts of victims of enforced disappearances.

- Take effective measures (including law reform) to investigate and, where there is sufficient admissible evidence, prosecute those responsible for crimes under international law including possible war crimes and crimes against humanity, torture, extrajudicial executions and enforced disappearances committed during the conflict.

- Establish a programme to provide full and effective reparation including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition to all victims of human rights violations and abuses in Aceh. The programme should be devised in consultation with victims and should take into account the experiences and needs of women and men who experience conflict differently, as well as any other relevant groups.

To the Indonesian House of People's Representatives:

- Revise the Criminal Code and the Criminal Procedure Code in compliance with Indonesia's obligations under international human rights law and standards, and as a

priority define all crimes under international law and principles of criminal responsibility in accordance with international law and standards. The revised Criminal Code should include a definition of torture consistent with the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and a definition of rape consistent with the Elements of Crimes of the Rome Statute of the International Criminal Court.

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accede to the Rome Statute of the International Criminal Court at the earliest opportunity; incorporate their provisions into domestic law; and implement them in policy and practice.

To all states:

- Exercise jurisdiction, including, where necessary and where there is sufficient admissible evidence, universal jurisdiction, over those suspected of crimes under international law, including possible war crimes and crimes against humanity, committed during the Aceh conflict.

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Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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