

## **INDONESIA: Aceh Under Martial Law**

### **Muzzling the Messengers: Attacks and Restrictions on the Media**

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## I. Summary

*This is the worst part of martial law. There is a complete blackout of information and we don't know what is going on. It is like groping in the dark.*<sup>1</sup>

—International aid worker based in Indonesia

*Because there are no international observers, no foreigners, no NGOs, there is only the press, only journalists.*<sup>2</sup>

—Heru Hendratmoko, program director at Indonesia's Radio 68h

A shroud of secrecy has enveloped Indonesia's Aceh province since the Indonesian government renewed its war there against the armed, separatist Free Aceh Movement (Gerakan Aceh Merdeka, or GAM) on May 19, 2003. This shroud parts occasionally to provide glimpses of vulnerable civilians caught in a violent military campaign with inadequate humanitarian relief.

Although information is never more important than during wartime, troubling glimpses are all that is possible right now. The Indonesian government and military have effectively barred nearly all independent and impartial observers (including diplomats), as well as international humanitarian aid workers, from the province. Those allowed into or to stay in Aceh are generally not permitted to venture beyond the provincial capital, Banda Aceh.

These moves have succeeded in making the war in Aceh largely invisible, helping Indonesia achieve its goal of decreasing the interest of the international and Indonesian media and thereby reducing the potential for pressure to cease its military operations. A lack of reporting, however, does not mean a decrease in violations. If anything, the absence of independent observers, particularly in light of the history of abuses in Aceh, gives reason for concern about what the people of Aceh may now be experiencing. This report provides a comprehensive account of the reasons for that absence: attacks and intimidation of journalists by both government security forces and GAM forces, and

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<sup>1</sup> Human Rights Watch interview [name withheld], international aid worker, [location withheld], Indonesia, June 17, 2003.

<sup>2</sup> Human Rights Watch interview with Heru Hendratmoko, Program Director, Radio 68h, Jakarta, June 30, 2003.

comprehensive regulatory measures from Jakarta restricting access to Aceh for national and international correspondents.

What little is known about conditions in Aceh is disturbing. Preliminary investigations in Aceh by Indonesia's National Commission on Human Rights (Komnas HAM) have identified several areas in which government forces and GAM have seriously violated the rights of the Acehnese since the war resumed. According to Komnas HAM, these violations include summary executions, arbitrary detentions, torture of civilians, sexual violence, forced displacement, and targeted burning of school buildings. On October 19, the Indonesian military reported that more than 900 GAM fighters and 66 Indonesian soldiers and police had been killed since the declaration of martial law in May.<sup>3</sup> The military also stated that over 300 civilians have been killed in the fighting, while a further 108 were missing.

The lack of media and other access means there is no way of independently confirming these figures, or of assessing the number of civilians who have died. The hard reality is that at present no one, except perhaps the Indonesian military, knows what is happening to Aceh's civilian population.

One reason Indonesia has restricted access to journalists may be that initial media reports of the war painted a grim picture. In the first two weeks of martial law, while journalists still could report with some freedom, newspapers reported extra-judicial executions of civilians by the Indonesian military. The most widely reported incident took place on May 21, just two days after martial law was imposed, when Indonesian soldiers reportedly dragged a group of villagers from their homes in the village of Mapa Mamplam. According to eyewitnesses, the soldiers lined the victims up and killed each one execution-style. Among those killed were three boys, aged eleven, thirteen, and fourteen.<sup>4</sup>

Such reports have become increasingly rare, not because of an improvement in the conduct of the war, but because the messengers have been successfully muzzled. The foreign press corps has been successfully restricted through denial of permits to travel to Aceh, arbitrary bureaucratic delays in processing authorization to the province, and fears among journalists that critical reporting will lead to future restrictions on visas and access, even for resident foreign correspondents.<sup>5</sup>

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<sup>3</sup> The latest figures appeared in "Aceh toll rises," *Laksamana.net*, October 19, 2003.

<sup>4</sup> "Youths massacred in Aceh Village," *BBC News World Edition*, May 23, 2003; "Indonesia sends hundreds more troops to Aceh, says 29 rebels killed," *Agence France-Presse*, May 22, 2003; "Young Blood," *Time Asia*, June 2, 2003.

<sup>5</sup> Human Rights Watch is concerned that the Indonesian military may follow the Aceh precedent in other parts of Indonesia. One worrying sign is that there may be moves by the government of Indonesia to implement similar restrictions on foreign correspondents who wish to travel to Papua, in the easternmost part of Indonesia's archipelago, which is also facing an armed insurgency. On September 17, 2003, two foreign reporters were temporarily detained in Timika, Papua, for not having special permits. The police in Papua initially told the

In addition to denying access, the Indonesian government and military and GAM have used other, even more troubling tactics to manage the news. Indonesian journalists have faced the most intense pressure and greatest risks in covering the war in Aceh. Both Indonesian security forces and members of GAM have engaged in physical and verbal intimidation of correspondents in the field and editors in Jakarta. Field correspondents have been arbitrarily detained by the martial law administration in Aceh. GAM has abducted and continues to hold two journalists. In another, as yet uninvestigated case, an Indonesian television cameraman was abducted, tortured, and killed in the province. One radio journalist was severely beaten by members of Kopassus, Indonesia's elite special operations troops. Numerous journalists have been shot at while driving in clearly marked press vehicles.

Ongoing security hazards and continued intimidation have made it difficult, at times impossible, for Indonesian journalists to critically report on abuses by members of either the Indonesian security forces or GAM. Nationalism and pressures on the media have made it difficult to engage in critical reporting of government policies in Aceh. Abuses against the domestic press have led to comprehensive self-censorship of critical reporting about the war within Indonesia, resulting in the war dropping off even Indonesia's front pages.

Human Rights Watch fears that the lack of access and monitoring by independent observers, including a free press, has created a climate in which armed forces on both sides believe they can act with impunity and commit abuses, unreported and away from the public eye. An immediate imperative is removing far-reaching restrictions on access to and within Aceh.

The cumulative effect of the violations described in this report is to undermine the development of a free, objective, and professional media in Indonesia. While the dearth of international reporting on the war is quite apparent, more pernicious are the lessons being taught to Indonesia's still fledgling, post-Soeharto, media: controversial coverage is likely to result in threats to physical security; where the subject matter of a story involves the security forces, stories should be vetted before publication with government or military officials; and the imperative of self-censorship if one is to avoid unwelcome consequences. Alarming, it now appears that the clampdown on reporting on Aceh is part of a broader pattern of silencing Indonesia's nascent free press.<sup>6</sup>

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detained reporters that they were not allowed to report outside of Jakarta, let alone in Papua. The detention lasted for at least two days before the journalists were finally returned to Jakarta.

<sup>6</sup> A few recent examples include: On October 27, 2003 Supratman, a senior editor of the daily Jakarta newspaper *Rakyat Merdeka*, was found guilty by a Jakarta court for insulting President Megawati. Supratman had been charged under articles 134 and 137 of Kitab Undang-Undang Hukum Pidana (KUHP, Indonesian Criminal Code). The judge in the case handed down a six-month suspended jail sentence and one year of probation; On September 9, 2003, Karim Paputungan, also an editor with *Rakyat Merdeka*, was found guilty of defamation and sentenced to five months in prison by the South Jakarta District Court. The charges and conviction relate to a caricature of convicted Indonesian House of Representatives speaker, Akbar Tandjung, which appeared in a January 8, 2003, edition of the newspaper; *Tempo* is also currently besieged by a host of

Silencing or censoring the media will only fuel misinformation and create conditions for human rights abuses and violations of international humanitarian law. While Indonesia may believe that it is now winning the media war, in the end there will be no way to hide the full extent of deaths and injuries, to both civilians and soldiers, in Aceh. If the toll is high, the reaction of domestic and international opinion is likely to be negative. The cost to Indonesia, its military and government may then be significant.

***Human Rights Watch therefore recommends:***

***To the Government of Indonesia:***

- Respect press freedom and allow full and independent coverage of the war;
- Remove immediately and unconditionally the prohibition on direct news gathering and reporting from Aceh by the Indonesian and foreign media;
- Conduct prompt and thorough investigations of military officers implicated in abuses against members of the media, and prosecute or discipline those responsible;
- Conduct credible investigations into the deaths and injuries sustained by journalists attacked in areas under Indonesian control;
- Ensure that the special rapporteur of the U.N. Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression, to whom Indonesian authorities have already extended an invitation, is able to carry out his visit promptly;
- Sign and ratify key international standards guaranteeing freedom of expression and other fundamental human rights, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Cultural and Social Rights;

***To GAM:***

- Ensure the impartial access of journalists to GAM-controlled areas and facilities.
- Release the journalists it has abducted and continues to hold.

A Note on Sources

Human Rights Watch conducted over one hundred interviews with a cross-section of individuals involved in the war in Aceh. Those interviewed included foreign and national media representatives, national and international non-governmental organization (NGO) representatives, U.N. officials, international embassy

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damaging lawsuits brought by business tycoon Tommy Winata, after an article appeared in the magazine criticizing the businessman. On March 8, 2003, a mob of about two hundred of his supporters attacked *Tempo's* offices. During police negotiations to calm the situation down three senior *Tempo* staff were beaten by some of the mob members, in front of police officers, inside the Central Jakarta police station. One of the attackers was later acquitted of all charges.

representatives, and Indonesian government officials based in Jakarta, North Sumatra, and Aceh. Highlighting the precarious position of public commentators in Indonesia, and due to ongoing security concerns and visa worries, almost no one interviewed was prepared to talk on the record to Human Rights Watch about their experiences or analysis of the current situation in Aceh. Their testimonies highlight a pattern of abuse on media freedom with regard to the war in Aceh.

## II. Background: Rising Nationalism, Diminishing Criticism

*We, the government, feel very grateful and respectful of press freedom. But now it is the obligation of the press to maintain and guard this freedom...[T]he responsibility of the national press lies in its professionalism to protect and promote national unity.*<sup>7</sup>

—Indonesian President Megawati on the occasion of National Press Day in Indonesia

On June 23, 2003, Indonesian President Megawati Soekarnoputri told Japan's National Press Council that press freedom in Indonesia was the most outstanding achievement of the post-Soeharto reform movement. President Megawati was quoted as saying that, "the freedom that they [journalists] enjoy may be even greater than anywhere else in the world."<sup>8</sup>

The president's remarks were disingenuous. One week before this statement, she had issued one of Indonesia's most restrictive decrees on media access in the post-Soeharto era. Presidential Decree No. 43/2000, issued on June 16, effectively curbed foreign and national media access to Aceh province. Subsequent related decrees, ambiguities over their implementation, and deliberate bureaucratic delays obstructed access for foreign and some national correspondents reporting on the war in Aceh.

However, legal restrictions constitute only a small part of the problem. Human Rights Watch has uncovered a pervasive pattern of intimidation, abuse, and censorship of journalists, both foreign and national, trying to report on the current conflict in Aceh. These developments have led to limited and skewed coverage of the conflict, with Indonesia's domestic media under enormous political pressure to censor their reporting of what is going on in the province.

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<sup>7</sup> Rita A. Widiadana, "Megawati tries to ease tension with media," *The Jakarta Post*, February 10, 2003.

<sup>8</sup> Fabiola Desy Unidjaja, "Megawati boasts about RI's press freedom before Japanese media," *The Jakarta Post*, June 24, 2003.

Outside of Aceh, the war is popular in Indonesia. President Megawati's popularity nationally has increased enormously through her nationalistic stance and strategy on maintaining Indonesia's territorial integrity through the use of force in Aceh. Her decision to impose a state of military emergency, the highest level of emergency possible under Indonesian law, has widely been interpreted as an act of political decisiveness previously unseen in her administration. With upcoming parliamentary and presidential elections in 2004, the main opposition parties and aspiring presidential candidates have embraced a nationalist agenda that eschews criticism of the war in Aceh. Most in Indonesia remain unhappy that East Timor was able to gain independence. Few politicians are prepared to criticize a war against a separatist movement, GAM, which has been explained as necessary to retain Indonesia's sovereignty over Aceh.

The government's current stance of viewing the conflict purely in "separatist" terms sharply limits the space within Indonesia for the consideration of possible political solutions to the conflict. Addressing past human rights violations by Indonesia's security forces, building a credible justice system in the province, allowing for a less corrupt and more transparent local government, and prospects for significantly decreasing the military presence in Aceh are noticeably absent from today's agenda and the roadmap for peace in Aceh. In many cases, Indonesian journalists who have raised such issues or sought to report impartially and accurately on the conduct of the war have faced serious consequences, as detailed below.

### III. Silencing the Media, Blotting Out the War

*I want all news published to contain the spirit of nationalism. Put the interests of the unitary state of Indonesia first. Don't blow up the news from GAM.<sup>9</sup>*

—Major General Endang Suwarya, Aceh's martial law commander

At the beginning of the military campaign it appeared that there would be a more open policy, by both the government and the military martial law administration in Aceh, toward media access and reporting of the war. Foreign correspondents, both resident and visiting, arrived in the first weeks of the operation, and were allowed access to the province. Indonesian journalists also deployed in large numbers, as both embedded correspondents traveling with military units and "unilateral" journalists who traveled independently.

In the first few weeks of the military operation some of the reporting focused on allegations of human rights abuses by Indonesian security forces in the province. The Indonesian military reacted defensively to the media allegations, and in at least two cases,

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<sup>9</sup> "Covering both sides a tough challenge in Aceh war," *The Jakarta Post*, May 23, 2003.

threatened to sue media outlets over what they claimed were unsubstantiated charges. Rather than deal with the very real issue of unaccountable and undisciplined troops in Aceh, the government instead blamed and punished the media. As Ati Nurbaiti, head of Indonesia's Alliance of Independent Journalists (AJI), told Human Rights Watch:

This was the first open operation for the TNI. It was an experiment for them. But, they were surprised at what openness resulted in. There was wide public support for the operation and they were ruining that support, at least among the journalists covering the war ... [The result has been] a closing of public space. The activists are running away. We also see it in the media.<sup>10</sup>

One reason may be that journalists were finding abuses too quickly and easily. As one foreign correspondent told Human Rights Watch:

In that first week I went to six sites where people had been executed. It was much too easy to find execution sites ... I was up in Aceh really early, in Bireuen. Even in those early days Indonesian journalists were getting clear warnings from the military on what they could and could not write ... All I know is that we kept finding, even accidentally, witnesses and evidence of execution-style killings. As reporters we didn't even know what was going on in Aceh. We were just on the coast, we didn't go to South or Central Aceh. So how do we know what really happened? The military reports never accorded with what we were finding in the field.<sup>11</sup>

The Indonesian military has tried to ensure that any media coverage of the war supports the military's official line. Using the U.S. program in Iraq to give its program legitimacy, to limit the independence of Indonesian journalists, the Indonesian military initiated a U.S.-style program of "embedding" journalists directly with military units in Aceh. Prior to deployment journalists are also given training in West Java on basic survival skills. The journalists are then wholly dependent on the units they are deployed with during their time in Aceh. The program also limits the contact these journalists are able to have with villagers in Aceh who may be unwilling to speak freely to journalists deployed with Indonesian troops.

Human Rights Watch has been told by two sources that Major General Sjafrie Sjamsoeddin, Indonesia's Armed Forces spokesperson, was behind this initiative and actively sought advice and guidance from the U.S. on how to manage the media in Aceh.

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<sup>10</sup> Human Rights Watch interview with Ati Nurbaiti, Head of AJI (Aliansi Jurnalis Independen, Alliance of Independent Journalists), Jakarta, June 27, 2003.

<sup>11</sup> Human Rights Watch interview [name withheld], foreign newspaper correspondent, Jakarta, July 3, 2003.

The result has not only been the use of embedded journalists, but also the establishment of sophisticated media centers in both Banda Aceh and Lhokseumawe. Press conferences in the province are also video-conferenced daily to a parallel media center in Jakarta.

The military has succeeded in using embedding to keep journalists under its watchful eyes and under control. However, any hopes among media organizations that access would result in more objective news have proved forlorn. Embedded journalists have not been allowed to report freely on what they observe.

The practice has severely restricted the independence of Indonesian journalists. One of the Indonesian embedded journalists who joined the training in West Java prior to her deployment in Aceh told Human Rights Watch:

We had four days of “wannabe” soldiers training. They said to us several times “we are one nation, stick to one nation, we should not let Aceh free from us, we journalists should feel NKRI<sup>12</sup> at heart.” On the second day Sjafrie Sjamsoeddin arrived. He said “we were learning lots about the Iraq battle. I think it will be a good idea if we do that in Indonesia.”<sup>13</sup>

Another embedded newspaper journalist in Aceh told Human Rights Watch:

I often received information from SMS sources or GAM about incidents or civilian deaths, but the TNI would restrict me from going to certain areas. I would tell them that I want to go to a particular place and they would say that we were not allowed, that it was a military emergency, and it was not safe to go. I would say that we have not had confirmation about something, or that I wanted to check something and I would just be told to “drop the news”...people don’t want to talk to us anyway because we were embedded with the military. Better to work on our own, freer to travel alone.<sup>14</sup>

One of the embedded journalists told Human Rights Watch:

I was an embedded journalist. It was very scary because we were part of the fighting with the TNI. During the first couple of days we heard that GAM had a list of the names of the embedded journalists. We did not

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<sup>12</sup> NKRI (Negara Kesatuan Republic Indonesia, Unitary State of the Republic of Indonesia).

<sup>13</sup> Human Rights Watch interview [name withheld], Indonesian newspaper journalist, Jakarta, June 30, 2003.

<sup>14</sup> Human Rights Watch interview [name withheld], Indonesian newspaper journalist, Jakarta, July 3, 2003.

know what they were going to do with the list. My perspective was not clear, I began to fear all Acehnese, thinking they were all GAM.<sup>15</sup>

Independent journalists working in Aceh also have serious difficulties in their ability to move around freely. One Indonesian journalist told Human Rights Watch:

I have been reporting from Aceh since November 2002. Before the military emergency there were no restrictions at all but after the Presidential Decree [of June 16, 2003, imposing travel restrictions on foreign journalists] was issued there were lots of restrictions. I cannot move freely any more. I have to report to military authorities in every place I go. If I want to return again to a place I have to report again to the military, so they control where we are.<sup>16</sup>

Another Indonesian journalist told Human Rights Watch:

In East Aceh, I visited an IDP [internally displaced people] camp with military officers at the front of it. They asked us “do you have permission from the military office in Lhokseumawe and the KODIM<sup>17</sup> in Bireuen?” We didn’t. So, we went back once we had the permission, but the military escorted us into the camp. I was always escorted by an officer from the KODIM and the camat [sub-district head]. So, clearly the interviewees were scared to talk freely. I asked a simple question “how much rice do you get every day?” The interviewee was checking his answer with the camat behind me, saying “I am very sorry if my answer is wrong, pak camat.” That happens if IDPs are suspected to be GAM sympathizers. On June 6, in Blang Pidie we found an IDP camp full of Muslim students from a pesantren [religious school]. They had been moved with force to an IDP camp with high wooden fences and military posts. Everyone had to sign in. It was like a detention facility not an IDP camp.<sup>18</sup>

Those who did not agree to be embedded have had great difficulties in reporting on the war. One Indonesian radio journalist told Human Rights Watch:

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<sup>15</sup> Human Rights Watch interview [name withheld], Indonesian radio journalist, Jakarta, June 30, 2003.

<sup>16</sup> Human Rights Watch telephone interview [name withheld], Indonesian news website journalist, Aceh, July 7, 2003.

<sup>17</sup> KODIM (Komando Distrik Militer, Military District Command).

<sup>18</sup> Human Rights Watch interview [name withheld], Indonesian radio journalist, Jakarta, June 30, 2003

From week to week [the TNI] gradually limited my mobility in Aceh. I was not embedded so I did not get any privileges from the TNI. I didn't expect anything from either GAM or the TNI, but it was irritating because I couldn't join the operations because I was not embedded and I could not visit GAM because we were not allowed to, for whatever reason the military had.<sup>19</sup>

GAM has also intimidated journalists. While GAM has talked about maintaining media freedom in the province, in a press statement released on July 3 the GAM leadership appeared to threaten journalists, stating:

The Leadership of the Aceh National Armed Forces (TNA) wishes to stress once again that the TNA support fully the work of journalists covering the events in Aceh truthfully. The TNA still and will always protect the freedom of movement of journalists anywhere in Aceh without exception, as long as they carry their duties in accordance with the journalistic codes of ethics.<sup>20</sup>

The statement did not suggest how it would determine if a journalist was covering the war "truthfully" or "in accordance with the journalistic code of ethics" or what it would do if a journalist was judged to fail either of these tests.

One Indonesian journalist told Human Rights Watch that, "Several times I received intimidation from GAM, if we didn't confirm stories with them, they are really angry, through SMS [cellular telephone text messaging]."<sup>21</sup>

Early reports also indicated that GAM may have planned on specifically targeting embedded journalists. In an open letter issued on May 15, 2003, AJI expressed concerns that GAM had requested from them a list of all the embedded journalists. They also cited a statement from GAM spokesman, Teungku Isnandar Al Pase, who, referring to the embedded journalists, was quoted as saying, "journalists who are going to be working with TNI troops in the military operation ... are considered as a group of journalists who do not understand the practice of a free press. This group which is listed will not receive security guarantees."<sup>22</sup>

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<sup>19</sup> Human Rights Watch interview [name withheld], Indonesian radio journalist, Jakarta, June 30, 2003.

<sup>20</sup> Aceh-Sumatra National Liberation Front Teuntara Neugara Atjeh (TNA), Press Release, July 3, 2003. Aceh is sometimes spelled Acheh.

<sup>21</sup> Human Rights Watch telephone interview [name withheld], Indonesian news website journalist, Aceh, July 7, 2003.

<sup>22</sup> Open Letter, "AJI Jakarta kepada jurnalis berseragam TNI," AJI Jakarta, May 15, 2003.

In May the private radio station Nikoya FM in Banda Aceh reportedly received a telephoned death threat from someone claiming to be a GAM commander. The caller threatened that GAM would kill a reporter if the station did not start carrying more balanced news.<sup>23</sup>

Human Rights Watch calls on GAM to clarify these statements, end any threats, and make it clear that it will ensure the freedom of movement and the security of all journalists in areas under its control and in any encounters it has with journalists elsewhere in Aceh.

### **A. Physical Attacks on Journalists**

Many journalists told Human Rights Watch that they had been fired upon while in Aceh, typically while traveling in vehicles.<sup>24</sup> The New York-based Committee to Protect Journalists reported seven separate incidents between May 21 and May 27, 2003 in which unidentified men shot at members of the national and international media.<sup>25</sup> On each occasion the reporters were traveling in clearly marked press vehicles. One Indonesian television journalist recounted one of these incidents:

In the second week of martial law...our car was shot at. Lots of bullets. One bullet punctured the car, the glass smashed and the door had a bullet hole in it. I had jumped out of the car. If I had not done that the bullet would have definitely gone into my side...There was a really big [name of press body withheld] banner on the left of the car, on the right, in front, and at the back ... TNI said that we had been shot at by GAM. This was an area still under GAM control but I have my suspicions. I don't know exactly who did it, as a journalist I can only give you the facts. The sound was of automatic gunfire.<sup>26</sup>

It is unclear who was responsible for these attacks. Both Indonesia's security forces and GAM have denied responsibility.

Andrew Marshall, a foreign correspondent for *Time* magazine, suggested that the Indonesian military was making use of civilian vehicles to intimidate the press:

Of all the hardware currently deployed in Aceh...it was a slate-gray Japanese sedan that unnerved us journalists the most. The car bore a

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<sup>23</sup> Committee to Protect Journalists, "Indonesia: Military curbs press coverage in Aceh," May 23, 2003.

<sup>24</sup> "Military Inquires into Aceh shootings," *The Sydney Morning Herald*, May 26, 2003; "Don't shoot the messengers," *The Jakarta Post*, May 29, 2003.

<sup>25</sup> Committee to Protect Journalists, "Indonesia: Journalists attacked by gunmen in Aceh," May 29, 2003.

<sup>26</sup> Human Rights Watch interview [name withheld], Indonesian television reporter, Jakarta, July 7, 2003.

large sign reading “Press,” yet it carried several uniformed men with guns. Who were they? Rebels of the Free Aceh Movement? Not likely: the car was spotted several times in broad daylight in areas controlled by the Indonesian military. More likely, we thought, the passengers were soldiers deliberately misusing press stickers to besmirch our independent and noncombatant status, and to draw us into the line of fire by making vehicles carrying journalists legitimate targets of either GAM or the TNI. It worked. By the end of the campaign's first week, at least seven real press vehicles had to brave a hail of bullets.<sup>27</sup>

The following cases highlight the serious danger and difficulties facing journalists trying to report on the situation in Aceh.

### **1. *The TVRI Killing***

On June 17, 2003, Mohamad Jamaluddin's body was found in a river in Kreung Cut village near Banda Aceh, the capital of Aceh Province. Jamaluddin's eyes and mouth had been covered with tape, his hands had been bound, and a rope with a stone attached to it had been tied around his neck.

Jamaluddin, a cameraman with the national state owned Television network TVRI, had been missing for almost a month. Media reports indicate that he was kidnapped on about May 20, a day after martial law started in Aceh province.<sup>28</sup>

Indonesia's Press Council chairman Atmakusumah Astraatmadja immediately called for an independent investigation into Jamaluddin's murder, and condemned the lack of protections for journalists in Aceh.<sup>29</sup>

No one has claimed responsibility for the abduction or murder of Jamaluddin.

### **2. *The Radio 68H Attack***

At about midday on July 4, 2003, Alif Imam Nurlambang, an editor from Indonesia's 68h radio station, was severely beaten by members of Indonesia's security forces while reporting from Panton Luas in South Aceh. Alif had been in Aceh for three weeks and had been reporting about the conditions of the displaced population in South Aceh.

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<sup>27</sup> Andrew Marshall, “Dead Silence: Indonesia's military is being given a free hand to strangle Aceh,” *Time*, June 9, 2003.

<sup>28</sup> Reporters without Borders, “Indonesia: Cameraman murdered in Aceh,” June 26, 2003.

<sup>29</sup> Tiarna Siboro, “Protests mount over the killing of 'TVRI' cameraman,” *The Jakarta Post*, June 21, 2003.

Alif says that on July 3 he had reported to the local military command, informing them that he was in the area and was planning on staying in South Aceh for three days. The following day Alif, his driver, and their guide entered Pantan Luas. There was no military post there but they reported and gave their greetings at the police post. They experienced no problems and observed that the situation was calm.

Alif went to a local resident's house to interview the owner. Alif had been at the house for around two hours when two military trucks and a Kopassus car filled with Kopassus, Brimob (mobile police brigade) and Marines arrived. Behind the truck was a Military Intelligence Services (SGI) car.<sup>30</sup> The majority of those present were Kopassus troops. The soldiers kicked down the door of the house and pulled Alif and the guide outside. Alif's driver was waiting in the car.

Alif identified himself as a journalist, but five of the soldiers proceeded to severely beat and kick him. One of the soldiers hit Alif in the back with an M-16 rifle butt while another threatened to shoot him. One of the policemen present told Alif "this is a 'black' area."<sup>31</sup> No one is allowed here except GAM. So, whoever enters must be GAM."

After beating Alif, the soldiers examined all the goods in the car, including his journalist identification card, satellite phone, and mobile phone. They interrogated him about numbers in his mobile phone address book, accusing him of carrying the numbers of a well-known GAM commander. When the soldiers finished questioning Alif, they released him.

In a press release issued the next day Radio 68h issued a short chronology of the incident and warned that "only if journalists are able to carry out their duties without being threatened with violence or kidnap...will the public be able to obtain clear and accurate information."<sup>32</sup>

Concerned about security conditions, Alif immediately left Aceh and returned to Jakarta. No soldier has been held accountable for the beating.

### **3. The RCTI Abductions**

On June 29, 2003, a reporter and a cameraman from the RCTI television station were among a group of civilians kidnapped by GAM while working in Langsa, East Aceh. The two RCTI employees had been working in Aceh since the start of the military operations. The reporter, Ersya Siregar, cameraman Fery Santoro, their driver Rahmatsyah, and two civilians who were accompanying them went missing while driving

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<sup>30</sup> SGI are Indonesia's Military Intelligence Services.

<sup>31</sup> The Indonesian military have color-coded areas of Aceh to indicate the level of security in each area.

<sup>32</sup> "68H journalist beaten in Aceh," Press Release, Radio News Agency 68H, July 4, 2003; Chronology of Beating, received via phone from Alif Imam Nurlambang, July 4, 2003; Muninggar Sri Saraswati, "Military troops' brutal assault on journalist in Aceh revealed," *The Jakarta Post*, July 5, 2003.

on their way back to Lhokseumawe. The crew had radioed ahead to colleagues in Lhokseumawe to let them know they were to be expected back in the town by 8 o'clock that evening. By nightfall the van and crew had failed to appear.<sup>33</sup>

On July 3, Teungku Mansoor, GAM spokesman for East Aceh, announced that the crew was being held by GAM soldiers. He told an AFP reporter that, "the reason that we are holding them for questioning is that the Indonesian military have been using the press to conduct intelligence operations in Aceh."<sup>34</sup>

The Indonesian military accused Ersa Siregar of being a pro-GAM reporter who was covering the war from behind GAM lines, and also insinuated that Ersa had voluntarily joined GAM and was therefore in a position to release himself.

On July 5, 2003, military forces discovered the missing RCTI minivan in a palm oil plantation in Peureulak, East Aceh. Military operation spokesman Lt. Col. Achmad Yani Basuki said:

I believe that RCTI journalist Erza and cameraman Fery Santoro know the location [of the van] so, for their own safety, we ask them to [go to the van and] raise a white flag...If Erza fails to show up by 6 p.m. on Tuesday, no one can blame the military for not protecting civilians, including them.<sup>35</sup>

This sentiment was echoed by Indonesia's Coordinating Minister for Political and security Affairs, Susilo Bambang Yudhoyono, who stated "I hope Ersa will be cooperative. Nessen [an American who had been traveling with GAM, and, fearing arrest by Indonesian authorities, sought help] has been cooperative, so we hope that Ersa, as an Indonesian citizen, will be cooperative."<sup>36</sup>

On July 6, in a widely publicized and broadcast meeting, RCTI deputy chief editor Imam Wachjudi and representatives from three Indonesian television stations and *Kompas* newspaper were allowed to visit the two abducted RCTI employees to check on their health and well being.<sup>37</sup> Accompanied into GAM territory with an armed escort,

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<sup>33</sup> Committee to Protect Journalists, "RCTI Journalists Missing in Aceh," Letter to President Megawati Sukarnoputri, July 2, 2003; International Federation of Journalists, Letter to General Endriartono Sutarto, July 4, 2003; "RCTI' journalists disappear in Aceh," *The Jakarta Post*, July 1, 2003; Tiarna Siboro and Nani Farida, "Fate of 'RCTI' crew missing in Aceh remains unclear," *The Jakarta Post*, July 3, 2003.

<sup>34</sup> "Wartawan RCTI Ada di Markas GAM," *Tempo*, July 3, 2003; "Aceh rebels claim to hold missing RCTI crew and two civilians," Agence-France Presse, July 3, 2003.

<sup>35</sup> Aan Suryana, "12 rebels killed in Aceh, 'RCTI' minivan found," *The Jakarta Post*, July 6, 2003.

<sup>36</sup> "TNI Duga Wartawan RCTI di Sarang GAM," *Tempo*, July 2, 2003; "Yudhoyono Berharap Kerjasama Ersa Siregar," *Tempo*, July 16, 2003.

<sup>37</sup> "Wapemred RCTI Bertemu Pihak GAM," *Tempo*, July 7, 2003; A'an Suryana and Tiarna Siboro, "Journalists questioned over 'RCTI,'" *The Jakarta Post*, July 9, 2003.

Wachjudi was able to meet with both Siregar and Santoro, and declared them well and in good health.

In apparent embarrassment over the ease in which the media representatives were allowed access to the kidnapped crew, the four media representatives were then detained by the police the next day and questioned at length over the meeting and their contact with GAM.

GAM has claimed that while military operations continue the conditions to secure the release of the victims cannot be negotiated. In the meantime Ersya Siregar, Ferry Santoro, Syafrida, Soraya, and Rahmatsyah remain in GAM custody.<sup>38</sup>

### ***B. Threats, Intimidation, and Pressure***

Threats and angry statements from senior military officers have a chilling effect on journalists. Brigadier General Bambang Dharmono has been particularly abusive towards Indonesian journalists in the province. An Indonesian journalist told Human Rights Watch:

Bambang Dharmono is a very intimidating person. One of the *Tempo* journalists arrived and introduced himself to Bambang Dharmono. Bambang said “oh you’re the one who mixes [is incorrect about] his information in public.’ I heard Bambang say to him ‘my authority is just *this* close to God.’<sup>39</sup>

Another Indonesian radio journalist recounted a different episode:

On about May 17 or 18 the Army Chief of Staff [Ryamizard Ryacudu] arrived in Lhokseumawe. The night before Bambang Dharmono’s press officer suggested to all of the press in Lhokseumawe that we should cover it and not leave town. “Suggest” meant “must.” But we all decided to cover a Sofyan Daud [GAM Deputy Military Commander and spokesperson] story instead as it was more interesting. So Bambang Dharmono got really upset that we went to visit Sofyan Daud. The next afternoon he was yelling at Zainal Batri, a reporter from *Tempo*. Zainal was very scared. Bambang said “I heard that you journalists just visited Sofyan Daud.” Zainal denied it. It’s a short incident but it was

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<sup>38</sup> One possible theory for the kidnappings is GAM initially wanted to kidnap Syafrida and Soraya as both women are wives of Indonesian naval officers. The Indonesian military has a history of detaining wives of GAM fighters, indicating that this may have been a retaliatory kidnapping by GAM.

<sup>39</sup> Human Rights Watch interview [name withheld], Indonesian radio journalist, Jakarta, June 30, 2003.

terrifying because it was public intimidation, at the communications operations center in Lhokseumawe.<sup>40</sup>

Another Indonesian correspondent told Human Rights Watch:

I heard Bambang [Dharmono] arguing really hard with some of his staff, and he was slapping one of his men, in public. One or two cameramen were taping it and Bambang directly threatened the cameramen to erase it.<sup>41</sup>

Statements and incidents like those above resonate with journalists, particularly those who wish to report on the war impartially. Reporting on conflict is difficult enough without fear of government officers, but it is much more difficult in an environment of threats and intimidation. As one understated Indonesian journalist put it:

The fact that the TNI can do anything they like with us is pretty disturbing, especially with [TNI] directly intimidating journalists in public, in front of public meetings.<sup>42</sup>

In addition to threats from senior commanders, journalists also face intimidation from soldiers guarding security posts in the field and troops on the road. One foreign correspondent told Human Rights Watch:

On a couple of occasions we tried to get into Cot Raboe, on the day of the killings.<sup>43</sup> Brimob stopped us and said “you are going too fast, you treat us like animals, you should respect us, we could slaughter you at any time.” Now, this is really vicious language from a guy with an automatic weapon. This is what he said to us; imagine what he is saying to the locals.<sup>44</sup>

### **C. Civilians Afraid to Talk to Journalists**

The threats against journalists have made Acehnese civilians reluctant to interact with the media. Such a culture of fear in Aceh is compounding the vacuum of information

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<sup>40</sup> Human Rights Watch interview [name withheld], Indonesian radio journalist, Jakarta, June 30, 2003.

<sup>41</sup> Human Rights Watch interview [name withheld], Indonesian journalist, Jakarta, June 30, 2003.

<sup>42</sup> Human Rights Watch interview [name withheld], Indonesian radio journalist, Jakarta, June 30, 2003.

<sup>43</sup> In mid-May media reports implicated the Indonesian military in the summary execution of six civilians in Cot Raboe, including two twelve-year old boys. See Human Rights Watch, “Aceh Under Martial Law: Human Rights Under Fire,” June 5, 2003; “Indonesian troops accused of massacre,” *The Guardian*, May 22, 2003; “Children massacred by military in Aceh,” *The Age*, May 23, 2003.

<sup>44</sup> Human Rights Watch interview [name withheld], foreign newspaper correspondent, Jakarta, July 3, 2003.

about conditions under martial law. Aceh's civilians are now less likely to come forward with information if those they give it to do not even have security guarantees for themselves, let alone their sources.

One foreign correspondent for a wire agency in Jakarta told Human Rights Watch that, "people are petrified of talking to the foreign press for fear of reprisals."<sup>45</sup> An Indonesian correspondent covering the war in Aceh was more direct. He told Human Rights Watch:

Aceh is a land of fear. The people do not know what is going to happen next. I always sensed fear in people's eyes. I went into the districts. I know, I absolutely believe that they know who burnt the schools, but they are very afraid to tell anyone who is responsible.<sup>46</sup>

Another Indonesian journalist concurred and told Human Rights Watch that people in Aceh were afraid to talk about rights violations to the press. He said, "Villagers always say 'we don't know who did it. If we blame GAM, GAM will come, if we blame TNI, TNI will come.'"<sup>47</sup>

#### **D. Self-censorship**

*One problem that seems to be apparent from the Aceh reporting is the emergence of a culture of fear within the media community. We've heard of interference on the part of the authorities, for instance when the military doesn't like what is reported.<sup>48</sup>*

—Indonesian human rights lawyer Todung Mulya Lubis

One result of attacks, threats, intimidation, and pressure has been widespread self-censorship within the Indonesian media. In the face of pressure from military officers and some government figures to stem reporting critical of the TNI, often considered to be the equivalent of anti-nationalist or even anti-Indonesian reporting, journalists and even major media outlets have adjusted their coverage to reflect the military line.

Since the beginning of the war in May, news reports have become less and less critical of the military. Journalists and editors have all but stopped making direct accusations

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<sup>45</sup> Human Rights Watch interview [name withheld], foreign wire correspondent, Jakarta, June 27, 2003.

<sup>46</sup> Human Rights Watch interview [name withheld], Indonesian radio journalist, Jakarta, June 30, 2003.

<sup>47</sup> Human Rights Watch interview [name withheld], Indonesian television reporter, Jakarta, July 7, 2003.

<sup>48</sup> Interview with Todung Mulya Lubis, "Aceh war sparks a culture of fear within media industry," *The Jakarta Post*, June 18, 2003.

against security forces in Aceh. The overwhelming majority of local media have completely stopped reporting on statements or accusations cited directly from GAM sources. To protect themselves, Indonesian journalists who report on abuses often cite to international agencies or sources. Indonesian media also now no longer refer to the offensive in Aceh as a military operation, but instead increasingly call it the “integrated operation,” reflecting the military line that its operation in Aceh combine military, humanitarian, law enforcement, and local governance measures. One Jakarta foreign correspondent told Human Rights Watch “most local journalists are too afraid to report. Locals are now hiding behind agency reports.”<sup>49</sup>

In the first week of martial law, the Indonesian martial law commander in Aceh, Major General Endang Suwarya, specifically warned both foreign and domestic journalists to keep their coverage “accurate.” Clarifying the TNI position on accuracy, Suwarya told journalists in Aceh “there should be no reports from GAM and [no] reports that praise GAM.”<sup>50</sup>

One Indonesian journalist told Human Rights Watch that this message was taken very seriously and was implemented almost immediately:

On the third or fourth day Metro TV aired some footage of a person wearing a GAM t-shirt putting out a fire at a school. The whole night afterwards Bambang [Dharmono] was shouting and angry with the Metro TV journalists. The next day Metro showed the TNI teaching “Indo Raya”<sup>51</sup> to some children. Of course it was because of the pressure. It was really ridiculous for us to see. Metro TV was under lots of pressure.<sup>52</sup>

A few days after Suwarya’s statement, TNI spokesman Major General Sjafrie Sjamsoeddin warned the media that the TNI would take legal measures against media establishments that ran unfounded reports on the military operation in Aceh. He also warned that “if reports over [alleged abuses] by TNI members could not be proven, TNI leadership would take legal action against the media,” adding that the government would also take legal action against media outlets that published “unfavorable” coverage about the operations in Aceh.<sup>53</sup>

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<sup>49</sup> Human Rights Watch interview [name withheld], foreign wire correspondent, Jakarta, June 27, 2003.

<sup>50</sup> U.N. Office of Coordination of Humanitarian Activity : Daily Situation Report on Aceh No.7, May 22, 2003; T. Yulianti, “*Liputan Pers tentang Operasi Militer*,” *Suara Pembaruan*, May 27, 2003.

<sup>51</sup> “Indonesia Raya” is Indonesia’s national anthem.

<sup>52</sup> Human Rights Watch interview [name withheld], Indonesian radio journalist, Jakarta, June 30, 2003.

<sup>53</sup> “*Pembatasan Pers Dapat Jadi Bumerang bagi Militer*,” *Sinar Harapan*, May 24, 2003; “Media asked to be responsible,” *The Jakarta Post*, May 24, 2003.

For instance, in response to press reports about the execution-style murder of civilians in the village of Mapa Mamplan, Sjamsoeddin announced that the military intended to sue the Indonesian newspaper *Koran Tempo* for running the story. He added that Agence France-Presse might also be sued for the same story. Sjamsoeddin told the *Jakarta Post*: “We will officially sue *Koran Tempo* newspaper because it must be held accountable for the headline ... Later development does not rule out the possibility of suing AFP.”<sup>54</sup>

The military response to the allegations was to set up a joint military-press investigation into the incident, to verify whether or not the summary executions took place and who was responsible for it. Two soldiers and two journalists returned to the scene of the executions and undertook further investigations. After the investigation, the military concluded that all the villagers killed, including the three boys, were GAM spies.<sup>55</sup> Even if true, this would not justify the summary execution of the villagers. However, one journalist told Human Rights Watch that the investigation had not been impartial and that witnesses were intimidated into retracting their original testimony.

The journalist told Human Rights Watch:

On the killing of the seven people, witnesses gave different statements to the TNI, compared to what they had told AFP and *Tempo* before. The TNI chose the journalists [who would] go and do the investigation with them. They interviewed the villagers again, but in the presence of the TNI. The TNI forced the journalists to go with them. The next day the military went looking for the AFP witness. They found her and took her to the army headquarters in Lhokseumawe, and held a press conference in front of Bambang Dharmono and all the journalists to get her to clarify the AFP report that she was a witness. The woman said, “I am not an eyewitness, I was interviewed by AFP, but I said I only heard that people were shot, one by one.” Straight after that *Tempo* was criticized. The *Tempo* journalists in Lhokseumawe were then taken and interrogated for three days. They could not go out from morning to night. Shortly after that [name withheld] from *Tempo* went home, fed up.<sup>56</sup>

The military is very sensitive about information of abuses being published. Negative reporting on the war may resonate with members of the Indonesian public who, although largely supportive of the military operation in Aceh, also retain a great deal of

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<sup>54</sup> “TNI to sue ‘Koran Tempo’ over alleged false report,” *The Jakarta Post*, May 28, 2003.

<sup>55</sup> “Military inquires into Aceh shootings,” *Sydney Morning Herald*, May 26, 2003; “Indonesian army claims shot boys were spies,” *South China Morning Post*, May 28, 2003.

<sup>56</sup> Human Rights Watch interview [name withheld], Indonesian newspaper journalist, Jakarta, July 3, 2003.

distrust at Indonesia's corrupt and ill-disciplined armed forces. One foreign television correspondent based in Jakarta explained, "The military are very aware that what could break them is the press, for example if there is footage of atrocities. Sjafric [Sjamsuoddin] now has a really important role in controlling what goes out."<sup>57</sup>

In May the New York-based Committee to Protect Journalists (CPJ) reported that military officials had issued warnings to the newspaper *Serambi Indonesia* and Metro TV for carrying reports considered favorable to GAM.<sup>58</sup>

Citing pressure on editorial policy in Jakarta, one Indonesian TV reporter in Jakarta told Human Rights Watch:

[We had] some footage of civilians being ordered to leave their houses by the TNI, five or six soldiers, outside of Banda Aceh. The TNI asked them to take off their clothes and forced them to lie down on the ground. About six or seven people, all men. One of them looked really hurt, so someone else took his clothes to cover his body from the hot road. So one soldier started swearing "get up pig, do you want to be shot?" So the man was afraid and continued to lie on the hot street. SCTV restricted [us] from airing the dialogue. What the TNI is doing is counter-productive to their hearts and minds campaign. This is the reality of the war and only a small percentage is being shown. So, we just aired the footage, without sound. So the audience only saw the footage, no sound. After that, all footage we got from Aceh we had to confirm with the military before being aired. One of the producers would call the TNI, Brig. General Bambang Dharmono to ask him "can we air this footage?"<sup>59</sup>

Another Indonesian television reporter in Jakarta told Human Rights Watch:

Metro TV is a 24-hour news channel, so its influence is very large. Whatever happens in Indonesia, we cover it. There are several people who have already become the "hands and feet" of the military. Whatever news there is about the military or the government, which is negative, is now censored. Always. It's the culture of the press experience in Indonesia. In the Indonesian context a phone call protest from the military is not only a clarification, but is interpreted as a

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<sup>57</sup> Human Rights Watch interview [name withheld], foreign television reporter, Jakarta, June 27, 2003.

<sup>58</sup> Committee to Protect Journalists, "Indonesia: Military curbs press coverage in Aceh," May 23, 2003.

<sup>59</sup> Human Rights Watch interview [name withheld], Indonesian television producer, Jakarta, June 30, 2003.

threat...During the New Order this was a common occurrence. During the reform period it had disappeared. But, now it has re-emerged again about Aceh, about whatever is reported about Aceh.<sup>60</sup>

### *The Dandhy Case*

On May 21, 2003, SCTV aired a special dialogue program featuring an interview with an Acehese man who claimed that he had been tortured by the Indonesian military in the 1990s, during the last military emergency in Aceh, known as DOM (Daerah Operasi Militer, Military Operations Area). The producer of the program has since been fired by his station, leading to an uproar among Indonesian press associations and protests against SCTV.

The producer in question, Dandhy Dwi Laksono, told Human Rights Watch his story:

I arrived in Aceh three days after the military operations started, on May 21. The angle of the coverage was going to be on how to avoid civilian casualties. That was our editorial policy...So, we covered both sides by interviewing both the Pangdam<sup>61</sup> [Endang Suwarya] and the victim. The victim's interview was silhouetted, and he talked about his arrest and interrogation by the military only because he had an Acehese I.D. card. He had been arrested in Medan. Arrested and then tortured. We took a shot of a bayonet wound in his leg, a close up...

The program aired at 23:00 on the 21<sup>st</sup> of May on the SCTV news program...At midnight I got a phone call from Jakarta that a TNI general had not liked the program. I then got a forwarded SMS [text message]<sup>62</sup> from a friend of mine, from one of the TNI Generals, which said "why did SCTV air the victim from DOM?" I also got a phone call from an anchor saying that SCTV was very stressed because the military had protested.

After the initial airing of the program, Dandhy continued to work at SCTV, despite the military protests. He says that he was subjected to unusual and unprecedented restrictions on all of his subsequent work.

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<sup>60</sup> Human Rights Watch interview [name withheld], Indonesian television reporter, Jakarta, June 30, 2003.

<sup>61</sup> Pangdam (Panglima Daerah Militer, Military Area Commander).

<sup>62</sup> SMS – Cellular phone text messaging.

On the 22<sup>nd</sup> I returned to Jakarta. My direct boss, Nur Jamen, senior manager of news processing, cancelled my promotion to producer of special programs...Secondly, they then supervised my job. Normally the producer is the last man to make a decision. I was supervised by another producer. I had to get approval and re-editing by another producer, just on the Aceh programs. Before, this had never happened, I was an authorized producer. Thirdly, when I was in Aceh I had made some features about *seniman jalanan*<sup>63</sup> who were writing about peace and how to avoid civilian casualties. I had not finished it but was in the middle of doing it. Nur Jamen told me to stop working on it. This was extremely unusual. He said it was not proper and that it would upset the military. He said to me “the bullet is still firing...” So, every day they collected all my scripts about the TNI on all issues, not just on Aceh, every single script, they collected everything from before and concluded that I am an anti-TNI journalist. On June 13 they [SCTV] fired me. They said I was “spinning” the news about the TNI. I asked them why just my news on the military and not my news on corruption and other issues. I had a right to reply. [Eventually], they said that my arguments were good, I proved that I was not “spinning” the news. But I was still fired. My contract at SCTV finished on May 25, so they used that argument to fire me.<sup>64</sup>

Dandhy’s case has been extensively publicized in Indonesia. Many in Indonesia believe that he was fired over his reporting on Aceh. SCTV denies the charges. Nur Jamen, told the press that “it was not a dismissal, Dandhy was never promoted to permanent employee. His six-month contract was not extended after we appraised him. It's nothing to do with his Aceh story.”<sup>65</sup>

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<sup>63</sup> Roadside artists.

<sup>64</sup> Human Rights Watch interview with Dandhy Dwi Laksono, Jakarta, June 30, 2003.

<sup>65</sup> Moch. N. Kurniawan, “Journalist dismissed after Aceh interview,” *The Jakarta Post*, June 16, 2003; Robert Go, “Journalist: I was fired over torture report,” *The Straits Times*, June 18, 2003; “*Terpental karena Aceh?*,” *Tempo*, June 29, 2003.

## IV. Legal and Bureaucratic Restrictions on Journalists

*Many of our members have reported from numerous conflict zones around the world and find the restrictions being imposed in Aceh amongst the most restrictive ever encountered.*<sup>66</sup>

—Jakarta Foreign Correspondents Club letter to the Government of Indonesia

### A. Restrictions on Foreign Media

On June 4, 2003, Indonesian soldiers shot a German husband and wife while they were camping on a beach in Aceh. The man died, while his wife sustained a bullet injury to her ankle.<sup>67</sup> The Indonesian military claimed that they suspected the two were GAM rebels, as they had failed to respond to calls to leave their tent on the beach.

The Indonesian government used this incident to justify a comprehensive clampdown on access to Aceh by all foreigners, including international humanitarian workers and foreign correspondents. The government claimed it was a security measure to ensure that no other foreigners were caught up, or injured, in the fighting.

On June 7, the clampdown on the media began in earnest. Police detained two Malaysian *New Straits Times* correspondents and questioned them for almost twelve hours before deporting them to Kuala Lumpur. Shamsul Akmar and Abdul Razak had arrived in Banda Aceh on May 29 after obtaining a press card issued by the Ministry of Foreign Affairs in Jakarta. They had also reported to the martial law administration in Banda Aceh upon their arrival. The police claimed, however, that the two journalists had failed to get permission to cover the province from the Foreign Information Directorate of the Ministry of Foreign Affairs, or the Indonesian police.<sup>68</sup>

### B. Bureaucratic Restrictions on Foreign Journalists

The enforcement of restrictions on the ground preceded more comprehensive regulatory measures from Jakarta. On June 16, 2003, President Megawati issued Presidential Decree No. 43/2003 detailing new regulations on the activities of foreigners in Aceh. This Decree states in section 3 that:

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<sup>66</sup> JFCC Letter to Co-ordinating Minister Susilo Bambang Yudhoyono and Minister Hassan Wirajuda, Jakarta, June 27, 2003.

<sup>67</sup> Matthew Moore, "German Tourist in Aceh Killed by Military," *Sydney Morning Herald*, June 6, 2003, "Tourist Couple Shot in Aceh," *The Guardian*, June 5, 2003.

<sup>68</sup> Openg Onn, "NST Journalists In Aceh Fly Home After Police Questioning," *Bernama*, June 8, 2003.

1. Media activities by foreign journalists and correspondents for foreign media in Nanggroe Aceh Darussalam Province<sup>69</sup> can only be carried out after obtaining approval from the Ministry of Foreign Affairs on behalf of the President as the Central Military Emergency Authority.
2. Media activities by national journalists for the national press in Nanggroe Aceh Darussalam Province can only be carried out after obtaining written authority from the Area Military Emergency Authority.
3. All risks and consequences of these media activities by foreign and national journalists in Nanggroe Aceh Darussalam Province will be at their own responsibility.<sup>70</sup>

On June 24, 2003 the Ministry of Foreign Affairs issued a Media Advisory on visits to Nanggroe Aceh Darussalam detailing the new procedures for foreign correspondents to obtain travel permits to travel to Aceh province. The advisory states:

1. Foreign Correspondents based in Indonesia should apply for a travel permit to the Minister for Foreign Affairs to the attention of Director of Information and Media Services, mentioning the time schedule for the visit and the names of the journalists (foreign and Indonesian nationals) ... The permit will take at the minimum three working days to process ...
2. The Department of Foreign Affairs, the Directorate of Information and Media Services will issue a letter addressed to the Regional Martial Law Administrator (PDMD NAD), Commander of the Information Task Force in Banda Aceh. The Regional Martial Law Administrator has the authority to issue a card for coverage in the Province of NAD.<sup>71</sup>

It should be noted that the regional martial law administrator also has the power to refuse to issue a press card.

On June 26, the Military Emergency Administrator in Aceh announced two new decrees. The first regulated visits and activities of foreign nationals, international humanitarian aid workers, foreign journalists, and correspondents for foreign media. The second declaration regulated visits and activities of national NGOs and journalists in Aceh province. According to the first declaration, foreigners: a) are not allowed to undertake tourist visits, b) must report upon arrival to Aceh martial law administrator and present a letter of authorization from the Ministry of Justice and Human Rights, passport, and other documents proving identity, and c) are only authorized to undertake visits and

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<sup>69</sup> Nanggroe Aceh Darussalam Province is the official name for the province of Aceh.

<sup>70</sup> Decree No. 43 of 2003 of the President of the Republic of Indonesia as Central Military Authority, "The Arrangement of Activities of Foreigners, Non-Government Organizations and the Press in Nanggroe Aceh Darussalam Province," June 16, 2003, sec. 3.

<sup>71</sup> Media Advisory on visit to Nanggroe Aceh Darussalam, Directorate of Information and Media Services, Ministry of Foreign Affairs, Jakarta, June 24, 2003.

activities in district capitals and cities in Aceh province. Banda Aceh was also designated as the single authorized entry point into the province. Anyone found violating the regulations would be ordered to leave within twenty-four hours.<sup>72</sup>

The most widely publicized case of curbing reportage occurred on June 24, 2003, when American William Nessen was arrested, charged, and convicted for immigration violations, despite his claim that he held an accredited journalist visa and was entitled to report on the conflict.

Nessen argued that he had entered Aceh before martial law started, and more critically, before the new legislative restrictions on foreign correspondents had come into force. Nessen's practice of researching stories from behind GAM lines did not sit well with the Indonesian military. Amidst much public debate in Indonesia over whether Nessen was actually an American spy or a legitimate journalist, he eventually left the GAM forces he had been traveling with and turned himself over to Indonesian authorities, facilitated with intervention from the U.S. embassy in Jakarta.

Indonesian authorities subsequently arrested Nessen in Banda Aceh, and eventually charged him with violating immigration regulations under Law No. 9/1992. On August 2, 2003, a court convicted Nessen and sentenced him to forty days imprisonment, to include time served. Due to his long period of pre-trial detention he was released the next day. The court banned Nessen from entering Indonesia for one year as a condition of his release.<sup>73</sup> The Jakarta Foreign Correspondents Club (JFCC) has maintained that although Nessen was not a member of the JFCC, he was traveling on a journalist's visa, and was within his legal rights to go to Aceh and report on the conflict.<sup>74</sup>

In another case, on June 26, the military arrested Tadatomo Takagi, a Japanese freelance photographer, for failing to have proper documentation from the Ministry of Foreign Affairs. Takagi was in Aceh province taking photos of displaced villagers in Bireuen, North Aceh. The military initially detained him in Aceh before the police questioned him. On June 28, 2003, Indonesian authorities eventually expelled Takagi through North Sumatra, his believed port of entry.<sup>75</sup>

Two days later, on June 30, 2003, the Ministry of Justice and Human Rights issued a Ministerial Decree outlining the procedure for access to Aceh by foreigners, including

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<sup>72</sup> OCHA: Indonesia Consolidated Situation Report No. 135, June 28 - July 4, 2003; Nani Farida, "Aceh Off-Limits to Foreigners," *The Jakarta Post*, June 27, 2003.

<sup>73</sup> "Freed US journalist to be barred from entering Indonesia for a year," Agence France-Presse, August 4, 2003; "Indonesia releases American journalist," Associated Press, August 3, 2003; Nani Farida, "American journalist declared a suspect," *The Jakarta Post*, June 26, 2003.

<sup>74</sup> JFCC Letter to Co-ordinating Minister for Security Affairs, Susilo Bambang Yudhoyono and Minister of Foreign Affairs, Hassan Wirajuda, Jakarta, June 27, 2003.

<sup>75</sup> "Indonesian Military Detains Japanese Photographer In Aceh," Associated Press, June 27, 2003; Anton Aliabbas, "Fotografer Jepang Diberangkatkan ke Medan," *detik.com*, June 28, 2003.

correspondents. This introduced the “blue book,” essentially an internal visa system for Aceh, applicable to international aid workers and foreign correspondents.<sup>76</sup> Specific to correspondents, the decree stated that journalists or foreign correspondents needed to obtain a recommendation from the Minister of Foreign Affairs, as well as the blue book, for access to Aceh.<sup>77</sup>

These new regulations caused profound confusion. Trying to comply with the legislation, foreign correspondents faced extensive bureaucratic delays in their attempts to obtain the proper documentation. The regular absence of the Minister of Foreign Affairs from Indonesia was just one of the obstacles to obtaining the necessary paperwork. What was clear was the effect of the legislation and new procedures in severely restricting access to the province.

In response to the Presidential and Ministerial Decrees, the Jakarta Foreign Correspondents’ Club (JFCC) wrote an open letter to the Coordinating Minister for Security Affairs Susilo Bambang Yudhoyono and Minister for Foreign Affairs Hassan Wirajuda outlining their concerns about the new legislation. In the letter the JFCC expressed deep concern that “a series of delays and constantly changing government and military rulings is in fact *preventing* foreign media access to Aceh.”<sup>78</sup>

A foreign correspondent for a wire agency in Jakarta was more candid about the new legislation. He told Human Rights Watch:

This new development is pointing to a fairly broad clampdown. The international community should start getting on this issue...The TNI is saying that it is for the safety of journalists but most of us are interpreting it otherwise...I think it is very clear that the military is keen to curb the activities of the foreign media.<sup>79</sup>

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<sup>76</sup> Bakornas PBP (Indonesia’s National Co-coordinating Body for the Management of Disaster and IDPs/Refugees) is now responsible for the consideration of requests for Blue Book passes for foreigners wishing to enter Aceh. Agencies and international actors that require blue books need to send a letter to the Co-ordinating Ministry of Social Welfare and to Bakornas. These requests will be evaluated and, if recommended by Bakornas, the Office of the Coordinating Minister will send a letter to the Ministry of Justice on the basis of which a Blue Book pass will be issued. The pass allows a single entry for a maximum of fourteen days with one extension at the province for a further fourteen days. After twenty-eight days the pass will expire and the bearer will have to leave Aceh in order to apply for the renewal of the pass, and re-start the whole procedure again.

<sup>77</sup> Decree No. M.02.IZ.01.10 of 2003 of the Minister of Justice and Human Rights of the Republic of Indonesia, “Granting Permits for Foreigners to Visit and Conduct Activities in Nanggroe Aceh Darussalam Province,” June 30, 2003, sec. 5d.

<sup>78</sup> JFCC Letter to Co-ordinating Minister Susilo Bambang Yudhoyono and Minister Hassan Wirajuda, Jakarta, June 27, 2003 (emphasis added).

<sup>79</sup> Human Rights Watch interview [name withheld], foreign wire correspondent, Jakarta, June 27, 2003.

Although resident foreign correspondents wishing to travel to Aceh actively cooperated with the government and submitted the necessary paperwork, the government did not approve any applications within the promised three-day period. In fact most correspondents who worked through the proper channels were barred from the province for months. In mid-July, Shawn Donnan, reporting for the *Financial Times* was the first foreign correspondent to return to Aceh after the new regulations were implemented. However, he was only given an access pass for five days and had to remain in Banda Aceh for four days while the martial law administration processed his access request. Donnan was unable to leave Banda Aceh during his trip.<sup>80</sup>

In June 2003 at least twelve foreign correspondents applied for special permits to Aceh, after the new regulations were issued. After extensive and lengthy delays all the permits were eventually issued by mid-August. By this time the war in Aceh had dropped out of international headlines. As a result only a few correspondents chose to use the visa and make the trip to Aceh. In addition to waiting weeks for approvals from the Ministry of Foreign Affairs and Immigration Department, those correspondents who visited Banda Aceh then had to wait at least three days in the capital while the local police and military “processed” their permits. During that time, reporters were not allowed to travel or do any reporting.

The new decrees regulating journalists’ access to Aceh have widespread implications. Not only do they restrict access to, and within, the province, but they also regulate media activities upon arrival. Even correspondents who have permits are only able to travel on main highways and are required to report their movements to local police and military commanders in every place they visit. Travel is restricted to just the main cities and major towns.

The restriction on reporters entering villages effectively means that correspondents now cannot report on the war firsthand, and have to rely on military statements that in the past have contradicted accounts by local residents.

Reporting for ABC radio, Tim Palmer described the process that finally got him to Aceh. Reporting from an office in the main military compound of Banda Aceh, he said:

We spent two-and-a-half days in various offices like this trying to get the permits that will allow us to work in Aceh. It’s a privilege only afforded to journalists resident in Indonesia now and it’s already taken weeks to get the permits in Jakarta to just fly here. Even when we get the approvals, they’re a disappointment. We’re made to sign a letter promising not to report details of military operations, not to speak to or quote the enemy GAM forces, not to travel anywhere outside the major

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<sup>80</sup> Shawn Donnan, “Indonesians text messages of support for Aceh clampdown,” *The Financial Times*, July 21, 2003; Human Rights Watch email communication [name withheld], Jakarta foreign correspondent, August 8, 2003.

towns on the main highway. Not much is left for a reporter trying to map the progress of this war now 100 days old, but we set out anyway.<sup>81</sup>

Writing in *The Guardian* (UK) on August 20, 2003, foreign correspondent John Aglionby summarized the restrictions and reported from Aceh, “Foreign reporters are allowed to report only from the main towns, are not allowed to quote GAM ‘propaganda,’ and have to inform the authorities of everything they do. They are not allowed to accompany Indonesian soldiers on operations.”<sup>82</sup>

Unfortunately, not many international media outlets are now regularly reporting on the war in Aceh. Although the Indonesian government continues to insist that it has not banned foreigners from Aceh, the strict limitations on travel within the province, and the lengthy and bureaucratic procedures needed for obtaining a permit to the province are proving to be effective barriers for the foreign press corps. As one bureau chief in Jakarta told Human Rights Watch:

Sadly, not that many international media are covering the Aceh story. In addition to waning interest, the military and government have made the process of getting a permit so difficult and long that many editors are opting not to cover the story at all.<sup>83</sup>

### **C. Restrictions on Indonesian Journalists Working for International Outlets**

*Before the military emergency there were no restrictions at all but after the Presidential Decree was issued there were lots of restrictions. I cannot move freely any more. I have to report to military authorities every place I go.*<sup>84</sup>

—Indonesian journalist

The Presidential Decree of June 16, 2003, specifically refers to domestic journalists, but the martial law administration in Aceh has made it clear that, in addition, it interprets additional access restrictions for foreigners to be applicable to those Indonesian staff

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<sup>81</sup> “Indonesian Army clamps down on information in Aceh,” ABC Radio National, August 31, 2003.

<sup>82</sup> John Aglionby, “Battered people of Aceh take time out to party as Jakarta’s crackdown drags on,” *The Guardian*, August 20, 2003.

<sup>83</sup> Human Rights Watch email communication [name withheld], foreign bureau chief, September 18, 2003.

<sup>84</sup> Human Rights Watch telephone interview [name withheld], Indonesian news website journalist, Aceh, July 7, 2003.

working for foreign newspapers and agencies. Indonesian media outlets have also been warned against selling their materials to foreign wire services or media outlets.

Contrary to previous practice for Indonesian nationals, the martial law administration in Aceh now bans local journalists from working for foreign media agencies in Aceh, without also obtaining Foreign Ministry permits. The administration has also warned local reporters against sharing video footage with foreign media. If they violate the restrictions, the military can expel them from Aceh.<sup>85</sup>

One Indonesian photographer for a foreign news agency told Human Rights Watch:

I talked with friends from local media...they cannot sell news to foreign media anymore. Sometimes we ask for help from friends to email photos etc., normally they are very co-operative, but now they just say “no, I am not brave enough, I just can’t, I’m sorry.” I don’t know if this is pressure from the military or not.<sup>86</sup>

#### ***D. International Legal Considerations***

The ongoing fighting in Aceh qualifies as a non-international (internal) armed conflict under the 1949 Geneva Conventions, to which Indonesia is a party. Common article 3 to the 1949 Geneva Conventions prohibits summary executions, torture, mistreatment and other humiliating or degrading treatment of those in custody, the taking of hostages, and the passing of sentences without a fair trial.

While international humanitarian law provides little direct guidance on the protection of journalists in internal armed conflicts, the right to freedom of expression remains protected under international human rights law. The Universal Declaration of Human Rights<sup>87</sup> and the International Covenant on Civil and Political Rights (ICCPR),<sup>88</sup> many provisions of which are recognized as customary international law, apply during wartime as well as in peacetime. Article 19 of both the Universal Declaration and the ICCPR recognize the right to “seek, receive and impart information and ideas” through any media, regardless of frontiers.<sup>89</sup>

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<sup>85</sup> Committee to Protect Journalists, “Letter to Megawati Expressing Concern About Restrictions on Media in Aceh,” June 27, 2003.

<sup>86</sup> Human Rights Watch interview [name withheld], Indonesian photographer, Jakarta, June 27, 2003.

<sup>87</sup> Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948).

<sup>88</sup> International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. Indonesia is not a party to the ICCPR.

<sup>89</sup> See also ICCPR, art. 4 (derogations of the ICCPR are permissible to the extent they are “determined by law only so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society”).

The right to freedom of expression may be restricted during a state of emergency or to protect national security, but only as provided by law and as is necessary.<sup>90</sup> This principle is elucidated in the Johannesburg Principles on National Security, Freedom of Expression and Access to Information, which were drafted by international law and global rights experts in 1995 and endorsed by the U.N. special rapporteurs on freedom of expression and on the independence of judges and lawyers.<sup>91</sup>

Any government-imposed restrictions on journalists (as well as NGO workers) should be consistent with Principle 19 of the Johannesburg Principles on access to restricted areas, which provides:

Any restriction on the free flow of information may not be of such a nature as to thwart the purposes of human rights and humanitarian law. In particular, governments may not prevent journalists or representatives of intergovernmental or non-governmental organizations, which monitor adherence to human rights or humanitarian standards, from entering areas where there are reasonable grounds to believe that violations of human rights or humanitarian law are being, or have been, committed. Governments may not exclude journalists or representatives of such organizations from areas that are experiencing violence or armed conflict except where their presence would pose a clear risk to the safety of others.<sup>92</sup>

## V. Conclusion

After the fall of Soeharto, Indonesia was considered a center of media freedom in Southeast Asia. Current conditions and practices in Aceh, however, are fast dispelling this reputation. The policies that have been enacted during the war in Aceh are eroding precious gains made during the past few years.

This not only has implications for reporting of the war in Aceh, but also for media freedom in Indonesia as a whole. The violations described in this report have a combined effect that undermines the development of a free, objective, and professional media in Indonesia. The most direct effects are on journalists who are attacked or intimidated. The increasing number of foreign correspondents who choose not to cover

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<sup>90</sup> ICCPR, art. 19(3).

<sup>91</sup> The Johannesburg Principles on National Security, Freedom of Expression and Access to Information, U.N. Doc. E/CN.4/1996/39.

<sup>92</sup> The Johannesburg Principles on National Security, Freedom of Expression and Access to Information, U.N. Doc. E/CN.4/1996/39.

the war in Aceh is also a visible consequence. The broader impact on the Indonesian press corps who have remained in Aceh, at the price of having learned to censor themselves, is harder to measure, but can be expected to have serious long-term consequences for press freedom in Indonesia.

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