

ACEH UNDER MARTIAL LAW: INSIDE THE SECRET WAR

Glossary	2
Introduction	3
The Context of the Current Violations: the Long War in Aceh	7
Life Under Martial Law	13
Increased village presence	15
Targeting young civilian men	16
Human Rights and Humanitarian Law Violations	18
Extrajudicial killings	18
Summary killings during sweeping operations	19
Abductions leading to deaths	24
Forced disappearances	25
Physical abuse	26
Arbitrary detention and lack of due process	31
Restrictions on freedom of movement	33
Extortion and restrictions on economic activity	37
The return of jaga malam: compulsory night guard duty	39
Displacement and looting	41
Accountability	44
Recommendations	45
To the Government and Armed Forces of Indonesia	45
To the Free Aceh Movement (GAM)	46
To the “Quartet” (U.S., E.U., Japan, World Bank)	47
To the Malaysian Government	47
To the Association of Southeast Asian Nations (Asean)	47
To states, such as the United States, United Kingdom, and Australia, providing military assistance or training to Indonesia	48
Appendix	49

Glossary

- ambil malam:** “Taken at night,” in which a person is removed from their home during the night, often by unknown persons.
- DOM:** *Daerah Operasi Militer*, or Area of Military Operations, a designation given to Aceh during anti-insurgency operations carried out from 1990-1998.
- GAM:** *Gerakan Aceh Merdeka*, or Free Aceh Movement. This is the most common name for the armed separatist movement that began in 1976.
- BKO:** *Bawah Kendali Operasi*, the designation of auxiliary forces from outside Aceh and nominally placed under local commands.
- jaga malam:*** Compulsory night guard duty.
- KTP Merah Putih:** *Kartu Tanda Penduduk Merah Putih*, or red and white identification card required by Acehnese under martial law.
- Kodam:** *Komando Daerah Militer*, Regional Military Command
- Kodim:** *Komando Distrik Militer*, District Military Command
- Kopassus:** *Komando Pasukan Khusus*, Special Forces
- Koramil:** *Komando Rayon Militer*, subdistrict military command
- Korem:** *Komando Resort Militer*, sub-regional military command
- Kostrad:** *Komando Strategis Angkatan Darat*, army strategic reserve command
- Polda:** *Polisi Daerah*, provincial level police
- Polres:** *Polisi Resort*, district level police
- Polsek:** *Polisi Sektor*, subdistrict level police
- TNI:** *Tentara Nasional Indonesia*, the Indonesian military

Introduction

If you run you are shot. If you don't run you are beaten.
—Twenty-year-old Acehese man¹

A hidden war has been raging in Aceh since May 2003, when Indonesia's President Megawati Sukarnoputri declared martial law in the province. This report attempts to convey some of the reality of that war: extrajudicial executions, forced disappearances, beatings, arbitrary arrests and detentions, and drastic limits on freedom of movement. In many incidents described to Human Rights Watch, Indonesian security forces – military and police – routinely resorted to violence against primarily young Acehese men stopped for questioning. Witnesses told Human Rights Watch about killings of civilians during village sweeps, some while being questioned or detained, others while fleeing in fear of mistreatment.

One man described the death of a man named Jamal:

He was young, in his twenties. At first I just saw three soldiers but then others joined in. I saw one of the soldiers handcuff the ankles of this man, and then another soldier held him by his feet and swung him against a tree. The soldier did this many times so that the man's head was hitting the tree. His brains were coming out of his head, until he was dead. And then the corpse was put on the street and another soldier shot many times into the corpse.²

Indonesia has placed a veil of secrecy over Aceh, a province of four million on the northern tip of the island of Sumatra, as it conducts its war against the Free Aceh Movement (*Gerakan Aceh Merdeka*, or GAM).

In a largely successful attempt to control information, Indonesia has prohibited international human rights organizations and even humanitarian organizations from entering Aceh and international news organizations from moving much beyond the provincial capital, Banda Aceh. For this reason, Human Rights Watch traveled to Malaysia, where thousands of Acehese have sought refuge after braving dangerous and expensive trips from the battle zone of Aceh.

Human Rights Watch is also concerned about deteriorating material and economic conditions that could presage (or even reflect) a humanitarian crisis, something that Human Rights Watch and others have been warning about for many months. Anecdotal information from refugee testimony, sporadic press accounts and reports from non-governmental organizations (NGOs) leaking out of the province suggest that thousands

¹ Human Rights Watch interview [name withheld], Malaysia, October 27, 2003.

² Human Rights Watch interview with forty-year-old man [name withheld], Malaysia, October 23, 2003.

of Acehese civilians have been forced to flee their homes to escape the conflict or to seek food and shelter. Residents who remain in their homes are subjected to shortages of food, water, and sanitation, and breakdowns in basic services such as health care and education.³

As this report has been prepared from interviews outside Aceh, it cannot paint a comprehensive picture of the armed conflict. But perhaps the most disturbing fact of our research was the ease with which stories of serious and apparently systematic human rights abuses since the start of martial law were uncovered. All the Acehese interviewed by Human Rights Watch had a story of abuse to tell. Many were victims. Unusually, many were eyewitnesses to the abuse of others—in some cases to killings, in others to beatings.⁴

Despite the fact that in early June Army Chief of Staff General Ryamizard Ryacudu welcomed any party to observe operations in Aceh,⁵ the province remains almost entirely closed to outsiders. The Indonesian government has barred diplomats, independent international observers, and international human rights NGOs from entering Aceh and advised U.N. humanitarian agencies and foreign humanitarian NGOs to leave. Indonesian NGO workers attempting to monitor the situation have been threatened and detained by the police. Even a National Human Rights Commission training session in Banda Aceh was shut down by police on order of the martial law administrator on October 20. Authorities said that the Commission had not informed them of the event, which the organizers denied. Police officers were among the participants in the training session.⁶

The Indonesian government has succeeded in severely limiting the flow of information from the province. As a recent Human Rights Watch report documented, it has kept the media under strict control.⁷ To discourage their reporting on the situation, several NGOs have been listed as suspected GAM sympathizers, a designation that a police official warned could lead to a death penalty for subversion.⁸ The almost hermetic seal that Indonesia has placed on Aceh's villages and mountains raises fears that military forces on both sides believe that, as in the past, they can commit abuses with impunity.

³ See generally Human Rights Watch, "Aceh Under Martial Law: Unnecessary and Dangerous Restrictions on International Humanitarian Access," *A Human Rights Watch Briefing Paper*, September 2003.

⁴ The secrecy and intimidation that accompany most serious human rights violations generally makes it difficult to gather eyewitness testimony.

⁵ "Govt OKs rights body's planned inquiry in Aceh," *The Jakarta Post*, June 5, 2003.

⁶ "Indonesian police break up rights commission session in Aceh province," *Agence France-Presse*, October 21, 2003.

⁷ Human Rights Watch, "Aceh Under Martial Law: Muzzling the Messengers," *A Human Rights Watch Report*, Vol. 15, No. 9 (c), November 2003.

⁸ "GAM supporters may face death penalty," *The Straits Times*, June 4, 2003; "Jika Ada Bukti, Aktivis dan Simpatisan GAM Akan Ditangkap," *detikcom*, May 21, 2003. Raja Ismail and Abdussalam Muhamad Deli, two members of a human rights organization in East Aceh called the Human Rights and Legal Aid Post (Pos Bantuan Hukum dan HAM, PB-HAM) disappeared in the weeks before martial law; the body of Raja Ismail was discovered two days later. See Amnesty International, "Indonesia Protecting the protectors: human rights defenders and humanitarian workers in Nanggroe Aceh Darussalam," June 3, 2003.

Indonesia's clear intention has been to hide the actions of the Indonesian armed forces (*Tentara Nasional Indonesia*, or TNI) and other security forces. This in turn has masked the extent of military and civilian deaths and injuries. While the Indonesian public and international opinion (as in past rounds of fighting with GAM in Aceh) may support the principle of Indonesia's territorial integrity, when confronted with the graphic human costs of a war that almost certainly cannot be won on the battlefield, opinions about the war may begin to change.

Much of what refugees described to Human Rights Watch is consistent with a long history of abusive behavior by Indonesian security forces in Aceh. Current military tactics in Aceh combined with the sheer number of new troops deployed in the province ensures increased contact between security forces and the civilian population, which may explain some abuses.

More important is the environment created by senior military officials, who have vowed to "crush" GAM within announced time frames.⁹ This has added to pressures on officers and soldiers on the ground to fulfill their mission and destroy those they believe to be members or supporters of GAM. These pressures act like oil on a fire among armed forces that reflect the nationally held perception that the Acehnese are a rogue, separatist population. The conviction that all Acehnese support GAM, although unfounded, pervades the mindset of Indonesia's military and translates on the ground into the indiscriminate use of force on the civilian population, especially on young men. The December 3, 2003, comments of police Brigadier General Guliansyah, head of the law enforcement operations (*Kepala Komando Operasi Penegakan Hukum*) of the Aceh police force, are a chilling example of the kind of incendiary talk that can lead to abuses and the failure of the armed forces to distinguish between GAM combatants and civilians: "If necessary shoot on the spot anyone who raises this GAM flag. Whoever raises the flag must be a GAM member."¹⁰

Because of prohibitions on access, the information contained in this report may represent the tip of a dangerous and frightening iceberg. The principal recommendations of this report, directed to Indonesia, are simple: take all steps possible to ensure that all security personnel act professionally and respect human rights and humanitarian law, while establishing credible processes to remove, discipline, and prosecute those who commit abuses (further recommendations are contained on pages 42-43), and allow immediate and unfettered access to Aceh to independent and impartial observers and humanitarian agencies.

As for the international community, particularly the "quartet" (United States, European Union, Japan, and the World Bank) involved in peace negotiations between Indonesia and GAM, Human Rights Watch urges that maximum pressure be placed on Indonesia

⁹ "Last-ditch talks to avoid Aceh war," Laksamana.net, April 20, 2003; Matthew Moore, "Indonesia fails to crush Aceh rebels," *The Age*, November 5, 2003.

¹⁰ "NAD: Tembak di Tempat bagi Pengibar Bendera GAM," *Kompas*, December 4, 2003.

to stop the rampant rights violations in Aceh and ensure the well-being and safety of the civilian population.

The international community should make access its other top priority. It is crucial for the welfare of the Acehnese people that impartial organizations, both international and domestic, have access and be able to report publicly on the situation there. Only then will human rights violators be deterred and humanitarian organizations, such as relevant United Nations agencies, be able to provide necessary assistance.

The collapse of the Cessation of Hostilities Framework Agreement dealt a serious blow to hopes for a negotiated end to the massive rights violations in Aceh. Jakarta's military approach, rather than bringing the conflict to an end, has resulted in a new wave of rights violations.

A Note on Sources

Human Rights Watch went to Malaysia to interview individuals who fled Aceh because of the fighting. Over eighty-five interviews with Acehnese were conducted in October and November 2003. Most had arrived since martial law started; some had arrived only days or weeks prior to being interviewed.

Interviews in Malaysia were primarily with Acehnese men between the ages of eighteen and thirty-five. As in the past, TNI especially targets this population group in Aceh as being most likely involved in GAM activity. It thus makes up the majority of refugee arrivals in Malaysia since the renewal of the war in May 2003. The testimony of these refugees depicts life for a certain cross section of the civilian population under martial law. Human Rights Watch was only able to interview nine women and one girl from Aceh.¹¹ Most interviews were conducted without interpreters in Bahasa Indonesia; the rest were done with Acehnese interpreters.

This report consists almost entirely of first-hand testimony covering many districts in Aceh and the entire period of martial law. The lack of access by independent observers makes it impossible to know how representative these accounts are.

Human Rights Watch also interviewed a cross section of Acehnese community leaders, student activists, academics, representatives of Malaysian nongovernmental organizations, Malaysia's National Human Rights Commission, and staff at the Malaysia office of the United Nations High Commissioner for Refugees.

Due to the risk of reprisal, we have omitted the names of Acehnese sources, villages of origin, and locations in Malaysia.

A note on GAM abuses: Human Rights Watch is concerned about abuses committed by GAM. GAM has a long record of abusive behavior in Aceh. But, because Human Rights

¹¹ This figure closely mirrors the twelve percent of new registrants at the office of the United Nations High Commissioner for Refugees that were female through September 2003. UNHCR, "Summary Registration Statistics by Ethnic Origin, with Demographic profile," July-September, 2003.

Watch did not have access to Aceh, this report contains no such information. Human Rights Watch researchers were unable to interview those most at risk of violence from GAM, such as ethnic Javanese, or those suspected of helping the military.¹² Such persons are more likely to flee to other parts of the province or to disperse to other areas of Indonesia than to go to Malaysia. Human Rights Watch consistently asked interviewees if they had witnessed or been victims of GAM abuses. However, the refugees interviewed in Malaysia reported no such cases. Human Rights Watch recognizes that a lack of testimony does not necessarily mean that there have been no abuses. But until the Government of Indonesia opens Aceh to independent observers, information on possible abuses by GAM will be difficult to obtain. Human Rights Watch urges GAM to act in accordance with international humanitarian law. In particular, GAM should not take actions that place civilians at special risk, such as kidnappings or confiscations of identity cards for use by GAM combatants.

The Context of the Current Violations: the Long War in Aceh

We cannot live, cannot look for money, look for work. It was always like that during DOM. After DOM finished there was a year where things were better. We could get work, go wherever we wanted. But it is already horrible again. The situation now is more than DOM. DOM was small, nothing compared with now.

—Thirty-year-old Acehnese man¹³

GAM has been in existence since its founders declared independence from Jakarta in 1976. However it is only in the last four years that it has developed a significant popular base, a steady source of arms, and a relatively well-organized command structure. From July 2001 until martial law operations put them on the defensive, GAM exercised control over large parts of Aceh, with a particularly strong presence in six of the most populous, and wealthiest, districts.

GAM's founders stressed the plundering of Aceh's wealth and resources by "Javanese-Indonesian" colonialists in the name of development and the need to recapture Aceh's past glory.¹⁴ Economic grievances, in part related to gas and oil revenues, were and continue to be important, but another important spur to the independence movement has been the failure of the post-Soeharto governments to address human rights abuses of the past.

¹² See Human Rights Watch, "Indonesia: The War in Aceh," *A Human Rights Watch Report*, Vol. 13, No. 4 (c), August 2001.

¹³ Human Rights Watch interview [name withheld], Malaysia, October 23, 2003. DOM is the acronym for *Daerah Operasi Militer*, or Military Operations Area, the official military status of Aceh from 1990 to 1998, although operations and abuses continued after the end of DOM. See Human Rights Watch, "Indonesia: Accountability for Human Rights Violations in Aceh," *A Human Rights Watch Report*, vol. 14, no. 1 (c), March 2002; Human Rights Watch, "Indonesia: The War in Aceh," *A Human Rights Watch Report*, vol. 13, no. 4 (c), August 2001; Human Rights Watch, "Indonesia: Civilians Targeted in Aceh," *A Human Rights Watch Briefing Paper*, May 2000.

¹⁴ Tim Kell, *The Roots of Acehnese Rebellion 1989-92* (Ithaca: Cornell University, 1995) pp. 62-63.

The so-called DOM period began in 1990 after GAM mounted a series of attacks on military and police posts that netted ammunition and dozens of automatic weapons, and the Soeharto government declared Aceh an “area of military operations” (*daerah operasi militer* or DOM) and mounted one of the heaviest counterinsurgency campaigns seen since the 1960s.

Well over one thousand Acehnese civilians were killed in the first three years of operations, the worst phase of DOM. The most conservative accounting of victims, prepared by the provincial government in late 1998, documented 871 people killed outright by the army, and 387 missing who later turned up dead. More than 500 others were listed as “disappeared” and never found.¹⁵ Most estimates by NGOs were at least twice as high. In addition, tens of thousands of Acehnese were imprisoned and tortured in military camps, and rape was reportedly widespread, with 102 cases documented by the local government team. Virtually every Acehnese in the hardest-hit areas can cite a family member who was the direct target of a human rights violation. Abuses continued through the end of DOM in August 1998, although at a lower level of intensity than in the 1990-93 period.

The resignation of Soeharto in 1998 created expectations across Aceh that justice would be done. In August 1998, General Wiranto, commander of Indonesia's armed forces, formally apologized to the people of Aceh for the excesses of the DOM era. If, at this point, the Indonesian government had moved to investigate and prosecute officers for their role in the abuses, it could have made a decisive break with the past. However, key figures in the DOM hierarchy continued to occupy positions of influence throughout Indonesia. Few in Jakarta seemed to appreciate the degree to which anger over DOM-era abuses had changed the political dynamics in Aceh: GAM now had a much more receptive audience than it had ever had before.

In early 1999, the political dynamics in the province underwent another critical shift. B.J. Habibie, who had assumed presidency when Soeharto stepped down in 1998, announced that the East Timorese would be given the opportunity to choose between increased autonomy and separation from Indonesia. Within days, an all-Aceh student congress had called for a referendum on independence to be held in Aceh.

From early 1999 onward, four key elements came together to facilitate the rapid growth of the independence movement: an armed guerrilla organization; a nascent pro-independence political movement; and a highly mobilized population looking for channels to express their frustration with Jakarta over failure to address past abuses. The fourth was the series of missteps in Jakarta.

In August 1999, Indonesia's National Human Rights Commission suggested that a Truth and Reconciliation Commission be set up specifically for Aceh. Nothing came of it. In December 1999, a special parliamentary committee on Aceh made a series of recommendations to the new president, Abdurrahman Wahid, that included rebuilding

¹⁵ Al-Chaidar, Sayed Mudhahar Ahmad and Yarmen Dinamika, *Aceh Bersimbah Darah* (Jakarta: Pustaka al-Kautsar, 1998), p. 106.

destroyed facilities; opening a dialogue with parties to the conflict; giving the province more autonomy; and immediately prosecuting those responsible for human rights abuses committed during the DOM period. The recommendations resulted in moves to draft legislation on autonomy, but the recommendation on prosecutions was ignored.

Instead of prosecutions there was an increase in the same types of human rights violations that had characterized the DOM period. Military operations under a series of code names —Wibawa 99, Sadar Rencong I, II, and III, and Cinta Meunasah I and II— led to higher troop levels and whole villages being punished as retaliation for GAM attacks.

At the same time, GAM, building on the increasing popular anger, began to move beyond sporadic attacks on police and soldiers to set up an alternative administration. Sometimes through persuasion, sometimes through abduction and a kind of reeducation of local government officials, GAM gradually took control over most governmental functions beginning in Pidie district and gradually moving on to wide swathes of North Aceh, West Aceh, East Aceh, and South Aceh. It did this by replacing the village heads, the bottom rung of the Indonesian civil service, and reinstating the councils of village elders that had been in place before Aceh joined the Indonesian republic. It was able to generate substantial income in “war taxes” from individuals and businesses, and the exodus of pro-Indonesian militias from East to West Timor provided it with a major new source of arms.

In July 1999 then presidential candidate Megawati Sukarnoputri visited Aceh promising that if she were to be elected she would endeavor to end the long running conflict. Shedding tears in Aceh, she announced, “when your female leader leads this country, I will not allow a single drop of the people's blood to touch your soil.”¹⁶

Into this situation in mid-2000 came a Geneva-based conflict resolution organization, the Henri Dunant Centre, later renamed the Centre for Humanitarian Dialogue (HDC), which succeeded, to many people's surprise, in brokering negotiations between GAM and the Indonesian government. In May 2000, the HDC produced a “humanitarian pause” in the conflict, a not-quite ceasefire. As part of the agreement on the “pause”, committees were set up in Aceh, composed of both GAM and government representatives, to discuss security issues and violations of the “pause”.

In the first months of the “pause”, violence declined sharply. As violations by the Indonesian side increased, however, attacks by GAM on military and police also escalated. The pause was renewed twice, to the unhappiness of the Indonesian army, which saw it as a way for GAM to consolidate its control of the countryside. The name given the peace effort changed from “humanitarian pause” to “moratorium on violence” to “peace through dialogue,” but the basic effort to keep the parties talking continued.

¹⁶ “Aceh villagers find mass graves,” BBC World News, July 30, 1999; Julia Suryakusuma, “A little war to bolster the ratings,” *International Herald Tribune*, August 29, 2003.

On March 9, 2001, Indonesia's defense minister and its armed forces commander announced new military operations against GAM. Troops embarked on a systematic effort to target suspected GAM strongholds and headquarters, with many claims by local organizations of civilians killed in the process.

In December 2002, with the mediation of HDC, and under pressure from the United States, European Union, Japan and the World Bank ("the quartet"), Indonesia and GAM signed the Cessation of Hostilities Framework Agreement (COHA). This was the last best hope for peace in Aceh. Though the COHA did not address fundamental differences, it opened the door to more negotiations, brought in international monitors, and initially led to a reduction in violence. But there was little progress towards a political settlement. Indonesia insisted that GAM repudiate any claim for independence and accused GAM of using the COHA to rebuild its armed forces and expand its political base. GAM claimed that Indonesia was not bargaining in good faith.

After the arrest of four GAM negotiators and the collapse of last-ditch peace talks in Tokyo, on May 19, 2003, President Megawati signed Presidential Decree 28, authorizing Indonesia's security forces to launch full-scale military operations against GAM. The decree put Aceh under martial law for six months, and the TNI and other Indonesian security services set out to "crush" GAM within that period despite the skepticism of most observers.

There were immediate claims of human rights violations by the Indonesian armed forces. In one well-reported case from the first days of martial law, on May 21 soldiers killed seven people, including two boys under fourteen. The military claimed all were GAM members or spies, despite the denials of local residents. Indonesia's National Human Rights Commission, *Komnas HAM*, confirmed after a June visit to the province that children have been among the victims of extra-judicial killings in Aceh, although it did not assign blame publicly.¹⁷

Accurate figures for civilian casualties are difficult to determine though all parties suggest that combatant and civilian casualties have been extensive. Both government and GAM estimates are unreliable (for example government figures on missing civilians are primarily limited to civil servants) and the non-governmental organizations on the ground, such as the Aceh branch of the respected organization Kontras, acknowledge that they are unable to collect data in the field effectively. The Indonesian Red Cross reported recovering eighty-two bodies in the first week, and 151 bodies by the end of three weeks. All were in civilian clothes, although the organization said it could not confirm they were noncombatants.¹⁸ In another indication of high initial casualties, the BBC reported that in the first week of operations the morgue in Banda Aceh's main hospital reported receiving an average of three bodies a day, most of them young men

¹⁷ "Rights body to check report of mass grave in Aceh next week," *Agence France Presse*, June 20, 2003; Muningggar Sri Saraswati, "Rights body confirms murder of unarmed civilians in Bireuen," *The Jakarta Post*, June 14, 2003.

¹⁸ "Indonesia Red Cross says removes 151 bodies in Aceh," Reuters, June 11, 2003. Dean Yates, "Indonesia steps up Aceh campaign against rebels," Reuters, May 26, 2003.

with gunshot wounds. Around Lhokseumawe the figure was reported as six per day,¹⁹ and the toll further from the two urban centers may have been higher.

Komnas HAM said in early June it would investigate over twenty cases of alleged rights violations during the first two weeks of military operations in the province, including murder, sexual harassment, rape and forced displacement.²⁰ Although the Commission's ad-hoc team was able to meet with more than one hundred witnesses in a second five-day mission in August, martial law authorities severely restricted the team's movements. No report was released, but in its public statements the commission said that murder, sexual harassment, rape and forced displacement and abduction remained rampant.²¹

In November, a military spokesman reported that at least 395 civilians had been killed since the start of martial law. Most estimates note especially high civilian casualties in North Aceh and East Aceh, and depending on the source and the form of abuse, South Aceh, Bireun, and Aceh Besar.²² The Indonesian government blames GAM for the casualties.

The Indonesian government reported that over 1,100 GAM members had been killed by October. Human Rights Watch is concerned both that some of those classified as GAM are civilians, and also that GAM members may have been killed outside of combat in violation of humanitarian law.²³

The imposition of martial law means that all instruments of government are now under military control. The martial law administrator in Aceh, Major General Endang Suwarya, oversees all aspects of Indonesia's "integrated" operation in Aceh, which according to the Indonesian government includes military, humanitarian, law enforcement, and local governance components. But so long as the province remains closed to independent, international observers, the extent and effectiveness of the non-military programs will be difficult to assess.

¹⁹ "Call for More Supplies in Aceh," British Broadcasting Corporation, May 26, 2003

²⁰ Tertiani ZB Simanjuntak, "Komnas HAM to probe Aceh violations," *The Jakarta Post*, June 3, 2003

²¹ M. Taufiqurrahman, "Rights abuses in Aceh may lead to UN intervention," *The Jakarta Post*, August 23, 2003.

²² For example, of the 319 civilian deaths reported by the police as of September 3, 2003, the highest civilian casualties came from North Aceh (110), East Aceh (70) and South Aceh (45). See "319 civilians killed in Indonesia's troubled Aceh," Deutsche Presse-Agentur, September 5, 2003. Kontras Aceh's estimate as of August 18 put the number at a very similar 329 civilians killed, as well as 315 civilians tortured or beaten, 213 cases of arbitrary arrest or detention, and seventy-eight civilian victims of forced disappearances. The NGO stresses that actual figures are probably higher due to reporting and investigation constraints. Although in no cases are the victims broken down by perpetrator, Kontras Aceh found that most of civilians became victims during Indonesian military operations in search of guerrillas. Kontras Aceh, "Briefing paper on Aceh: Aceh province, uncovered dirty war," September 2003.

²³ Noting the discrepancy between GAM members reportedly killed (1,100) and weapons recovered (485), Sidney Jones of the International Crisis Group has noted "The real question is how many of these people described as rebels were in fact GAM." Ahmad Pathoni, "Indonesia's war with separatists costs 1,600 lives, achievements unclear," Agence France-Presse, November 18, 2003. Several Acehnese in Malaysia asserted that after killing a civilian, TNI would plant evidence that the victim was a GAM member, although only one person provided eyewitness testimony. Human Rights Watch interview with forty-year-old man [name withheld], Malaysia, October 26, 2003.

This integrated operation was conceived as an effort to win the war with GAM while winning the hearts and minds of the local population. But whatever efforts the Indonesian government may have made to limit the horrors of war for the civilian population, testimony gathered for this report makes it clear that it is the military operation that is having the greatest impact on the civilian population.²⁴

One measure of the predominant role of military operations in this integrated operation is the sheer scope of the military effort. In Indonesia's largest military campaign since the invasion of East Timor, an estimated 28,000 troops and 12,000 police (many of whom serve a paramilitary function) have been deployed to the province to fight against an estimated 5,000 GAM insurgents with 2,000 weapons.

A wide array of Indonesian security forces have been deployed in Aceh. Army units include "organik" or locally-based forces at the subdistrict (*Koramil*), district (*Kodim*), sub-regional (*Korem*) and regional (*Kodam*) levels. "Non-organik" units sent in from other parts of Indonesia include infantry battalions from other provinces, as well as Kostrad and Kopassus forces to assist with the operations and intelligence gathering. Kostrad are recognizable by their green berets and are TNI's elite fighting troops. Kopassus, or "special forces" troops, who wear red berets, are specialists in intelligence gathering and special operations and are considered the pride of the armed forces, though they are notorious for their involvement in human rights violations across the archipelago.²⁵

Police forces include local police, at the subdistrict (*polsek*), district (*polres*) and provincial (*polda*) levels. The paramilitary mobile police brigade units, *Brimob*, are most likely to be involved in military operations, often working jointly with military units. Many of them have been sent in from outside Aceh to assist with operations (known as BKO or *bawah kendali operasi*, essentially auxiliary forces).

In 2002 military authorities created a new regional military command, or *Kodam*, for Aceh, which had been part of a larger command based in neighboring North Sumatra province. Aceh has two Korems, the Teuku Umar Korem in Banda Aceh, and the Lilawangsa Korem in Lhokseumawe. Kodam Iskandar Muda is headed by Major General Endang Suwarya, who is also now the martial law administrator. Brigadier General George Toisutta was named in November as the commander of military operations under martial law for the TNI in Aceh, succeeding Major General Bambang Darmono.

In addition, the Rajawali Taskforce operates in platoon-force units made up of troops from different branches and regions, including Kostrad, Marines, and Kopassus. The

²⁴ Despite the integrated nature of the operation, the overwhelming focus has been on military operations. Army Chief Ryamizard Ryacudu stated in an interview, "Our job is to destroy GAM's military capability. Issues of justice, religion, autonomy, social welfare, education - those are not the Indonesian military's problems." Interview with Ryamizard Ryacudu, "No Region Can Break Away," *Time Asia*, June 2, 2003.

²⁵ See Human Rights Watch, "The Indonesian Army and Civilian Militias in East Timor," *A Human Rights Watch Press Backgrounder*, April 1999.

task force has reportedly been trained by Kopassus in anti-guerrilla warfare, street combat, residential combat, ambush strategies, and shoot-to-kill techniques.²⁶

Although the conflict may take place anywhere, the front line of the hunt for GAM is in the forests and mountains. Villages in or on the edge of these regions are particularly likely to be caught up in the warfare. The Indonesian Navy, Marines, and Air Force have also played a role in the campaign through the deployment of warships, paratroopers, amphibious crafts, tanks, fighter planes, and helicopters.

Life Under Martial Law

It must be understood that our officers may behave quite aggressively in the eyes of the public, but they are basically friendly and courteous personnel.

—Spokesman for the martial law administrator Col. Ditya Soedarsono²⁷

We are not crying. Our tears are already all dried up. We cannot even cry anymore with the trauma that we experience today, every day in Aceh.

—Forty-two-year old Acehnese man²⁸

The start of the Indonesian military campaign in Aceh in May was marked by a heavy show of force, with the Indonesian military showing off their best troops and equipment before the world's press. The sonic booms and aerial displays of the Indonesian air force may have been for show, but they also heralded the deployment of an estimated 28,000 troops and 12,000 police tasked with “crushing” GAM.

The build-up to the campaign was evident before the official declaration of martial law. As a former student activist, who left Aceh two weeks before martial law began, told Human Rights Watch:

It was already clear what would happen. I was going from Aceh to Medan on a minibus. There were already lots of TNI. My bus had to wait twenty minutes for an army convoy of thirty-five trucks to pass, heading west . . . At checkpoints they checked bags, ID cards, destinations. Two people were detained from the bus: one at Alue Ie Puteh in North Aceh, the other, a twenty-five-year-old man, in Langsa [East Aceh]. . . I telephoned home on October 5 and TNI near my house have gone from one post to three posts—we're near the mountains.

²⁶ “Kopassus readied to quell Aceh rebels,” *The Jakarta Post*, April 17, 2001; Tapol, Bulletin Online 159, September 2000.

²⁷ “TNI plans to restructure troop deployment in Aceh,” *The Jakarta Post*, July 26, 2003.

²⁸ Human Rights Watch interview with forty-two-year-old man [name withheld], Malaysia, November 5, 2003.

A twenty-five-year-old man, who had returned to Aceh from Malaysia in March when the Cessation of Hostilities Framework Agreement was in force, described his efforts to leave the province:

I came here [Malaysia] when things first exploded, in 1998. In March 2003, I went home voluntarily. It was a little safe during that period. I hoped to stay six months, but after three months, martial law came. At that time I was in Samalanga subdistrict, Bireun district. The day that [President] Megawati announced martial law was official . . . TNI came into Aceh. Those from the ocean from the ocean, those from the sky, from the sky. Six combat jets went overhead. I was harvesting rice. The next morning there was the sound of bullets and explosions. People said in Samalanga there were tanks, amphibious vehicles, bullets in the rice paddies. TNI came looking for GAM. But we told them there was no GAM there—the dead were just cows and chickens.²⁹

A man from Central Aceh who arrived in Malaysia in early August told Human Rights Watch:

I left Aceh because there is daily fighting and gunfire between the TNI and GAM all over Aceh. I can hear it from my village. So many things have happened. My friends have been beaten by the military. Many have been threatened. I cannot live in Aceh anymore. The trauma is too much, wondering if I am going to live or die.³⁰

Days after the declaration of martial law the military brought heavy artillery into position to attack rebel bases, as more than 21,000 civilians fled their homes.³¹ Operations included extensive patrols and “sweepings,” tactics designed to identify separatists or their supporters through vehicle searches, document checks, and the systematic searches of one village after another.³²

In late July, military officials announced some alterations to the strategy, including smaller units deployed in the largely unsuccessful search for GAM leadership; more joint military and police patrols to restrict the movement of GAM fighters; intensification of intelligence operations; and increased nighttime operations, supposedly to reduce civilian casualties.

²⁹ Human Rights Watch interview with twenty-five-year-old man [name withheld] October 28, 2003, Malaysia.

³⁰ Human Rights Watch interview with fifty-seven-year-old man [name withheld], Malaysia, October 24, 2003.

³¹ “Indonesia Moves Troops, Equipment To Battle Aceh Rebels,” Associated Press, May 26, 2003.

³² Dean Yates, “Indonesia steps up Aceh campaign against rebels,” Reuters, May 26, 2003. Even Indonesian speakers often use the English term “sweepings”.

Increased village presence

The influx of troops was not solely for combat operations against GAM forces in the mountains and forests. Nearly everyone interviewed by Human Rights Watch spoke about the new security posts erected by the TNI and Brimob since the beginning of martial law. Several sources explained that whereas previously troops might have come through the village once a week, contact between civilians and the military was now a daily event. As one woman who arrived from Pidie on October 25 explained:

It's a conflict there, in all the hamlets. The security forces live there now. They built posts right in the village, especially if the village is on the edge of the mountains like ours. It used to be they would spend a week in the mountains, then come down for two days to take food and rest, before going up again . . . until a month ago, when they built a post in the village, one group, about thirty soldiers, I think Rajawali."³³

The sharp rise in human rights violations since martial law started may in part be attributed to this increase in daily contact between soldiers and villagers. The increased village presence apparently aims to limit the material and moral support of the local population for GAM and the ability of GAM to take refuge in villages and engage in recruitment.

A twenty-five-year-old who left South Aceh one week after martial law began explained:

From day one of martial law my wife and family told me to go . . . They're "trigger happy" (*suka-suka tembak*), whether we do anything wrong or not. They kill us like ants. The soldiers are afraid to go into the mountains. From day one there was a new feeling, with military posts every two kilometers.³⁴

One man who left Aceh on October 5 explained:

I left Aceh because the security has decreased, because we are traumatized. Our friends are dying as a result of the conflict. The TNI are looking for GAM, if GAM is not found they attack the community. The TNI would often enter the village. If we don't know where GAM is we are beaten. I was beaten twice . . . There has been no GAM in my village since martial law started.³⁵

³³ Human Rights Watch interview with woman in her thirties [name withheld] Malaysia, October 27, 2003.

³⁴ Human Rights Watch interview with twenty-five-year-old man [name withheld], Malaysia, October 26, 2003.

³⁵ Human Rights Watch interview with twenty-one-year-old man [name withheld], Malaysia, October 23, 2003.

Targeting young civilian men

The TNI have gone to America, to Europe, to Thailand and said that they are securing Aceh. They are not securing Aceh, they have come to to just kill us.

—Thirty-year-old Acehnese woman³⁶

A common tactic of Indonesian security forces is house-to-house searches for GAM members, weapons and ammunition, and information about any young men who have left the village. The presumption is that young men who have left the village have joined GAM. But those young men who remain in the village are often targeted as suspected GAM sympathizers. To be young and male in Aceh is to be regarded with suspicion and to be at risk.

In some cases house-to-house searches are accompanied by physical violence. One young man estimated that security forces had been to his house five times before he left the province, assaulting him each time.³⁷ A thirty-five-year-old who arrived in Malaysia in October from Peuruelak, East Aceh explained:

Under martial law the house is often visited. They ask, “Where are the men?” I don’t dare stay at home. They come three times a week, tens of times already. They say “You’re GAM!” I tell them, “I’m a civilian (*orang biasa*)!” They hit and kick. I want to go home for the holidays, but my family says not to.³⁸

A man who fled North Aceh to Malaysia in June told Human Rights Watch:

In Aceh the TNI suspect all young men of being GAM. Every day in Aceh I have to report at the TNI office so they can check that I have not left to go and join GAM. The office is in my village, but only since martial law started.³⁹

Another man told Human Rights Watch why he came to Malaysia:

The rest of my family stayed. I am male and so I am suspected of being GAM. I am an only child, my parents are in Pidie. Every day there is fighting between GAM and TNI. They come into the village. If the TNI do not find GAM we, the people, are attacked for being GAM. Battalion

³⁶ Human Rights Watch interview [name withheld], Malaysia, October 26, 2003.

³⁷ Human Rights Watch interview with eighteen-year-old Acehnese man [name withheld], Malaysia, October 28, 2003.

³⁸ Human Rights Watch interview with thirty-five-year-old man, [name withheld], Malaysia, October 28, 2003.

³⁹ Human Rights Watch interview with twenty-two-year-old man [name withheld], Malaysia, October 26, 2003.

113, Rajawali [task force] come into the village ... On August 17 [Indonesian Independence Day] TNI entered the village looking for GAM. At about 8:00 a.m. about twenty soldiers, one company. They didn't find them so they hit me. They then forced people to join in the Independence Day celebrations.⁴⁰

One man from Pidie told Human Rights Watch about an assault by members of the Rajawali Taskforce on the younger residents of the village:

Less than a week after [Indonesian Independence Day] everyone was told to gather at the *meunasab* [prayer house], because there was going to be an operation in the mountains. They were summoned at 5:00 a.m., before they were awake, through the village head using a microphone. They were separated into men, women, and young people. More than a hundred people were there from the villages of [names omitted] all in Mila subdistrict. The young group had about thirty people, and they were taken to the schoolyard next door. They were from grade school up to age thirty-six. I was nearby at the coffee stall, since people around the subdistrict military command post weren't forced to join. I heard them asking the youths about GAM and hitting them. The soldiers were from Rajawali. Eventually the young people were allowed to go home, but ten had to go to the hospital, some of them with internal injuries. There were about forty soldiers. The other two groups weren't beaten, but some parents fainted because of what was happening to their young children. After that, all the young men left for Banda Aceh, Medan, Kuala Lumpur.⁴¹

⁴⁰ Human Rights Watch interview with nineteen-year-old man [name withheld], Malaysia, October 23, 2003.

⁴¹ Human Rights Watch interview, with forty-year-old man [name withheld], Malaysia, October 29, 2003.

Human Rights and Humanitarian Law Violations

Indonesian and GAM forces in Aceh are bound by international humanitarian law (also known as the laws of war). The conflict in Aceh is considered to be a non-international (internal) armed conflict, for which the applicable law includes Article 3 common to the four Geneva Conventions of 1949 and the customary laws of war.⁴²

Common Article 3 provides for the humane treatment of civilians and other persons not taking an active part in the hostilities (including captured members of opposing armed forces). Prohibited at all times are murder, mutilation, cruel treatment and torture; taking of hostages; outrages upon personal dignity, in particular humiliating and degrading treatment; and summary trials. A fundamental rule of humanitarian law is that the civilian population and individual civilians shall not be the object of attack. Also prohibited are acts or threats of violence against the civilian population that spread terror or the forcible removal of the civilian population without military necessity.

International human rights law remains in effect during an internal armed conflict. This includes prohibitions on extrajudicial executions, forced disappearances, torture, arbitrary arrest and detention, punishment without a fair trial, and unnecessary restrictions on the freedom of movement. Fundamental rights of life and liberty may not be infringed upon, even during a state of emergency.⁴³

Extrajudicial killings

We're used to hearing gunfire. If there isn't any we can't sleep.
—Eighteen-year-old Acehnese man⁴⁴

Since the start of martial law, Indonesian security forces have carried out an unknown number of extra-judicial executions of unarmed civilians in Aceh.⁴⁵ While the extra-judicial killing of any person – whether civilian or combatant – is a serious violation of international law, every eyewitness to such a killing in Aceh told Human Rights Watch that the victims were not GAM members, were not armed, and were dressed in civilian clothing at the time of execution.⁴⁶

⁴² Indonesia became a party to the Geneva Conventions in 1958. Also applicable is the Second Additional Protocol of 1977 to the Geneva Conventions (Protocol II). Although Indonesia is not a party to Protocol II, many if not all of its provisions reflect customary international law.

⁴³ While Indonesia is not a party to the International Covenant on Civil and Political Rights and other important human rights treaties, the fundamental rights found within are recognized as part of customary international law.

⁴⁴ Human Rights Watch interview [name withheld], Malaysia, October 28, 2003.

⁴⁵ An extra-judicial execution (or summary execution) is an unlawful and deliberate killing of a person by state forces. The killing of combatants engaged in armed combat are considered lawful killings under international humanitarian law.

⁴⁶ GAM combatants generally wear uniforms, though members will wear civilian clothes while in civilian areas. The dress of a person is by no means dispositive as to their membership; however interviewees could often state confidently that a neighbor or acquaintance was not a GAM member.

Of the eighty-five Acehese interviewed by Human Rights Watch in Malaysia, seven had directly witnessed a summary execution of a civilian by Indonesian security forces since the start of martial law. Three others had discovered bodies of civilians (in two cases their own family members) in close proximity to military operations. Three more had witnessed soldiers firing on civilians where no immediate fatalities resulted. Several others described abductions by the TNI leading to deaths.

There appear to be two types of visible executions currently taking place in Aceh. The first type typically occurs when security forces enter villages during so-called “sweeping operations.” During these raids young men were singled out and shot, and there was no attempt to hide the execution. Families may be told afterwards by soldiers to collect and remove the body for burial.⁴⁷ The second type of visible killing is of civilians shot while fleeing Indonesian security forces. The deliberate and public nature of these killings suggest that they seek to send a warning to deter villagers from supporting GAM.⁴⁸ Other extrajudicial killings have occurred when the security forces have taken persons into their custody – and their bodies are later found or they are never heard from again.

Summary killings during sweeping operations

Lives have no value there. If I hit a chicken with my car I have to pay. But a person's life—who pays for that?
—Eighteen-year-old Acehese man⁴⁹

An Acehese man from Lhokseumawe, North Aceh recounted an incident from May:

At the beginning of martial law, in May, it was really early in the morning. Soldiers were in our village [name withheld]. They were dragging this man through the street. Three soldiers. They were asking everyone “Do you know this man?” If you said you didn't know him you were hit. They asked me “Do you know this man?” I said “yes.” They were checking with people who is this man, what does he do? They were checking his name with people. His name was Jamal. He was young, in his twenties. At first I just saw three soldiers but then others joined in. I saw one of the soldiers handcuff the ankles of this man, and then another soldier held him by his feet and swung him against a tree. The soldier did this many times so that the man's head was hitting the tree. His brains were coming out of his head, until he was dead. And

⁴⁷ This is consistent with the findings of an Australian journalist who visited five villages in which there had been shootings the first week of martial law, before media restrictions tightened: “Interrogation, followed by beatings then summary execution, is the pattern emerging in Indonesia's military offensive against the rebels of Aceh.” Matthew Moore, “In Aceh, death has a pattern,” *The Age* (Australia), May 25, 2003.

⁴⁸ Protocol II, art. 13, specifically prohibits “[a]cts or threats of violence the primary purpose of which is to spread terror among the civilian population.” See Human Rights Watch, “Indonesia: The War in Aceh,” *A Human Rights Watch Report*, Vol. 13, No. 4 (c), August 2001.

⁴⁹ Human Rights Watch interview [name withheld], Malaysia, October 28, 2003.

then the corpse was put on the street and another soldier shot many times into the corpse. It was like his arm turned into raw meat. His body was destroyed. The soldier who shot him then told the villagers there to take his body back to the village. I was about twenty meters away. The soldiers said he was a GAM suspect. They didn't threaten the villagers. They didn't mind who they told.⁵⁰

A twenty-five-year-old who left South Aceh one week after martial law told Human Rights Watch about the first week of martial law:

Those seven days they kept killing innocent people. GAM is all in the mountains, but the soldiers are always in the villages looking for GAM. That's what the seven days were like . . . Two were shot in their houses and one was taken away by Brimob in the middle of the day. They were civilians. This was on the fourth day, at 3:00 p.m. I was in my house, but I saw their bodies right afterwards. I saw thirty Brimob officers there. The wife of the first man said that they came in and asked her husband if he was GAM. Then they asked who was involved in GAM. Then they shot him. His name was Ibrahim and he was fifty-five. The second was more or less the same story—he was Yusuf, age seventeen. The one who was taken was already old, at least fifty.⁵¹

One man in his twenties told Human Rights Watch about the execution of his brother a week after the declaration of martial law:

My older brother—he's just a civilian (*orang biasa*)—was shot. Soldiers came into the village looking for GAM. There weren't any so they shot villagers instead. My brother was shot at our house. At 6:00 a.m. he got up to wash before prayers. He went outside and they shot him immediately. I woke up then. I wanted to bring his body inside but I couldn't. Only when they left could I do that. There were different kinds of soldiers there, some from the area and some from outside. There were more than fifty of them. I left Aceh the next morning. My brother was thirty-five, and he had a wife and two children.⁵²

A man from Peureulak, East Aceh, described a killing in August:

About two months ago in [omitted], Peureulak, there was an incident. It was in the morning with a sweeping for GAM as the reason, but as it

⁵⁰ Human Rights Watch interview with forty-year-old man [name withheld], Malaysia, October 23, 2003.

⁵¹ Human Rights Watch interview with twenty-five-year-old man, [name withheld] October 26, 2003, Malaysia.

⁵² Human Rights Watch interview with man in his twenties [name withheld], Malaysia, October 31, 2003.

turns out there was no GAM. I saw it myself. TNI entered the village, about twenty soldiers were visible, behind them I don't know. They were looking for GAM. They asked the people in the village, but GAM was not there. There was a man, about twenty years old. A soldier called him over and asked him something. Maybe his response was wrong, I didn't hear. Another soldier then shot him in his head and again on the upper right side of his body with a gun, an M16. I was about one hundred meters away. I was in my house, I saw it through my window. As soon as the soldier finished shooting he ordered the villagers to bury the body. The soldiers then left, went to look for GAM in another place. That man was not GAM, he was not armed, he was just an ordinary person.⁵³

A thirty-five-year-old also from Peureulak in East Aceh told about the shooting of his brother at the end of July:

Since martial law started things have been hot. You can't go anywhere. From 6 p.m. to 6 a.m. you can't go out. My brother was shot while getting hay for the cows at 6 a.m. one morning two months ago. My older brother was gathering hay for the cows, near the stable. I was at the house. His son came to the house and said, "Father's been shot by someone unknown (*orang tak dikenal*)." He was shot once in the side of his head and once in the left side. My brother's son said he saw three soldiers coming to look at the body at 6:30, in camouflage. Three hours later, at 9:00, twelve soldiers came out of the forest nearby. After the soldiers came out of the forests they gathered everyone together. They asked, "Who is he? Do you know him? Is he GAM?" "No, he's my brother." "Bury him!" Then they went back to town.⁵⁴

Human Rights Watch was also told about two incidents in which residents were gathered together for questioning and in which there were fatalities. A twenty-year-old from a village at the edge of Lhokseumawe, in North Aceh, described the killing of two unarmed men in civilian clothes:

At five in the morning the TNI came and surrounded the village. People were told to gather by TNI. After that we were questioned. I was at school when we were ordered to gather at the soccer field near the beach. There were about 300 of us. This was about two months after martial law. They asked us about GAM, and any GAM members were

⁵³ Human Rights Watch interview with twenty-year-old man [name withheld], Malaysia, October 26, 2003.

⁵⁴ Human Rights Watch interview with thirty-five-year-old [name withheld], Malaysia, October 28, 2003.

told to surrender themselves. They kept us there for four hours, until 11:00 a.m. People were kicked and punched. Two people were killed, after about two hours. I don't know their names because they were from another village. I was about as far as away as that field is [twenty-five meters]. One soldier shot them both with an M16. He was wearing a green uniform and a green hat. I think they were all from the district military command but I'm not sure. There were over fifty of them. We weren't allowed near the bodies. After the soldiers left we buried their bodies, even though they weren't from our village.⁵⁵

Human Rights Watch learned of four incidents when Indonesian soldiers shot at young men who were running into rice fields of forests to hide from soldiers during sweeping operations. Because of the high level of fear in Aceh of Indonesian security forces, many villagers, especially young men, run and hide when troops enter their village. Witnesses described to Human Rights Watch how some of these men were shot while attempting to escape. Whether they attempted to flee solely because they were afraid of mistreatment or because they were members of GAM is unclear, but witnesses described the victims as apparently unarmed men dressed in civilian clothes.

The twenty-year-old man from a village at the edge of Lhokseumawe, in North Aceh, who described (above) the killing of two men after villagers had been gathered, also described another death that day:

One person tried to run when we were first told to gather, around prayer time, so 6:30 a.m. or so. He was shot.⁵⁶

One man who arrived in Malaysia at the end of May described a man shot while fleeing:

It was five days after martial law started, in [omitted] village, at about 9:00 a.m. I was in my house and I heard the sound of gunfire, so I went outside. I saw a man running for the rice fields. He was about thirty-years old, he was from the village. Right after that a soldier shot him in the leg, in his right leg, so he couldn't run anymore and he fell. After that eight soldiers carried him to the TNI post in the village. They were *non-organik* soldiers. They arrived especially for martial law, I think from Jakarta. They were wearing blue hats. After he was taken to the post he was questioned by the TNI. He wasn't GAM, but they suspected him of being GAM. After two nights the TNI killed him at their post. I didn't

⁵⁵ Human Rights Watch interview with twenty-year-old man [name withheld] Malaysia, October 31, 2003.

⁵⁶ Human Rights Watch interview with twenty-year-old man [name withheld] Malaysia, October 31, 2003.

see him at the time he died, but I saw when his family took his body away. After that I left. I was afraid something like would happen to me.⁵⁷

Not all shootings are fatal. A twenty-one-year-old from Peureulak, East Aceh described an incident that took place in late September, one month before he arrived in Malaysia:

If you run you are shot. If you don't run you are beaten . . . A man named Simus, age twenty-three, was shot from thirty meters away. Soldiers in camouflage came in several vehicles: Kostrad, Brimob, Kopassus. I saw some had three red stripes.⁵⁸ Five of us ran through the rice fields toward the forest. They shot him in the hip—I was just five meters away from him. He got up and kept running, and the five of us hid in the forest for three hours. Then we went back—the TNI had gone back to town. He was afraid to go to the hospital so we took him to a traditional healer who works with the health center, and he removed the bullet.⁵⁹

In a similar incident in East Aceh in the beginning of October, a man told Human Rights Watch:

The one and only reason I left was that there was no guarantee of safety. The military goes beyond the targets of the operation. Violence toward civilians has passed the limit. They look for GAM, come into the village. If there is no GAM their emotions run away with them toward civilians. There are sweepings, inspections accompanied by “military law”: beatings, disappearances. For example there was a shooting at the beginning of this month [October]. I'm okay, no-one was hit. But it's called a bullet—it's traumatic. I was at the village in Peureulak. The army went up into the forest, so people were afraid. We were sitting, drinking coffee, when they came back. People started running—not because they were guilty but just scared. Maybe TNI looked too ready. I didn't run, I just hid at the edge of the forest. They started firing, two of them. They emptied their magazines—what is that, forty shots? It was a non-organik battalion from Java, Kostrad maybe.⁶⁰

Whether purposeful or arbitrary, the result of this level of violence against the civilian population in Aceh is likely to have the exact opposite effect of the military's avowed

⁵⁷ Human Rights Watch interview with forty-year-old man [name withheld], Malaysia, October 28, 2003.

⁵⁸ Although there is a wide variety of security forces and insignias present in Aceh, three red stripes most likely indicates private first class.

⁵⁹ Human Rights Watch interview with twenty-year-old man [name withheld], Malaysia, October 27, 2003.

⁶⁰ Human Rights Watch interview with twenty-five-year-old man [name withheld] October 28, 2003, Malaysia.

integrated operation strategy. Aceh's population is becoming increasingly polarized. The level of serious human rights violations in the province and the impunity that accompanies them is pushing people into the arms of GAM. One eighteen-year-old explained that after being beaten and seeing his parents mistreated he tried to join GAM, only to be prevented by his family (including a brother fighting with GAM):

My parents were hit on August 17, 2002 [Indonesian Independence day], stripped, and forced to sing. This is why people join GAM—for revenge. I tried to join at sixteen but my brother and parents stopped me. They convinced me to contribute in other ways to Aceh, to the economy. So I pray for freedom instead . . . If you were beaten wouldn't you feel the need for vengeance?"⁶¹

The fundamental problem remains a lack of accountability at all levels. Soldiers on the ground commit acts of violence and extortion with little fear of punishment. Already high levels of impunity are only increased by the shroud of secrecy placed over the conflict area.

Abductions leading to deaths

Other killings take place out of the sight of witnesses. One Acehnese man who had been living in Malaysia for five years returned to Aceh in August for a few weeks to visit his sick father. While in Aceh he witnessed TNI soldiers abduct a fifteen-year-old boy:

It was on September 4 at about 10:00 in the morning. I had stopped in the road at the market, Ulee Gle market, to buy fruit. There were about fifteen TNI soldiers there. It was seven soldiers who had stopped the child. He was a small child, a boy. He was still at school, maybe about fifteen years old. He went to the market to buy fish for his mother. The TNI stopped him, checking him because he was buying fish. A soldier said to him, "Lots of fish, do you want to give it to GAM? Where did you get this fish from?" The boy replied, "No, I am going to give it to my mother. I want to go home." The TNI were accusing him and threatening him. He was threatened with a gun. The soldier said, "You surely want to give this fish to GAM." After that the boy was really frightened. His answers were not so clear, he was really panicked. So the soldiers took him and threw him into the military truck. The seven soldiers, the others stayed in the market. The seven soldiers were wearing TNI camouflage uniforms. They were non-organik and speaking Indonesian with Javanese accents. For two days we didn't know where he was. After that his body turned up on the side of the road. I saw the body. There was a bullet wound in his forehead. Just

⁶¹ Human Rights Watch interview with an eighteen-year-old man, [name withheld], Malaysia, October 28, 2003.

one. The back of his head was all destroyed, and his body was full of red marks, red torture marks.⁶²

In some cases bodies are dumped far from the victim's home, making identification difficult. One thirty-eight-year-old man, who left his home in Banda Aceh the day before martial law, explained how his family had recovered the body of his brother:

My younger brother was killed two months ago in North Aceh, on August 27. He was detained from his house by TNI, in front of his wife, and taken to the sub-district military command. Two days later his body was found in a rice paddy. [Name omitted] was twenty-six. A relative in the village where his body was left found him and recognized him. He secretly brought the body to his house, covered it with cloth, and in the morning went and got the Indonesian Red Cross at the hospital to come get the body with an ambulance. I got this information from my family when I phoned home.⁶³

Forced disappearances

During the long years of conflict in Aceh, Indonesian security forces have been frequently implicated in “disappearances.”⁶⁴ The Aceh branch of the Indonesian human rights organization Kontras has reported that from May 19 to August 18 there were seventy-eight forced disappearances of civilians, though they cautioned that restrictions on monitoring meant that estimates may be low.⁶⁵

In Aceh, forced disappearances frequently occur after security forces or unknown armed men visit a house at night and take the victim away in a vehicle. This practice is popularly described as *ambil malam* (taken at night). While in many cases the perpetrators are described as *orang tak dikenal* (persons unknown), in some cases family members or neighbors are able to identify them. Often the bodies of those who “disappear” are found at the side of the road or in a rice field days or weeks later. In other cases they are never seen again.

One man from a coastal area of Pidie explained that when residents found bodies floating at the shoreline they called the Indonesian Red Cross to evacuate the remains. If a body was identifiable it would be taken to the person's family. If not, the body would

⁶² Human Rights Watch interview with twenty-five-year-old man [name withheld], Malaysia, October 29, 2003.

⁶³ Human Rights Watch interview with thirty-eight-year-old man [name withheld], Malaysia, October 29, 2003.

⁶⁴ A “disappearance” occurs when the authorities detain a person secretly and incommunicado and deny that the person is in their custody; persons so detained are frequently tortured, ill-treated or killed. While a non-state actor cannot technically commit a “disappearance” as it is defined under international law, GAM has a history of carrying out kidnapping, both for ransom and for political reasons, and summary killings.

⁶⁵ Kontras Aceh, “Briefing paper on Aceh: Aceh province, uncovered dirty war,” September 2003.

be taken to the hospital or clinic and the word would be put out to families known to be missing a relative.⁶⁶

One twenty-three-year-old from Bireun explained:

The situation now is very grave. Anyone in the village under suspicion is taken away in the night . . . I saw a man taken from his house in his underwear and put on a truck. This was two months ago, in August. I was in the house next door. I went outside into the side yard and watched as three trucks of soldiers came into the village. They took eight people that night, one by one, all men. The whole thing took maybe thirty minutes. They wore camouflage, and some of them had one red stripe. The eight people haven't been seen since—we don't know what happened to them.⁶⁷

Another man from Pidie told Human Rights Watch:

It was five days after martial law started. It was about 5:00 in the morning and I heard a loud knocking on a door. Then I heard someone asking my friend [name withheld] for his ID card. My house is very near his, so I got up and looked through my window. I saw about fifteen TNI soldiers take him from his house. They took him in a TNI truck and took him to the TNI post. Until now he has not returned. I don't know where he is anymore. It was different soldiers, there were some Kopassus and some with green hats. It was soldiers who had just arrived in Aceh for this martial law. We didn't know who they were.⁶⁸

Physical abuse

It doesn't matter if they are members of GAM or not; none of my soldiers has the right to beat them . . . My troops have come to Aceh to protect civilians, and those who violate this rule of engagement will have to face me.

—Major General Bambang Darmono, Aceh Military Operations Commander, June 2, 2003⁶⁹

⁶⁶ Human Rights Watch interview with sixty-five-year-old man [name withheld], Malaysia, November 5, 2003.

⁶⁷ One red stripe most likely corresponds to the rank of an army private. Human Rights Watch interview [name withheld], Malaysia, October 31, 2003.

⁶⁸ Human Rights Watch interview with twenty-year-old man [name withheld], Malaysia, October 28, 2003.

⁶⁹ Tiarna Siboro, "Aceh Court to Try 7 soldiers," *The Jakarta Post*, June 3, 2003.

For example, my soldier slugs a suspect across the face. That's no problem. As long as he is able to function after the questioning. If it's gross torture which causes someone to be incapacitated ... that's a no-no.

—Major General Bambang Darmono, November 2003.⁷⁰

Many Acehnese interviewed by Human Rights Watch described acts of violence at the hands of security forces as part of everyday life. Much of the violence directed at civilians appears intended to identify GAM members and supporters, or to send a warning to villagers. Victims frequently described being interrogated with the accusation “You’re GAM!” or the questions “Who is GAM? Where is GAM?” Often this violence takes place during sweeping operations in villages, such as during house-to-house searches or when residents are ordered to assemble in a particular place.

In other cases the violence appears to be highly arbitrary, based on the whim of tense and suspicious soldiers and police officers. Many of the Acehnese we spoke to explained that they were mistreated whether or not they did anything wrong (*salah atau tak salah*). One man who left Aceh in August explained:

If I stayed in Aceh, guilty or not I get pummeled. That means we’re dead. If we were sitting like this in Aceh, Brimob would ask us, “Is there GAM?” If we say “yes” we get it, if we say “no” we get it. Answer “I don’t know” and we get it, too.⁷¹

In several instances, violence against civilians took place just before or after military operations in GAM areas, indicating impatience at or fear of an elusive target and a failure to distinguish between civilians and armed opposition.

A man who arrived in October from Pidie described an incident in which TNI and Brimob rounded up and assaulted residents, two of them fatally:

We are constantly beaten. One time all the people in one area were gathered together, several villages. After that we were lined up and ordered to exercise [demonstrates running in place]. If you didn’t want to exercise, you were beaten to death. Twice this happened. The first time was June 13, 2003. They gathered 300 people from one settlement area—that’s three or four villages. Everyone had to exercise, ninety-year-old men, women, children, old and young. This went on from 9:30 until 2:00 in the afternoon. After they let us break up, seventy-two people were brought to the public hospital in Sigli. They spent the night but were all released later.

⁷⁰ Lely Djuhari, “Commander in Aceh denies torture claims,” Associated Press, November 22, 2003.

⁷¹ Human Rights Watch interview with twenty-six-year-old man [name withheld], Malaysia, October 26, 2003.

They ordered people to lie down and struck their face and chest. Two people died on the spot: Umar Bin Usman, age 32, and Muhammad Ali, age 21. They were seen as GAM, maybe because they were big. They weren't GAM, we were all civilians. GAM had already gone somewhere else. The soldiers were combined: Kopassus, Brimob, Marines, Rajawali. They all hit us like we were water buffaloes. They crushed my thumbnail with a *kakatua* [a pincer-shaped pliers] – see? They put my big toe under a chair and pushed down—that one has grown back. Rajawali did this. They said, “Whoever is GAM, raise your hand.” There weren't any, and we were all beaten. The two who died were stomped in the chest and neck, their teeth knocked out by a Kostrad soldier. I was about four meters from the two who were killed, but I couldn't look directly at them. At most you could make a sidelong glance. Their bodies were returned to their families and buried.⁷²

The man reported that three weeks later another joint TNI-Brimob operation lined up the men, questioned them, and hit them with rifle butts, while seven women were accused of being *inong balee*, the GAM's women's wing, and forced to strip.⁷³

One forty-year-old from Pidie who arrived in Malaysia in October after two months in Medan described an incident in the weeks before he left Aceh:

At 10:00 one night all of us shop owners were told to turn off all the lights, so we did. The next day we were beaten for turning off the lights! Six shop owners were beaten. They said it was also because we had a radio to communicate with GAM, but there wasn't any. This went on from 5:00 to 7:00 in the evening. We were gathered at the neighborhood watch post by the soldiers. There were twenty of us including customers who happened to be there. The five other owners were [names omitted]; all six of us were beaten. They beat my body with their guns, and kicked us. These were BKO, Rajawali from Java, twelve of them. That night we left the lights on, and I left Aceh ten days later.⁷⁴

One twenty-two-year-old man from Pidie described an incident from early September in which civilians were compelled to take part in military operations:

⁷² Human Rights Watch interview [name withheld], Malaysia, November 5, 2003.

⁷³ Media accounts have detailed similar incidents in which a large group or men is questioned and beaten and one or two men are singled out and shot. See Richard C. Paddock, “Indonesia's Separatist War Claims the Young,” *Los Angeles Times*, May 31, 2003.

⁷⁴ Human Rights Watch interview with forty-year-old man [name withheld], Malaysia, October 29, 2003.

One time at 4:00 a.m. twenty people were gathered together [by TNI] and broken into four groups. They were brought to the mountains to look for GAM. They always put us civilians in the front. After two nights they came back. They hadn't seen any sign of GAM, and after they came back TNI beat a lot of people, including me. I had just come back from the ocean in my fishing boat, around 8:00 a.m. I got to the beach when some marines asked me, "Where are you coming from?"

"From the ocean."

"Giving food to GAM?"

"No. Just trying to make a living, looking for fish."

They didn't care. I was taken to an empty house, while my friend from the same boat was beaten outside the house. They made me lie down, and two marines stood on my hands while one stepped on my neck. I can't remember how many times. They did it until I passed out. Then they threw water on me to wake me up and I was kicked again. They asked me, "Who in the village is GAM?" They tried to force me to identify them, but there weren't any to tell them. I told them that but they said, "Yes, there are!" After two hours I was released. I couldn't even answer their questions any more. The people who beat me were marines, three of them. They weren't in uniform, but in green T-shirts that said *Marinir* [Marines] on the back, and uniform pants. Lots of people were beaten that day. Seven days later I went to Banda Aceh to get a passport, then went back to Pidie, got my things and left the same day.⁷⁵

One twenty-eight-year-old man who arrived at the end of August from East Aceh described the consequences of being caught without a red and white identity card (see below). The incident also illustrates the combination of extortion and violence that has become common on the roads and shops of Aceh:

I saw one of my friends beaten. He forgot his KTP [identity card], and the soldiers were checking. This was in the late afternoon, around five, when people were shopping. I was sitting at a coffee stall with my friend, and Brimob came down from their post in the next village to shop for food. They came into the shop and asked everyone for their KTP. He was the only one without one. After being hit in the head he fell down. When he fell they kicked him in the back. There were twelve

⁷⁵ Human Rights Watch interview with twenty-two-year-old man [name withheld], Malaysia, October 29, 2003.

of them, and maybe five were involved in hitting him. They let him get up, and he was ordered to sit on the bench. Then they asked him for money, Rp 500,000 (US\$60). He only had Rp 100,000, and he gave it to them, and they went to buy food. A group of us brought him by truck to [Simpang Ulim Hospital], because he was bleeding from the head wound. Around 9:00 p.m. we brought him home. When we brought him home he was still dizzy, like he was drunk. This was August 28. I saw this happen to my friend and I left the next morning at 7:00.⁷⁶

Violence also may take place during house searches, in an apparent effort to intimidate or extract information. A twenty-three-year-old from Bireun described what happened in September:

Once Brimob came to my house, I guess to look for weapons, in two cars. They beat my little brother. Maybe they thought he was GAM. They came at 9:00 a.m. There were three of us in the house—my mother, my brother and me. When I saw them coming I ran and hid in the forest. When they came in my brother was on the floor watching TV. He said they asked if he was GAM and he said no, and they kicked him three times in the leg, breaking it. They ransacked the house, taking one million rupiah (US\$120) from under the mattress. We took my brother to the doctor and to the bone setter [*dukun patab*]. I just spoke to my family by phone and he's still not well.⁷⁷

One man from Bireun who left Aceh for Malaysia in mid-October told Human Rights Watch:

In May at 8:00 in the morning in my village near my house, the TNI came. It was about thirty soldiers. When they arrived they asked me, "Who wrote that on the road?" I said, "I don't know." On the road there was some writing which said "TNI please never be in Aceh again." Ten of the soldiers then fired their guns into the air. After that three soldiers hit me. They asked me for my ID card, examined it and then said that I was GAM. I said, "No I'm not," and then I was beaten. They took off my shirt and trousers and tied my hands behind my back with rope. They left at about 10:00. I was taken to the hospital by people in the village. About ten men were beaten but I was the only one who was tied. I don't know why. My face was bloody. My hearing was damaged from when they shot their guns into the air. They were really close to

⁷⁶ Human Rights Watch interview with twenty-eight-year-old man [name withheld], Malaysia, October 31, 2003.

⁷⁷ Human Rights Watch interview with twenty-three-year-old man [name withheld], Malaysia, October 31, 2003.

me. It was the Siliwangi Battalion normally located in the Peudada post. Not a normal post, one especially for martial law. They also took my ring and my money.⁷⁸

Another man from East Aceh told Human Rights Watch:

It was two days after martial law started. I was alone on the road going to the shop. Maybe about 10:00 in the morning. There were a lot of soldiers on the road. Maybe one hundred. One of them stopped me in the road. He tied my hands behind my back and hit me straight away because I didn't tell him where GAM was. He kicked me in the chest. Seven times, in my back and in my front. When he was beating me I said, "Why are you hitting me, I haven't done anything wrong." He said, "All the people who have done something wrong have already run away. I have only those who have not done anything wrong left to hit." After this happened I ran away to Malaysia. I don't know what will happen one day if I can't run anymore.⁷⁹

Arbitrary detention and lack of due process

Many of those arrested on suspicion of GAM membership or support are likely to be tried on charges of treason. The TNI information office reported that as of December 4, 1,338 GAM members were in detention, including 912 fighters and 416 supporters. Military authorities had submitted 1,016 cases to the prosecutor's office, and 561 had already been given verdicts. At least 500 were found guilty and sentenced. In an earlier statement the military said it had released 145 suspects for lack of evidence.⁸⁰

The non-governmental organization Kontras has reported that many of those detained have been charged with treason (*makar*), and estimated that as of October just one hundred have been able to obtain legal assistance. Kontras also reported that as of August 18 there were 213 cases of arbitrary arrest or detention.⁸¹ A staff member of the Legal Aid Foundation in Aceh reported many of the detainees they represent claimed to have done no more than buy coffee for rebels, attend a few meetings, or help bury

⁷⁸ Human Rights Watch interview with thirty-two-year-old man [name withheld], Malaysia, October 24, 2003. Members of the Siliwangi Battalion were charged and acquitted in a military court for beatings in Dewantara, North Aceh on August 30.

⁷⁹ Human Rights Watch interview with twenty-three-year-old man [name withheld], Malaysia, October 28, 2003.

⁸⁰ TNI Information Center, "1.338 Anggota Pemberontak GAM Ditahan," December 4, 2003; "140 Napi GAM akan Dipindah ke Jawa" *Serambi*, December 4, 2003. "PDMD Tentukan Amnesti Anggota GAM," *Sinar Harapan*, November 13, 2003; "GAM still strong," Laksamana.net, November 9, 2003.

⁸¹ An arrest or detention is arbitrary when carried out by state authorities without a proper, well-founded legal basis for doing so.

suspected insurgents. They also reported that eighty of their clients had suffered abuse during questioning at the hands of the military or police.⁸²

In jailhouse interviews, defendants told a journalist that they had experienced torture during interrogation, and that one-hour trials took place without defense lawyers or witnesses and resulted in sentences of as much as five years. A legal aid lawyer in that article estimated that 40 percent of defendants have no access to a lawyer.⁸³

Interviewees described many cases of TNI or police suddenly arriving and taking a person or persons away. In addition to the cases cited above, an eighteen-year-old from Aceh Besar told Human Rights Watch:

In September Brimob came into the village and took someone. This man was ordinary—not rich or poor, just ordinary. They took him at 8:00 a.m. He was a neighbor and I saw it. I don't why—maybe they had some information from someone. There are not yet any signs he was released. He was blindfolded and his hands tied. He was thirty-five and had two young children. They came on one truck with thirty-five men. They took him to the district police station at Jambu Tape, but didn't issue a warrant.⁸⁴

The rapid pace and high numbers, in a province with few working courts, raises serious concerns for due process. It is unknown to what extent prisoners have been processed in accordance with the law, given the lack of information and the extra leeway provided by the legal framework of martial law.

One woman from South Aceh said she was taken into custody in October by the military, and held without charge at the local Koramil. She told Human Rights Watch:

At about 10:00 p.m., I was already sleeping, two soldiers came into my house with guns, but there were others outside the house. The two soldiers knocked on the door “open the door!” Both of them had guns, they asked me, “Is your husband here?” I said, “He is not here, I don't know where he is.” They took me straight to the Koramil in a *kejang* [Toyota minivan]. One of my friends was inside as well with seven of her children. Some of them very small and also a very sick old man. Inside the *kejang*, we were all taken to the Koramil. I paid ten million rupiah (US\$1200) before they let me free . . . to the head of the Koramil, the operations commander of South Aceh . . . In the Koramil there were

⁸² “Commander in Aceh denies torture claims,” Associated Press, November 22, 2003. Kontras, “5 Bulan Darurat Militer; Berhasil Ciptakan Ketergantungan Sipil pada Militer,” Press Release, October 20, 2003; Kontras Aceh, “Briefing paper on Aceh: Aceh province, uncovered dirty war,” September 2003.

⁸³ “Suspected Indonesian rebels tell of jailhouse terror,” Associated Press, December 7, 2003.

⁸⁴ Human Rights Watch interview with eighteen-year-old-man [name withheld], Malaysia, October 26, 2003.

lots of people from the village, over 300 people, women, young girls, some men. At 10:00 a.m. we got rice and fish, at 3:00 p.m. rice, evening sometimes rice. Some days there was no rice. The soldiers told us, “GAM can not be given anything nice, it’s not allowed to make nice food.” I’m not GAM. I’m just an ordinary villager.⁸⁵

Another man told Human Rights Watch about the arrest of his wife in September:

The TNI arrested my wife without a reason . . . At about 8:00 a.m., there was no incident, they just arrived and arrested her . . . When they arrested her I was in the garden plot. Before I returned to the village I heard what had happened so I didn’t go back, until now. There were thirty-nine soldiers and Brimob from Jakarta. When they arrested her they took her to Samalanga. My family has already given eight million rupiah (US\$940) to the Military Police commander in Bireun. He asked for more but there is no more money. The military commander told her that if I return to the village the next day she will be released . . . She really does not know what she has done wrong.⁸⁶

Restrictions on freedom of movement

Nine days after martial law began Aceh regional military commander Major General Endang Suwarya announced that new identity cards would be issued because so many had been stolen by GAM, allowing them to pass through sweepings undetected.⁸⁷ While this may have indeed been the primary motive, another important motive was to force all Acehnese to present themselves in front of officials. Those who did not were then presumed to be members of GAM. Those without the new identity cards became particular targets of violence and had to curtail their movements significantly.

Instead of the normal Indonesian identity card required nationwide, residents of Aceh are now required to possess a special red and white card, the *KTP Merah Putih* (*Kartu Tanda Penduduk Merah Putih*, or red and white identification card). These are the colors of the Indonesian flag.⁸⁸ The deadline was set for July 31, to be followed by a major inspection and enforcement operation starting August 1.

The issuance of identity cards is not contrary to international law. However, any government restrictions on freedom of movement for reasons of security must have a clear legal basis, and be limited to what is necessary and proportionate; any limits must be the exception, not the norm. In practice, the new identity card requirements have had

⁸⁵ Human Rights Watch interview with thirty-year-old woman [name withheld], Malaysia, October 26, 2003.

⁸⁶ Human Rights Watch interview with thirty-seven-year old man [name withheld], Malaysia, November 5, 2003.

⁸⁷ Nur Raihan, “*KTP Sementara Aceh Berlaku 1 Juli*,” *detikcom*, May 29, 2003.

⁸⁸ While this was intended to reinforce allegiance to the Indonesian state, the symbol may become more deeply associated with oppressive conditions, as occurred in East Timor in 1999.

a significant impact on Acehnese whose cards have been lost, left behind, never obtained, or taken by GAM or Indonesian security forces. As a person can only get a card in his or her home area, anyone who was away when the new requirements were instituted faces risks in traveling home.

Though they needed to have a new KTP to move freely, as the deadline drew close, many Acehnese had not yet received their cards. By late July the head of one district estimated that only 60 percent of residents had the new cards and that he wouldn't finish the job by the end of the month without assistance from the police and the military.⁸⁹ A Ministry of Foreign Affairs statement explained that as of August 10, "Seventy percent of the populations who must possess ID card have had the red-and-white card in their hands. The purpose of the introduction of the red-and-white ID card is to separate the civilians from [GAM] members. [GAM] had used a strategy by seizing the civilians' ID cards to confuse TNI and Police (Polri)."⁹⁰

One man described the difficulty of getting a card once he had left his home village for the capital of Banda Aceh for safety reasons:

With no KTP I was afraid to go out. Every day was frightening. I wanted to go to Malaysia but I couldn't. I spent two months [in Banda Aceh]. Finally I got a KTP through my brother's family identity card. With a KTP I could go to Medan on the public bus. I went to Medan and Malaysia.⁹¹

The process of obtaining a new identity card is arduous, requiring prior clearance from the village head, and the signature of the subdistrict military commander, the police chief, and the subdistrict head. Demands for bribes are routine. Several people described paying extra to get their cards, in one case Rp 50,000 (US\$6) to the subdistrict head to get a card quickly to leave, in another case Rp 200,000 (US\$24).

One man from Pidie, who had been in Malaysia for some time and had returned to Aceh in August, described the process:

I saw that if you didn't get a KTP you could not be safe. Before that I was afraid to leave the house. But the process of getting a KTP Merah Putih was really difficult, because you have to go yourself to sign for it. If you don't go, your KTP is not issued. You have to go to the

⁸⁹ Tertiani ZB Simanjuntak, "New ID requirements add more misery for Acehnese," *The Jakarta Post*, July 28, 2003.

⁹⁰ Department Of Foreign Affairs, "Briefing Paper On Current Development In The Province Nanggroe Aceh Darussalam (NAD) Period: 19 May – 10 August 2003." By December 4, the army announced that 95 percent of those eligible had the new ID cards. TNI Information Center, "1.338 Anggota Pemberontak GAM Ditahan," December 4, 2003.

⁹¹ Human Rights Watch interview with man in his twenties [name withheld], Malaysia, October 28, 2003.

subdistrict head's office after you have got a photo. My village head came with me. It was three days before I got my KTP.⁹²

One woman from Pidie told Human Rights Watch:

At the beginning of this month I got my KTP. Got it from the police station in Sigli, Pidie. We arrived there to get the KTP with all of the documents. Authorization letters from the village head, to the subdistrict head first, then to the police, back to the subdistrict head. I had to pay Rp 25,000 (US\$3). At the police station he ordered us to sing *Indonesia Raya* [the national anthem]. If you couldn't sing it he ordered you to stand in the courtyard. He said, "Respect the sun until you can sing the song of your nation."⁹³

Several of the physical assault incidents described to Human Rights Watch were linked to the red and white identity cards. During the incident above in which the TNI forced villagers to gather and killed three people in a village near Lhokseumawe, North Aceh, a friend of the twenty-year-old witness was beaten:

At the field my friend was beaten. They asked for his KTP. He said, "I left it at the house."

"No. You're GAM!"

"No," he started to cry, "I'm not GAM."

They kicked him in the torso and he fell down. When he got up he was bleeding from the mouth. His mistake was not having his KTP with him.⁹⁴

It appears to be difficult to leave Aceh without a red and white card. The majority of the Acehnese interviewed by Human Rights Watch left Aceh by bus to North Sumatra, and nearly all described repeated inspections for the red and white cards. More than ten reported that young men were removed from the bus they were on, presumably for lacking the cards or for other reasons such as for having a name or a face that matched (or resembled) one on a list at the checkpoint. These detentions typically took place at checkpoints at the border with North Sumatra, at Langsa in East Aceh, or at borders between districts such as between North Aceh and East Aceh.

⁹² Human Rights Watch interview with twenty-five-year-old man [name withheld], Malaysia, October 29, 2003.

⁹³ Human Rights Watch interview with twenty-five-year-old woman [name withheld], Malaysia, November 6, 2003.

⁹⁴ Human Rights Watch interview with twenty-year-old man [name withheld], Malaysia, October 31, 2003.

However, as soon as a traveler crosses the border into the neighboring province of North Sumatra, the KTP Merah Putih becomes a liability, marking individuals as Acehese and subject to arrest, mistreatment, or extortion.

Many people stay with friends or relatives in Medan, or hide in the forest until they can find a way to travel to Malaysia. There were reports of sweeping operations against Acehese in the provinces of North Sumatra and Riau.⁹⁵

One man from Bireun told Human Rights Watch about his journey out of Aceh:

I was on a public bus to Medan. There were examinations in Peureulak, in Alue Ie Puteh, also at the border with Medan. The TNI was looking for GAM. Looking at KTPs, they want to know who is GAM, who isn't GAM. All of the buses had to stop, everyone gets out, asked for your KTP. After that six people were taken, six suspected GAM in Peureulak. I don't know where they were taken. They were Acehese, all of them men. I went straight on to Medan. At the border there were lots of security forces ... There were three buses and about fifteen people were detained. There's a detention place. All Acehese, all men.⁹⁶

One man who arrived in Malaysia in June told Human Rights Watch about an incident which occurred on his bus journey from North Aceh to Medan:

It was really late at night. We had already arrived in East Aceh. There was a TNI post and everyone was asked to get off the bus and line up. One by one we were called to check our ID cards. I saw two people were taken to the back by five TNI soldiers. It was not far, it was really close by. I then heard the sound of gunfire. After that everyone got back on the bus. Those two people did not get back on the bus. I don't know where they are.⁹⁷

One man from Pidie, who returned to Aceh from Malaysia in August, told Human Rights Watch:

I was at the border and the bus stopped for a KTP check. I got off the bus and the bus left without me. Why? Because they saw a telephone number in my wallet, when they were checking my KTP. He said to me, "That's a GAM name. You are GAM." It was five policemen. Then they took me to a small room. Three policemen came in and took off my

⁹⁵ Tertiani ZB Simanjuntak, "Komnas HAM to probe Aceh violations," *The Jakarta Post*, June 3, 2003.

⁹⁶ Human Rights Watch interview with forty-year-old man [name withheld], Malaysia, October 28, 2003.

⁹⁷ Human Rights Watch interview with twenty-two-year-old Acehese man [name withheld], Malaysia, October 26, 2003.

shirt and my trousers. They were asking me to acknowledge that I was GAM. After that they started hitting me because I would not admit it, just that it was my telephone number. Three times I was kicked. I was hit in my face one time, in my body two times. My thighs were kicked. I was held in that room for one hour. After that I was ordered to clean the sides of the room. It was all really disgusting, there was rubbish, *durian* [a kind of fruit], cigarettes. If I didn't do it, they said they would shoot me. All three of them had guns, AK-47s. They were police but BKO, [brought in] especially for martial law. They forced me to clean the area. He was pointing . . . After that they freed me . . . I was crying, asking for help to be freed because I wanted to go back to Medan quickly . . . I waited again for a bus and went straight to Medan. I waited in Medan five days. I bought an airline ticket and went straight back to Malaysia.⁹⁸

Extortion and restrictions on economic activity

The economic situation under martial law has worsened dramatically. In October, Governor Abdullah Puteh noted, "The unemployment and poverty rates caused by the conflict in Aceh are alarming." Puteh cited recent data showing that 40 percent of the population are living under the poverty line.⁹⁹ The war has caused the economy to falter, but extensive controls on movement, extortion, and the well-founded fear of violence while traveling to buy or sell goods has greatly exacerbated the problem.

Many Acehnese complained that fear of violence or constraints on mobility had seriously affected their ability to make a living. Nearly all rural residents interviewed noted that inhabitants of their villages were prevented from going to their garden plots (*kebun*), which are often in the hills above the village. One man told Human Rights Watch, "There are posts in the village, and we're not allowed to go into the hills, to our *kebun*. If we do we'll be seen as GAM and they will shoot us."¹⁰⁰

Since GAM forces are primarily in the mountainous areas, anyone apprehended heading there is viewed as either GAM, or as a supporter bringing rice or other supplies to the armed separatists. An eighteen-year-old who arrived on September 11 from Aceh Besar told Human Rights Watch:

People can't go to the mountains. The mountains are surrounded by TNI. We can't look for food, cut timber to build a house, grow vegetables or cassava. Our economy is frozen. We're afraid of gunfire,

⁹⁸ Human Rights Watch interview with twenty-five-year-old man [name withheld], Malaysia, October 29, 2003.

⁹⁹ "Alarming Poverty & Unemployment in Aceh," Laksamana, October 29, 2003. http://www.laksamana.net/vnews.cfm?ncat=35&news_id=6246 (accessed December 4, 2003).

¹⁰⁰ Human Rights Watch interview with a twenty-two-year-old man [name withheld], Malaysia, October 29, 2003.

so we don't dare go there. We're warned: "If you go up there we can't say what will happen. You'll have to be responsible for yourself."¹⁰¹

These are not idle threats. A twenty-six-year-old from South Aceh reported:

On July 23 there was a man looking for food near [omitted] village, Labuhan Haji subdistrict. This man, Bahari, went up into the hills to his vegetable garden but was detained by Brimob and brought to the Brimob post in Labuhan Haji. He was tortured there—stabbed with a knife, and asked if he was GAM. He didn't admit it, and he was killed. Two others were detained at the same time and also stabbed, but they didn't confess. I saw the body at his house. I'm not sure where it was found, but it was sent to his house.¹⁰²

One thirty-year-old who arrived from Central Aceh soon after martial law began said:

My life was very hard. I was working as a driver of a minibus on the highway, within the subdistrict. Then I got scared because of the checkpoints on the road by TNI and Brimob . . . When I drive the vehicle they stop me for money on the road. If you don't give it to them, you're beaten. If you don't have money and try to bargain—"I don't have ten, here's five"—they won't accept it. If he says ten it must be ten. You can't bargain with them.¹⁰³

Another driver from Bireun echoed the danger of traveling by road:

I sell fish in Takengon, in South Aceh. But I had to stop going there because I'm afraid of the militias. Lots of Acehnese are disappearing, their trucks taken. The militias were trained in 1999 by TNI and Polri. Before that there was no problem. But recently two other fish traders I know disappeared: Rusli in October and Azahari in September. Their bodies never turned up. I made my last trip in July.¹⁰⁴

A twenty-year-old fisherman from North Aceh who arrived two weeks ago explained:

There are posts every fifty meters in some places. If we go out in a boat first we have to go to the Marine post and report, and hand in our

¹⁰¹ Human Rights Watch interview with an eighteen-year-old man [name withheld], Malaysia, October 28, 2003.

¹⁰² Human Rights Watch interview with a twenty-six-year-old man [name withheld], Malaysia, October 26, 2003.

¹⁰³ Human Rights Watch interview, thirty-year-old man [name withheld], Malaysia, October 26, 2003.

¹⁰⁴ Human Rights Watch interview [name withheld], Malaysia, October 25, 2003. Although groups linked to the military have been around at least since 1990, reports of militia activity in several districts, especially those with Javanese migrants to recruit, have increased in recent years.

KTPs. Then if we go to Lhokseumawe to sell fish we have to report there, and then again at the Marine post when we get back to pick up our KTP . . . Once I was taking care of my rooster for cockfighting. Soldiers came and asked me for it. I already gave them one so I said no. They asked again. I didn't want to give them another one. Then he threatened me—"If you don't give it to me, I'll shoot you." Because I was afraid, I gave it to him. He was from the local post, which is mostly Javanese, Sriwijaya Battalion 141.¹⁰⁵

One man who owned a rice milling business reported:

Making your way in life in Aceh is difficult. If you try to make a living, they ask for money. I have a rice mill. Every day TNI asks for 450 kilograms. They say, "If you don't give it to us, tonight you'll be killed." I could have gone on the pilgrimage to Mecca twenty times by now. But if it's asked, it's given . . . I couldn't take it anymore. I was asked for seven million rupiah (US\$825) and told that if I didn't have it in three days I would not be safe. Kopassus came at 11:00 a.m., four of them in a Taft—it's like a Pajero but smaller. They're BKO, based at the subdistrict military command. This was October 8 or 9. They were about to be moved to another BKO post and wanted "moving money" (*uang pindah*). After they left I went to my friend at the coffee stall in front of my house. He asked what they wanted and I told him: seven million rupiah in three days. He told me "It's better you just leave." I left after two days—they gave me three, right? I told my three sons to just go to [withheld], telling them, "If I'm not here they'll take you."¹⁰⁶

The return of jaga malam: compulsory night guard duty

We should consider giving proper recognition to the public's demands to be allowed to defend themselves and their property, especially those living in conflict areas . . . In facing armed civilians that extort, torture and even kill other civilians, the people's participation is increasingly necessary given the lack of security personnel.
—President Megawati, to police at a July ceremony¹⁰⁷

Historically, the TNI has used tactics such as "the fence of legs" in East Timor to put civilians between soldiers and guerrillas, both as human shields and to use civilians to

¹⁰⁵ Human Rights Watch interview with twenty-year-old man [name withheld], Malaysia, October 31, 2003.

¹⁰⁶ Human Rights Watch interview [name withheld], Malaysia, November 5, 2003.

¹⁰⁷ Fabiola Desy Unidjaja and Tiarna Siboro, "President endorses civilian 'guards'," *The Jakarta Post*, July 2, 2003.

flush out resistance fighters.¹⁰⁸ There have been several recent media reports of the use of civilians in military operations in Aceh.¹⁰⁹ One man told Human Rights Watch of villagers being taken to the mountains to search for GAM, but it is unclear how often this tactic is being used under martial law.

In interviews with Human Rights Watch, the most widely reported instance of civilian participation in defense is unarmed compulsory night guard duty, or *jaga malam*, a strategy from the DOM period revived soon after martial law began. According to a government statement on progress under martial law:

Neighborhood watch has increased in villages from 0% to 70%. All these [sic] attention and awareness comes from the people spontaneously.¹¹⁰

Another statement released by the Ministry of Foreign Affairs asserts:

In order to create secured and order situation in [Aceh], the operation is directed to stimulate the bravery of the local society to fight against [GAM]. Some positive development has been achieved for example some posts have been set-up by local people which also serve as Information Posts, and the Acehnese loyalty to the Unitary State of Indonesia is strengthening, as well as their awareness on their rights and obligation [sic].¹¹¹

However, testimony collected in Malaysia indicates that security forces employ the threat and use of violence to force male residents in villages to take turns guarding the village. One twenty-two-year-old man from Pidie who arrived in Malaysia on October 14 described when soldiers instituted night guard duty in his village:

Jaga malam started after martial law, about a month after. We used to have to do it under DOM also. All the males over fifteen have to guard, even old men. Before, under DOM, the old men never had to do guard duty. We have to do it three times a week, four people at a time. All four of us were beaten for falling asleep, three different times. We don't

¹⁰⁸ In 1981, the Indonesian military conducted an operation they called the "fence of legs" campaign in East Timor. In an attempt to smoke resistance fighters out of hiding, the military forced civilians to walk in lines from the perimeter of the half-island, heading towards the center. The military followed behind, using them as human shields against the resistance fighters.

¹⁰⁹ For example, around 1,000 villagers from Leupung subdistrict in Aceh Besar were reportedly engaged in a hunt for GAM rebels in the nearby forest. The Aceh Besar district military commander claimed that the military was only providing backup to an initiative of the villagers themselves. Nani Farida, "Civilians involved directly in hunt for GAM rebels," *The Jakarta Post*, Sept. 17, 2003.

¹¹⁰ "Government Evaluation on Special Operation in Aceh," Indonesian Government Statement, www.Polkam.go.id, August 15, 2003.

¹¹¹ Department of Foreign Affairs, Republic of Indonesia, "Briefing Paper on Current Development in the Province Nanggroe Aceh Darussalam (NAD), Period: 19 May – 10 August 2003."

move around but stay at the neighborhood watch post. They don't say what we are supposed to be guarding—just *jaga malam!* They don't say guard this or that.¹¹²

One woman from Peureulak, in East Aceh, left the province in mid-October. She told Human Rights Watch:

My husband was beaten by the TNI in August when he was *jaga malam*. My husband then became sick and so could not go and look for food. I had to leave [Aceh] to get money and food. It is now always like this, there is no change. During this martial law it is difficult to find food.¹¹³

Compulsory night guard duty is an additional aspect of an increasingly untenable life for men in Aceh, exposing them to risks of retaliation by both sides. While *jaga malam* may not put civilians at the same level of risk as direct involvement in military operations or being forced to join militias, it puts civilians squarely between GAM and the TNI. And, as one thirty-year-old who arrived from Central Aceh soon after martial law began, said:

The police and Brimob come into the village and tell people to guard it. GAM asks us to tell them what TNI and Brimob are doing. But if we tell GAM, we will surely be kidnapped and threatened.¹¹⁴

Two Acehnese interviewed by Human Rights Watch also complained about forced labor, such as constructing the new village-level posts.¹¹⁵

Displacement and looting

Since the start of martial law, tens of thousands of civilians have been forced by fighting or ordered by the Indonesian government or security forces to leave their homes and villages. For example, in early July about 10,000 people in North Aceh reportedly fled their homes as the Indonesian Air Force bombed rebel positions in mountainous Pantai Pisang in Nisam subdistrict. Residents reported being ordered by the military to relocate to two camps in the neighboring Dewantara and Muara Batu subdistricts.¹¹⁶

¹¹² Human Rights Watch interview with twenty-two-year-old man [name withheld], Malaysia, October 26, 2003.

¹¹³ Human Rights Watch interview with thirty-year-old woman [name withheld], Malaysia, October 24, 2003.

¹¹⁴ Human Rights Watch interview with thirty-year-old man [name withheld], Malaysia, October 26, 2003.

¹¹⁵ One of two people to describe the mandatory work explained: "At night we *jaga malam*, in the morning we have to do *gotong royong* [cooperative effort], building new posts and camps. Or we're ordered to bring palm tree trunks up a hill. Sometimes when they leave, we have to take down the post, then they move back and we have to build it again. In my village they just took over an empty house, but we had to go build posts in the other villages. We have to do this maybe two days out of every week." Human Rights Watch interview with thirty-year-old man [name withheld], Malaysia, October 26, 2003.

¹¹⁶ A'an Suryana, "Acehnese flee air strike," *The Jakarta Post*, July 1, 2003. Non-Acehnese have also been intimidated into leaving Aceh in the past, most likely by GAM. By 2001 there were nearly 50,000 Javanese in North Sumatra who had been displaced from Aceh. It is possible that similar behavior is taking place under martial law but lack of access makes this difficult to determine. See Human Rights Watch, "The War in Aceh" *A Human Rights Watch Report*, Vol. 13, No. 4 (c), August 2001; Human Rights Watch, "Indonesia: Civilians

Mass relocation or displacement of civilians solely to deny a willing social base to the opposing force is prohibited by international humanitarian law. Parties to a conflict must not order the displacement of people unless there are genuine concerns for the security of the civilians involved, or there are imperative military reasons for such action.¹¹⁷ Should such displacements be carried out, all possible measures should be taken to ensure that the sites to which they are relocated offer satisfactory conditions of shelter, hygiene, health, safety and nutrition.¹¹⁸

Many displaced are able to return to their homes after a comparatively short period, so the figures fluctuate from week to week. Official estimates fell from over twenty-thousand displaced persons in eleven districts in August to just under ten thousand persons in six districts by mid-November. More than 100,000 people have been displaced at some point since the start of martial law.¹¹⁹

One twenty-two-year-old man who arrived from Pidie described how some in his village fled the TNI, while others were rounded up and transported away:

One morning four tanks came into the village. The people in the village were scared, and some fled for the mountains, and the rest fled to Sigli, where there was a big displaced persons camp at the field there. We went there because there was a call from the mosque to gather there. We were told by a soldier: "Leave your homes now!" (*Sekarang mengungsi!*) I think he was from a Siliwangi BKO post. We went back to our houses to get essential things. We had an hour to pack our things, then three trucks came to take us to Sigli, about forty kilometers away. We weren't told any reason. We spent fifteen days there, living in tents. After that we were sent home in trucks again. The people in the mountains came home after we did.¹²⁰

Targeted in Aceh," *A Human Rights Watch Press Backgrounder*, May 2000; Report of the Representative of the Secretary-General on Internally Displaced Persons, E/CN.4/2002/95/Add.2, February 15, 2002.

¹¹⁷ Geneva Conventions, Protocol II, art. 17, which is considered reflective of customary international law, provides that the "displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand."

¹¹⁸ The Guiding Principles on Internal Displacement (the Guiding Principles), adopted in September 1998 by the U.N. General Assembly, reflect international humanitarian law as well as human rights law, and provide a consolidated set of international standards governing the treatment of the internally displaced. Although not a binding instrument, the Guiding Principles are based on international laws that do bind states as well as some insurgent groups, and they have acquired authority and standing in the international community.

¹¹⁹ Department of Foreign Affairs, Republic of Indonesia, "Briefing Paper on Current Development in the Province Nangroe Aceh Darussalam (NAD), Period: 19 May – 10 August 2003"; UN Office for the Coordination of Humanitarian Affairs (OCHA), "OCHA Consolidated Situation Report No. 154," November 14, 2003; Jesuit Refugee Service, "JRS Dispatches No. 142," November 17, 2003.

¹²⁰ Human Rights Watch interview with twenty-two-year-old man [name withheld], Malaysia, October 29, 2003.

A woman from North Aceh described looting that took place while residents were displaced:

I fled to a refugee camp. When we returned home our things were gone. Chickens, goats were stolen during the time we had fled, taken by soldiers who then asked for Rp 300,000 (US\$35) to return our goods to us. Some people paid, but I was too scared.¹²¹

In late July General Endriartono Sutarto, the army chief of staff, admitted that the army forcibly displaced civilians and apologized for the looting:

With some considerations, we [TNI] forced people to leave their homes and take refuge while soldiers tried to root out the rebels who often try to blend with civilians in their villages . . . Even if the refugees stayed in the camps for three or four days only, they found their homes looted when they moved back to their homes. I ask for an apology for that. I don't want people to sacrifice that much.¹²²

As outlined in “Aceh Under Martial Law: Unnecessary and Dangerous Restrictions on International Humanitarian Access,” there continue to be concerns about lack of access to food, health care, and education for displaced persons in Aceh.¹²³ Fighting between the Indonesian military and GAM, as well as restrictions on movement, has disrupted the lives and livelihoods of civilians by cutting food supplies, water, electricity, communications, schooling, and healthcare to thousands. The overall picture from the scant information available is that the population of Aceh faces a shortage of basic supplies and services. Conditions are likely to be worse for those who have been forced to flee their homes. Preliminary information indicates that the fighting has forced thousands of civilians out of their homes. The Jesuit Refugee Service and Indonesian media sources have already highlighted reports of poor water and sanitation facilities, malnutrition, and skin complaints amongst this population.¹²⁴ The refusal by Indonesia to allow access to international humanitarian agencies and NGOs makes a complete assessment impossible.¹²⁵

¹²¹ Human Rights Watch interview [name withheld], Malaysia, October 26, 2003.

¹²² A court-martial began on July 22 for two soldiers charged with stealing cash and jewelry from the home of a suspected separatist rebel in North Aceh. Human Rights Watch is not aware of the outcome. Tiarna Siboro, “TNI chief offers apology to Acehnese people,” *The Jakarta Post*, July 26, 2003.

¹²³ Human Rights Watch, “Aceh Under Martial Law: Unnecessary and Dangerous Restrictions on International Humanitarian Access,” *A Human Rights Watch Briefing Paper*, September 2003.

¹²⁴ Jesuit Refugee Service, “JRS Dispatches No. 137,” August 1, 2003.

¹²⁵ As of October 2003, the Indonesian government reported forty-seven health-related deaths in the camps. However, this information is impossible to verify or interpret without knowing more about prevailing mortality rates in the total population, available health facilities, and other basic information. Satkorlak NAD, “IDPs Dead in Aceh,” (processed and checked by International Organization of Migration Banda Aceh), October 5, 2003.

Accountability

Unlike in past operations in Aceh, Indonesia has taken some steps to hold its soldiers accountable for crimes committed in Aceh. In June, a military court sentenced six soldiers from Infantry Battalion 144 to five months in prison for severely beating villagers in Bireun district on May 27.¹²⁶ The soldiers were charged with violating of articles 351 and 55 of the Criminal Code on assaulting civilians and article 103 of the military's criminal code on breaching military discipline. They were not charged with the shooting death of a man named Abubakar in the same incident, although one of the defendants admitted to the killing. As in many of the cases described in this report, the victims testified in court that they were assaulted for not knowing the location of a suspected rebel.¹²⁷

In July, a military court in Lhokseumawe, North Aceh, found three soldiers guilty of raping four women. The court ordered the three soldiers discharged and sentenced them to between two-and-a-half and three-and-a-half years in prison. Under military law the offense carried a maximum sentence of twelve years.¹²⁸

In September, twelve soldiers from the West Java-based Siliwangi Battalion went on trial in a military court, charged with beating residents of two villages in Dewantara subdistrict, North Aceh, on August 30.¹²⁹ They were acquitted, although a military spokesman said they would still receive disciplinary punishments ranging from a strong warning to a three-week jail term.¹³⁰

Trials are welcome exceptions to the almost complete impunity the TNI enjoys. However, the light sentences, selective prosecution, and the low rank of those charged demonstrate a lack of seriousness in punishing or deterring crimes by members of the armed forces.¹³¹ No murder charges have been brought following civilian deaths during this military operation.

In addition, as previously documented by Human Rights Watch, several of those in charge of the military campaign in Aceh have been convicted for or have been implicated in serious human rights violations. One of the most notorious, Major General Adam Rachmat Damiri, is the highest-ranking Indonesian military officer ever to be

¹²⁶ "Indonesia Convicts Troops in Aceh Abuses," Associated Press, June 9, 2003; "Soldiers convicted of rights abuses," Laksamana.net, June 10, 2003.

¹²⁷ "Three soldiers on trial admit assaulting villagers," *The Jakarta Post*, June 5, 2003.

¹²⁸ "Soldiers jailed for Aceh rapes," BBC News Online, July 19, 2003; "Soldiers sentenced in Aceh rape cases," *The Jakarta Post*, July 20, 2003.

¹²⁹ "12 soldiers go on trial for beating villagers in Aceh," Associated Press, September 25, 2003; Tiarna Siboro, "12 soldiers to stand trial for torturing civilians in Aceh," *The Jakarta Post*, September 20, 2003.

¹³⁰ "Soldiers Acquitted of Aceh Assaults," Laksamana.Net, October 10, 2003. http://www.laksamana.net/vnews.cfm?ncat=45&news_id=6152 (accessed December 4, 2003).

¹³¹ The army chief told *Time* magazine, "I will take responsibility for any order I give. But my orders and those of the armed-forces commander are clear: don't kill civilians. If I send someone out to buy fried bananas and that person gets caught stealing them, or stealing money to buy them, should I also be punished?" Interview with Ryamizard Ryacudu, "No Region Can Break Away," *Time Asia*, June 2, 2003.

tried and found guilty of committing human rights violations in Indonesia. On August 5, 2003, the Jakarta ad hoc court on East Timor found General Damiri guilty of crimes against humanity for atrocities committed in East Timor in 1999. Damiri has also been indicted for crimes against humanity by a United Nations backed court in East Timor.

Despite the charges against him Damiri was promoted to Assistant for Operations to the Chief of the General Staff, where he was involved in directing military operations in Aceh province during the first months of martial law. Similar cases have been documented by Human Rights Watch.¹³²

Recommendations

To the Government and Armed Forces of Indonesia

1. Immediately revoke Presidential decree No. 43/2003, which places unnecessary restrictions on access for the United Nations, international agencies, nongovernmental organizations (NGOs), journalists and foreigners in Aceh. Human rights organizations and journalists should have unfettered access to the province.
2. Respect press freedom and allow full and independent coverage of the armed conflict. Remove immediately and unconditionally the prohibition on direct news gathering and reporting from Aceh by the Indonesian and foreign media.
3. Permit humanitarian agencies to deliver aid directly to populations in need, instead of requiring that agencies send aid through official Indonesian agencies.
4. Following Indonesia's welcome decision to allow the ICRC into Aceh, ensure that the ICRC has free and unfettered access to carry out its work.
5. Investigate fully allegations of violations of international human rights and humanitarian law. Discipline and/or prosecute as appropriate all officials, armed forces, and police personnel implicated in abuses, including extra-judicial executions; forced disappearances; torture and other ill-treatment; rape and sexual violence; looting; and extortion.
6. Allow Indonesia's National Commission on Human Rights to carry out investigations free from intimidation or interference by martial law authorities.
7. Take all steps necessary to ensure that Indonesian military and police forces act in full accordance with international human rights and humanitarian law. Make sure that all forces operate under rules of engagement that are consistent with international humanitarian law. Move as quickly as possible to return Aceh's administration to accountable civilian control.
8. Ensure that all commanders deployed in Aceh, at every level, have received basic training in the fundamental principles of humanitarian law, particularly the protection of civilians and non-combatants. All combatants should be trained and drilled in the proper treatment of civilians and non-combatants, including captured fighters.

¹³² See "Aceh Under Martial Law: Can These Men Be Trusted to Prosecute This War?" *A Human Rights Watch Briefing Paper*, October 2003.

9. Hold all detainees only in officially recognized places of detention. Inform all detainees immediately of the grounds of arrest and any charges against them. Provide all detainees with immediate and regular access to family members and lawyers, and allow detainees to petition for judicial review of their detention without delay. Recognize the procedural rights of all persons detained and/or accused of crimes. Inform the families of detained persons of their detention, and the reason for and location of the detention.
10. Make publicly available regularly updated figures on the number of individuals charged and arrested for security-related crimes in Aceh, with information on the nature of their alleged crimes and the places of their detention. Maintain accurate registers of the names of detainees and places of detention and make such registers readily available to detainees' family, counsel, and other legitimately interested persons.
11. End the practice of using civilians in military, paramilitary, or security related functions, including the practice of compulsory night guard duty for men and boys.
12. End the requirement of a special identification card for residents of Aceh so long as the government cannot ensure that such cards will not continue to result in abuses against the local population, including arbitrary arrests, ill-treatment and unwarranted restrictions on freedom of movement.
13. Respect international humanitarian law prohibitions on displacement of civilians providing that the displacement of the civilian population should occur only where the security of the civilians or imperative military reasons demand it. Indonesia should also adhere to the Guiding Principles on Internal Displacement ensuring adequate facilities for those displaced.
14. Immediately remove—from any role relating to the conflict in Aceh—all Indonesian military personnel who have been convicted or indicted for serious violations of human rights or humanitarian law or for whom there is evidence of such abuse. Any indicted personnel should be removed from active duty until the completion of their trial process. Contrary to current Indonesian practice, officers who are convicted of serious offenses should begin to serve their sentences immediately and be subject to administrative discharge from the armed forces.
15. Invite United Nations thematic mechanisms to visit Aceh. Priority should be given to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and representatives from the Working Group on Enforced or Involuntary Disappearances.

To the Free Aceh Movement (GAM)

1. Publicly state GAM's commitment to abide by international humanitarian law. Ensure that all forces abide by international humanitarian law. Refrain from taking actions that place civilians at special risk, such as the confiscation of identification cards.
2. Ensure that all commanders, at every level, receive basic training in the fundamental principles of humanitarian law, particularly the protection of civilians and non-combatants. All combatants should be trained and drilled in

the proper treatment of civilians and non-combatants, including captured fighters.

3. Take measures to ensure that enforceable mechanisms are put in place to hold members of their forces individually accountable for abuses, including summary executions, torture, kidnappings, and forced displacement. Release all detainees held in violation of international law, including the two journalists currently in GAM custody.

To the “Quartet” (U.S., E.U., Japan, World Bank)

1. The United States, Japan, and the European Union should jointly follow up on their November 2003 joint statement expressing “concern over the extension of the state of military emergency in Aceh” and encourage Indonesia “to carry out its activities with the minimum possible impact on the well-being of the people of Aceh and in an approach that includes humanitarian aid, restoration of civil institutions and upholding the law.” Together and individually the three should press the government of Indonesia to abide by international human rights and humanitarian law in Aceh.
2. Continue to urge Indonesia to open Aceh to international NGOs, journalists, and international agencies. Raise conditions in Aceh in all meetings with Indonesian authorities and insist upon regular diplomatic access to Aceh.
3. All aid decisions, such as World Bank lending, should incorporate dialogues on human rights violations in Aceh, as well as those concerning corruption and reform noted in the Country Assistance Strategy for Indonesia issued on December 3.¹³³

To the Malaysian Government

1. No Acehnese should be forcibly returned to Indonesia so long as their security would be at risk in Aceh. Acehnese in Malaysia should be afforded full protection and assistance.

To the Association of Southeast Asian Nations (Asean)

1. Asean and its members should exert their regional authority and call upon Indonesia to respect its international law obligations in the conflict in Aceh. This would include urging that impartial humanitarian agencies be able to provide assistance to the population, especially those displaced by the conflict. In light of the participation of Thailand and the Philippines in monitoring the Cessation of Hostilities Framework Agreement, Asean should press for involvement in an international monitoring presence in Aceh.

¹³³ After several years of reduced funding due to concerns about corruption, on December 3 the World Bank unveiled its Country Assistance Strategy for Indonesia. The plan would significantly increase loans to Indonesia, up to US\$1.4 billion per year, subject to certain conditions in governance reform. One week after martial law started the World Bank suspended a rural development project in Aceh at the request of the Indonesian Government, citing security concerns.

To states, such as the United States, United Kingdom, and Australia, providing military assistance or training to Indonesia

1. In light of concerns about serious abuses in the Indonesian campaign in Aceh, arms-supplying countries should consider a moratorium on arms transfers to Indonesia. Those states that have provided Indonesia with military assistance, including weapons, other equipment, and training, have a special responsibility to ensure that such assistance is not used to contribute to human rights violations.
2. Impose strict conditions on use of weapons or other military assistance, consistent with human rights and international humanitarian law standards.
3. Put in place effective measures to monitor and ensure accountability for any misuse of the weapons or other assistance. Indonesia has a complementary duty to keep and offer for inspection the documentation necessary to demonstrate how it has used foreign-supplied equipment, and if necessary provide other forms of access to facilitate effective end-use monitoring.
4. Any provision by the United States of military training or assistance to the Indonesian armed forces should be conditioned on clear progress in bringing to justice military and police responsible for human rights violations. Counter-terrorism training should be carefully designed not to undermine the effectiveness of existing restrictions, and must not be directed towards branches and units known to be human rights abusers, such as Kopassus or Brimob.

Appendix

For more information on the current war in Aceh please see the following series of Human Rights Watch [Aceh under Martial Law](#) reports and briefing papers.

1. [Aceh Under Martial Law: Human Rights Under Fire](#)
A Human Rights Watch Briefing Paper, June 2003
2. [Aceh Under Martial Law: Unnecessary and Dangerous Restrictions on International Humanitarian Access](#)
A Human Rights Watch Briefing Paper, September 2003
3. [Aceh Under Martial Law: Can These Men Be Trusted to Prosecute This War?](#)
A Human Rights Watch Briefing Paper, October 2003
4. [Aceh Under Martial Law: Muzzling the Messengers: Attacks and Restrictions on the Media](#)
A Human Rights Watch Report, November 2003

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