

One Year Martial Law in Aceh: May 2003 – May 2004

For further information, please contact info@eyeonaceh.org
www.aceh-eye.org

Cover by Fahmi

**Published by Eye on Aceh
May 2005**

INTRODUCTION

In the early morning of Monday, 19 May 2003, hundreds of military paratroopers were dropped in the troubled Indonesian province of Aceh; rockets were fired from the air, while planes and boats brought thousands of troops into the province.

It was the beginning of what was to be 12 months of military rule. The target of this “shock therapy” was the Free Aceh Movement (GAM), the separatist group fighting for Aceh’s right to political independence from its giant archipelagic master, Indonesia. However frightening the sight of these paratroopers dropping over villages in Aceh was, it could not be compared with what was to follow for the next twelve months: 40,000 Indonesian troops would wage war on GAM and on its civilian supporters. So began a new period in Aceh’s bloody and violent history.

This short report gives a snapshot view of one dark year in Aceh’s recent history, which has been characterised by violent unrest as a struggle for independence has wreaked havoc on life, infrastructure and the local economy. The year of darkness, when Aceh was all but closed to the outside world, began on 19 May 2003 when the Indonesian government imposed martial law in the province. The Indonesian military - known for its brutality and disregard for national and international law - was given full administrative and security control in Aceh.

The twelve month period of martial law (May 2003 – May 2004), was a time when local nationalist sentiments grew even stronger as a direct result of the increasing levels of repression and control by the Indonesian military. It was a time when, faced with no available political alternative, the local people, already traumatised from almost 30 years of violent conflict in which around 15,000 people (mostly civilians) had lost their lives, formed stronger allegiance to the armed separatist rebellion in the province. Even before martial law, the mounting repression and increasing accusations of extrajudicial killings and arbitrary arrest by agents of the central government in Jakarta were causing widespread disaffection among the people in Aceh.

But as is often the case in war, it was the civilian population that suffered most during martial law: thousands of innocent people were killed, arrested and tortured, and many simply ‘disappeared’. Hundreds of schools were destroyed, the health care system was disrupted, and in many towns and villages, the local economy almost completely collapsed.

Many restrictive policies were put in place as the authorities sought to achieve their stated aim of crushing the armed rebellion: a new compulsory red and white identity card was introduced; civil servants were tested to assess their loyalty to the state; curfews were imposed in several areas; press freedom was restricted, and villagers were forced to attend “loyalty ceremonies” in support of the unity of the Republic of Indonesia.

Accusations by local people of ongoing human rights abuses by the Indonesian military and police increased. And the military’s proxy armies, locally known as militia, began to again wreak havoc in some areas of the province. Although concrete data of such incidents has proven difficult to find, it was quite clear that in the prevailing environment of impunity and arbitrariness, incidents of human rights abuses did increase.

The implementation of martial law had effectively sealed the borders of Aceh against the prying eyes of the outside world; very little news was available. Foreign citizens were ordered to leave, and international media and humanitarian aid organisations were prohibited from entering.

The extent to which life in Aceh was a compendium of violence, brutality, fear and poverty remained largely hidden from the outside world – until, that is, 26 December 2004, when an

earthquake measuring 9 on the Richter scale and subsequent tsunamis rocked the province, causing a humanitarian disaster of such proportions that it effectively blew the door of Aceh wide open.

BACKGROUND

Located in the northwestern corner of Indonesia, Aceh is the scene of Indonesia's most bloody continuing internal conflict and poses the greatest challenge to the territorial integrity of the state. For almost three decades, GAM has led an increasingly violent struggle against rule by central government in Jakarta. The separatist movement – supported by a significant percentage of the local population – pursued an uncompromising goal of political independence for the province of 4 million people. What began as a relatively small rebellion in 1976, when Teungku Hasan di Tiro, together with several hundred supporters, established GAM and declared Aceh independent, has turned into a protracted “small war.” Initially, the conflict was fuelled by perceptions of inequality of power, and injustice in relation to the benefits from Aceh's natural resources. But later as the military, and to a lesser extent the police, turned against the civilian population with arbitrariness and brutality, feelings of anger and revenge heightened separatist sentiment.

In 1989, the Indonesian government declared Aceh a special military zone (*Daerah Operasi Militer* – DOM). The so-called DOM period was to last for 10 years, until 1998. It was a period characterised by unrestrained violence, perpetrated by a military that was rarely, if ever, required to be accountable for its actions. It was with the lifting of DOM, as news became available about the extent of human rights abuses during the previous 10 years, that anti-Indonesian feelings became more widespread.¹ In the same year (1998), the dictatorship of former President Suharto collapsed when he was forced to resign amid protests over corruption. With the end of Suharto's centralised authoritarian system, Indonesia entered a period of slow moving reform (popularly referred to as *reformasi*). As the political environment in Aceh became somewhat less repressive, student and civil society groups began to organise local discontent into an increasingly vocal civil society movement. At the same time, GAM was able to train new recruits, attracted to the movement seeking to avenge the atrocities against family or friends, and the loss of homes and livelihoods that the military and militia had looted and burned, during DOM.

In early 2000, recognising the potentially explosive situation in Aceh, then President Abdurrahman Wahid initiated the first ever dialogue between GAM and the Indonesian government. After only a few months of talks, on 12 May 2000, a Humanitarian Pause was signed by the two warring parties. Signed for an initial period of 3 months, this weak ceasefire agreement received widespread international support, from the US, EU and other foreign governments; even the UN endorsed it. The Humanitarian Pause was extended, but its gradual disintegration led to a period of increased tensions. In Aceh, implementation by both GAM and the Indonesian military was weak; around the negotiating table, there remained irreconcilable differences. Armed clashes continued, jeopardising the entire negotiating process, which was still in its infancy.

To make matters worse, the pro-peace President Wahid was ousted via an impeachment process in July 2001, and replaced by a new, more nationalistic President, Megawati Sukarnoputri. Megawati continued the embattled process of searching for a common platform with GAM that could pave the way for a peaceful solution to the increasingly violent dispute. But this process became more problematic as the military sought to exploit Megawati's nationalistic priorities, continually insisting that a military solution was the only possible way to bring peace to Aceh.

The peace process continued, and against all odds, the internationally brokered Cessation of Hostilities Agreement (CoHA) was signed in December 2002, giving hope that peace would indeed come to Aceh. Despite the presence of an international monitoring team,

increasing violations of the agreement took place, including armed clashes, attacks on the international observers, and rallies for independence. In addition, the military became increasingly impatient as the 'storing' of GAM weapons – a key component of the agreement – was continually delayed. GAM was also accused of exploiting the ceasefire to train new members and bring more weapons into the province, an accusation they vehemently denied. .

As the agreement entered its sixth month, impatience with the situation in Aceh, which was becoming worse rather than better, became more visible. In Jakarta, hard-line elements within the government and security forces reaffirmed their opposition to the CoHA. Chief of commission I of the Indonesia parliament (DPR-RI) Ibrahim Ambong said, "There is an indication that through this dialogue GAM is manipulating and shaming us. We must show GAM that we are a strong country with dignity, we are monitoring whether GAM still insists on independence. If they don't renounce this, a military operation will be the best option." (*Suara Pembaruan*, 24 April 2003) A few days later, former coordinating Minister of Politics and Security Affairs, Naval (retired) Sudomo said: "GAM cannot continue to ask for independence. If they do, we will attack them. There is no other choice apart from to launch a military operation. We should not delay any longer." (*Sinar Harapan*, 1 May 2003)

As such public statements became more common, and more militant, behind the scenes pressure on the President to allow the military to pursue a security solution grew. Acutely aware of the fate of her predecessor, the impeached President Wahid, Megawati eventually submitted to the power of the military. The government issued an ultimatum to GAM: "Renounce the push for independence or there will be no further negotiations." GAM refused; the only solution for them was full independence. So, on 18 May 2003, the Indonesian government pronounced the peace process ended and arrested five members of the GAM negotiating team. The imposition of martial law, initially for six months but then extended to one year, took effect from midnight that same day. So began Indonesia's largest military operation since the invasion of East Timor in 1975. Around 40,000 troops were deployed to the province. A cloud of fear hung over Aceh: deaths and disappearances increased, sexual assault against women become even more commonplace, the economy all but collapsed, hundreds of schools were destroyed, and clinics attacked.

A PROFILE OF MARTIAL LAW IN ACEH

In simple terms, martial law can be described as a period of high militarization and a time when the civil bureaucracy is replaced by bureaucrats in uniform. What did martial law in Aceh look like, and what happened during that year (May 2003 – May 2004) to cause such increasing disaffection?

The legal basis for martial law in Aceh was Presidential Decree No. 28 of 2003. The decree gave overall control to the President, who was assisted by a Central Military Emergency Implementation Agency made up of government ministers and several high ranking military and police officers. The day-to day command of the province was delegated to the Commander of Aceh's Iskandar Muda Military Region, assisted by the provincial governor, the chief of police and head of the judiciary. It was a military General who was chief of the martial law authority (*Penguasa Darurat Militer Daerah - PDMD*).

Military personnel replaced civilian bureaucrats in the designated "black" areas of Aceh where violence was more intense and in which the Indonesian authorities believed many GAM soldiers were hiding. The then governor of Aceh, Abdullah Puteh, deferred much of his own power to the security forces, and also appointed 13 new sub district chiefs from the ranks of the army, navy and airforce in these 'black' areas. A one week 'intensive' course in local government administration was the only 'qualification' held by these bureaucrats in

uniform. Throughout the province, the stamp of the military was highly visible, their administration distrusted by a majority of the people.

Martial law laid the foundations for what was called the “Integrated Operation” (*Operasi Terpadu*), consisting of four operational elements: security; humanitarian; law enforcement, and empowerment of local government. Emphasis was placed on the security component, which received most resources and aimed to eliminate GAM in Aceh through a strategy of both intelligence gathering and firepower. Its reach also extended beyond the borders of Aceh to Jakarta and other areas of Indonesia, where many GAM members fled and were later arrested. Second was the humanitarian element, which received most publicity as the government tried to deflect criticism that the majority of casualties of the security operation were in fact, civilian. It included providing displaced people with food and shelter, rehabilitation of the education system, transportation and other programs. The third component was “law and order;” this involved investigating and prosecuting members of GAM and their supporters, and ensuring visa restrictions on foreigners were not broken. And finally, empowerment of local government included the introduction of the new KTP, loyalty tests for civil servants, and encouraging loyalty to the state.

Six months later when martial law was extended, the scope of the “Integrated Operation” was also expanded to include an economics component. But in reality, the security element continued to be the operational priority.

Increasing militarisation

With the imposition of martial law, the creeping militarization of Aceh that had been taking place over the previous few years was complete. The new military operation aimed to separate GAM members from ordinary civilians, and to destroy or neutralise GAM. To assist in achieving these objectives, the Indonesia National Army (TNI) significant troop deployment was equipped with tanks, fighter aircraft and helicopters, and better than usual small arms and ammunition. To many observers, it seemed a disproportionate use of force to crush what the government estimated to be 5,000 separatist fighters with 2,000 weapons.

The military strengthened its presence at the village level in Aceh by establishing temporary military posts. As the military increased control over most aspects of daily life in the province, localised restriction of movement of people, goods, money and vehicles became common in some areas. (See Box 1) The martial law administration re-emphasised previous categorisations of the province into black, red, grey and white areas. Black areas were where GAM was strongest and where violent resistance to the state highest, and where GAM training camps and barracks were believed to be located in the mountains and jungles. Red areas were those with medium level resistance and where the majority of the people supported GAM, but fewer were actually armed. Grey areas were those where only occasional unrest took place, and white areas were those where loyalty to the unity of Indonesia was greatest. It was in the black areas that restrictions were toughest. Furthermore, throughout Aceh, it became compulsory for men to do night guard duty to assist in enforcing these policies. The frequency of night duty depended on the level of GAM activity in the areas and the number of men in the village. In effect, Acehnese men became reluctant defenders of the state.

Box 1: The martial law administration was given power to:

Control all means of communication, including radio and telephone; shut down public and private facilities; prohibit the distribution of goods within the territory of martial law; carry out surveillance by land, sea and air; prohibit all forms of information, including publications, public announcements and visual material; intercept and destroy private letters, as well as prohibit the transfer of money into the territory where martial law is in force; control and ban

all media publications; remove, detain or prohibit inhabitants from leaving the territory; promulgate regulations as required; order civilian inhabitants to assist in military operations; detain persons for up to twenty days without charge, whereas arrests shall be reported after 14 days, the period of detention may be extended to fifty days, if necessary.

A COSTLY WAR

As the financial cost of implementing such an extensive operation over 12 months could not be borne by the official defence budget, an “extra-ordinary budgetary allowance” was made. By the end of the 12 months, the government declared that expenditure on the integrated martial law operation had reached Rp 10.5 trillion (DPR Press Release, 20 May, 2004).

The security component of the operation received the largest financial commitment: Rp 1.7 trillion for the first six months of martial law, of which Rp 1.2 trillion was allocated to the army, and Rp 500 billion to the police. This included all operational costs in the field, such as logistics, ammunition, and mobilisation of weapons and armaments. (*Tempo*, No.13, 26 May – 1 June 2003) In addition, in June 2003, the government agreed to a request by the Minister of Defence Matori Abdul Jalil for an additional Rp 1.23 trillion, and also allocated Rp800 million more to the police (Liputan6, 24 June 2003). For the second six-month period, the budget was slightly smaller for the military, at Rp 1.5 trillion, but had increased to Rp 534 billion for the police (*Tempointeraktif*, 14 November 2003). In total, the funds used for military and police operation in one year were Rp 5.764 trillion, and the remaining of Rp 4.736 trillion funded the other components of the Integrated Operation.

Widespread allegations that 20% of the budget allocation for martial law in Aceh has been “misused” have been almost ignored by government officials. There has been no publicly available audit of the actual amount spent on the war in Aceh during the period, nor of how the funds were spent. Moreover, it appears there was not even an internal government audit, fuelling suspicions among many that the cost of the war was in fact much higher than the Rp 10.5 trillion declared and that leakage from the ‘war chest’ might have been substantial.

IMPLEMENTING MARTIAL LAW

Members of GAM enjoyed the protection of local people, enabling them to live as ordinary civilians in the towns and villages under the guise of farmers, fishermen, market traders, or even school and university teachers, doctors, nurses and government officials. Aware of the level of GAM’s integration with the villagers, the authorities made it a priority during martial law to separate GAM from the civilian population. Several policies were implemented to achieve this goal: a new red and white identity card would replace the national one which was yellow in colour; villagers were to be temporarily but forcibly removed from their homes into camps; and civil servants were given compulsory loyalty tests.

Separating GAM and civilians

Throughout Aceh, the government issued a new identity card, the *Kartu Tanda Penduduk Merah Putih*, or KTP. The new KTP, which is red and white – the colour of the Indonesian flag - is required by law. In introducing the new KTP in Aceh, the government said it was reacting to reports that GAM (many of whom had no ID cards), were forcing civilians to surrender their yellow KTPs to members of the movement so that they could move around Aceh freely. During martial law, the new-style KTP was an attempt not only to separate GAM from civilians, but to force loyalty, even if false, to the state of Indonesia.. The authorities believed that members of GAM would not go through the process of applying for a new red and white card for fear of being caught. Anyone without a new KTP was suspected of being a member of GAM, and therefore liable to arrest or worse.

The process of obtaining a new ID card was in itself designed to identify GAM members or supporters. It involved visits first to the head of the village, then to the chief of the sub-district, then to the district police chief, and finally to the sub-district military command, the process is explained as follows:

“First, I had to have a recommendation letter from the head of my village by giving him my old KTP. Next, I had to take that letter to the head of sub-district who gave me a new KTP and stamped it with his official signature; after that I went to the police to have it stamped again, and finally to the local military headquarters to have the final signature that made my KTP valid. In police and military office, most people were interrogated during this process: ‘Do any of your relatives have any relation with GAM? Is there any GAM in your village? Have you ever helped GAM? Are any of your friends members of GAM?’ We must be careful to answer in the correct way, or there would be trouble.” (*Interview, Razali, Aceh Besar, 16 August 2004*)

The new identity cards were officially free of charge, but in reality, bureaucracy is rarely free in Indonesia. Local government officials, the military and police seized the opportunity for profit by charging a “fee” to process the new KTP. Many people complained about the cost of the new cards; those who were unprepared or unable to pay were made to wait for as long as several weeks for their new ID, during which time they were vulnerable to arrest.

A second method used to distinguish GAM from the civilian population was to relocate entire villages to temporary camps. Anyone who refused such forced displacement was accused of being a member of the separatist movement. The commander of regional martial law administration (PDMD), Mayor General Endang Suwarya said: “The separation between GAM and civilians will be comprehensively conducted, in order that civilians will not be easily influenced by GAM. But this separation is abstract and cannot be measured on the percentage of successfulness; it can be seen from the raising of enthusiasm to resist GAM by local people.” (*Waspada, 23 August 2003*)

As early as one week before the imposition of martial law, when the CoHA was still in place, this strategy of corralling civilians was already in the planning phase. The National Co-ordinating Board for Disaster Management (Bakornas PBP) revealed that it expected to remove 200,000 people to such camps in 5 high priority districts in Aceh. (*Bakornas PBP, 12 May 2003*) Responding to criticism of the policy, the commander of the PDMD, General Suwarya, said the corralling of villagers into camps was aimed to avoid civilian casualties during military engagement in operations to restore security. Suwarya added that vehicles would be provided to transport the villagers to the temporary displacement centres. (*Kompas, 19 June 2004*)

The third policy was designed to test the loyalty of civil servants. The Indonesian government had become increasingly suspicious that civil servants in Aceh were not conducting themselves in the best interests of the unity of the state, and that some might in fact be using their position in local government to support the separatist campaign. All 86,680 civil servants in the province were given a loyalty test. Each person was assigned one of the following “loyalty classifications” by the Interior Department: direct involvement with GAM, for example membership of the separatist group; indirect involvement, that is being a supporter of or sympathetic to GAM; or none of the previous two and therefore deemed loyal to the unitary state of Indonesia. This screening required every civil servant to file a questionnaire prepared by the PDMD, Interior Department, National Civil Servants Bureau, and the provincial Governor. (*Kompas, 17 June 2003*)

Creating an information blackout

In the first month of martial law, the authorities imposed what was essentially an information blackout. Presidential Decree No 43/2003 created restrictions on national and international news coverage of the situation in Aceh. Introduced in June 2003, the decree, on the Control of the Activities of Foreign Citizens, Non-Governmental Organisations (NGOs) and Journalists in the Province Of Aceh, was designed to prohibit activities by journalists, NGOs, and foreigners that might compromise the military's grip on the province. Article 3 of the decree made it clear that press freedom would not be tolerated: it stipulated that foreign correspondents and local journalists working for international media must receive permission from the office of the foreign minister in Jakarta to work in Aceh. Indonesian journalists were required to apply to the martial law authorities in Aceh for permission to conduct journalistic activities in the province.

All journalistic activities in the province came under the control of the martial law authorities, whose mandate it was to censor news before publication, As is so often the case in times of war, the military intended to use the media as its propaganda machine; General Suwarya ordered: "I want all news published to contain the spirit of nationalism, put the interests of the unitary state of Indonesia first, and do not give voice to the news from GAM." (www.lin.go.id, 21 May 2003) News that was incompatible with the implementation of martial law and statements or news that supported GAM or those who opposed martial law were also prohibited. A policy of embedding journalists with the military was imposed, with all journalists who joined the scheme obliged to complete a survival training course given by the military in Sangga Buana, Karawang, West Java. And when in Aceh, where they went, who they spoke with, and what they wrote was all controlled by the military.

Restrictions on humanitarian assistance

The government itself predicted that martial law would create a humanitarian crisis in some areas of Aceh. People would flee from their homes in fear as houses, schools and workplaces were destroyed or damaged; clinics would be abandoned. The war would exact a heavy toll not only on life, but on property and infrastructure. In anticipation of this crisis, the integrated operation included a humanitarian component. But in a somewhat contradictory move, Presidential Decree No. 43/2003 also ensured that access to the province by humanitarian workers and others was blocked, thus preventing the distribution of humanitarian assistance to a civilian population that was quite clearly suffering the ravages of war.

At the same time that this decree was implemented, the humanitarian situation in Aceh was worsening. Increasingly vocal pleas that organisations be allowed to distribute medical, food and other necessary assistance resulted in a special visa system for Aceh, implemented on 30 June 2003, to allow some humanitarian assistance into the province. A "blue book" had to be obtained in Jakarta prior to travel to Aceh.² But in reality, most applications for the blue book were rejected.

The military's unconventional role

The restrictive policies mentioned above were implemented by an authority, the Indonesian military, with a predisposition towards excessive violence. The military's power under martial law seemed to know no bounds. Their mandate was as wide as it was deep: their administrative presence was felt in every sub-district and village, and in every aspect of economic, social and political life in Aceh.

Civil-military relations in the province took a turn for the worse as the military's newly acquired powers were exercised with enthusiasm and unnecessary heavy-handedness. Furthermore, the boundaries between powers given to the military under the martial law decree and "extra-legal" activities undertaken in the name of the state became increasingly

porous. Growing resentment and anger were exacerbated by the security forces' engagement in other activities that lay outside their mandate to "crush" GAM. Such activities brought even more suffering to the local people.

Profit before peace

"Undermanned, under-equipped and under-trained" is how second-time defence minister Juwono Sudharsono described the Indonesian military during his previous period as defence minister. Under-funded by successive governments, the military and police have been allowed to pursue profit throughout Indonesia via a network of business interests spanning the entire spectrum of the country's economy. Military business in Indonesia is justified in terms of subsidising the inadequate defence and police budget. But in reality, little profit from the military's business complex, which includes large, small and medium enterprises, actually contributes to the services' operational and running costs. Moreover, the military and police as institutions and many of their members as individuals are involved not only in the informal economy, but in clearly illegal activities such as gun running gambling and prostitution rackets. In Aceh, such illegal activities include illegal logging, the local drugs economy, providing "additional" security for large companies (including the American oil giant Exxon Mobil), selling petrol), illegal tolls and fees, and many other activities. Aceh is a land rich in natural resources; making it one of the most lucrative postings for military and police personnel.

Some policies imposed under martial law gave the security forces new opportunity for profit, such as the introduction of the new KTP. A school teacher from the Pidie area explained the procedure:

"Of course, everyone must pay to get this new ID card. Depending on a person's circumstances, they might have to pay more. For example, if one of our family is suspected of being a member of GAM, then our KTP will be more expensive. The military in the village of Delima, Pidie, accused my friend of helping GAM because his brother is member of GAM. They told him he would have to pay Rp.1 million for his new KTP. No money – no KTP. That's how it is. My friend was afraid, so he paid."
(*Interview, Jakarta, 20 July 2004*)

It is common practice in Aceh to buy one's way out of situations of arrest and interrogation. During martial law, many more people were detained for questioning, thus providing a new, and very lucrative, cash cow for the military:

"I am a chief of a village in Indrapuri subdistrict in Aceh Besar. On 27 June 2003, my secretary and I were summoned by the local TNI. They told me one of the members of my village was GAM, and asked why I did not report him as GAM to the authorities. They beat me and my secretary, and then allowed us to leave. They told us to return three days later to pay some money, or they would kill us. I was told to pay Rp 25 million and my village secretary had to pay Rp 6 million. Of course, I did not have that money, so I sold my cows for Rp 6 million, and my village board allowed me to use some of the fund that was given by the government for village development aid (BANDES) to pay the military. I borrowed the remainder from relatives. Can you image how I feel? The Indonesian security forces robbed me and my family of all our money."
(*Interview, Indrapuri, 11 July 2004*)

Many other illegal "business" opportunities were available for the troops who were deployed in Aceh; those who broke curfews were "fined," road tolls were payable, payments were demanded to retrieve dead bodies or those held for interrogation, and food, cigarettes and even petrol were often demanded free of charge from beleaguered businesses. There was almost no limit to the list of profit-making opportunities.

Militia

In keeping with common practice in other conflict areas in Indonesia, the security forces in Aceh mobilised groups of civilians to assist in dealing with the armed insurgency. Human rights groups and local people have long protested the presence of these groups, commonly referred to by the authorities as 'neighbourhood watch' schemes.

The phenomenon of these groups in Aceh, known locally as 'militia', is not specific to the martial law period, but their presence did become more visible during that time.³ The military's involvement in training and arming these vigilantes in Aceh has long been suspected. Eyewitness accounts of many of the 'incidents' that have taken place over the years tell of groups of heavily armed men causing mayhem and murdering civilians. Many of the weapons carried by these unidentifiable groups were marked as military issue.

Military spokesman Major General Sjafrie Sjamsoeddin finally admitted that members of the anti-separatist movements recruited from villages in the province had indeed been given basic training by soldiers. (*The Jakarta Post*, 21 May 2004) Furthermore, it has been alleged that "some members of Aceh's government administration and local businesspeople are also known to be involved [in militia groups], giving financial support for training, weapons, and logistics such food and housing." (*See Fear in the Shadows: Militia in Aceh, Eye on Aceh, July 2004*)

The military used these groups to assist in hunting for GAM in the jungle, and to conduct sweeping operations to nearby villages, resulting in even more chaos and fear for the local people as previous friends and neighbours turned *cu'ak* (informer), or joined the militia, thus becoming the "enemy within."

Most people involved with militia groups say they were forced to join.⁴ Very few dared to refuse a 'request' to join the militia: "If I refuse to join the militia, the military will say I am a member of GAM. Then I will be tortured, my family might also suffer, and we would have to leave the village like so many of our neighbours in the past. To keep my family safe, I betrayed my neighbours – I joined the militia." (*Interview, July, 11 August 2003*)

Some civil servants were also reportedly forced to undergo military training. A government civil servant in West Aceh reported: "About 500 civil servants have been given military training, introduced to assault rifles such as M-16, AK-47, SS-1, and taught how to shoot." (*Tempo, 1 February 2004*) The military in Aceh were building an army of reluctant 'home guards.' A local coffee shop owner in Bireun explained the result: "At least we can identify the military and the threat we face from them, but now we also face another threat; it is of murder and terror from an unknown enemy." (*Interview, Matang, Bireun, 19 October 2003*)

CIVILIANS AT RISK

Paying the price of martial law

The monopoly of power and violence held by the security forces and their proxy armies exacted a heavy toll on the people of Aceh. Dissent was not tolerated; political activists and human rights defenders were silenced; arbitrary arrests, torture, extrajudicial killings and disappearances became even more commonplace. The civilian population was subject to increasing social and economic marginalisation. Aceh was a province where freedom of movement, expression and association was not tolerated in any measure, and where, according to the security forces, every person was a potential "enemy of the state."

Military data on casualties during martial law report that 579 civilians were killed and 298 were injured, 123 of these "seriously." (*Operation Information Team of Central Information of Indonesian National Army – Puspen TNI, 16 September 2004*) But many suspected the figures were in fact much higher. A local NGO, Kontras Aceh, reported that 744 civilians were killed during the 12 months and 244 illegally arrested. Attacks against women

increased: more than 100 women alleged that they were raped by the military or police, and many more suffered other forms of sexual assault. Women suspected of being members of the female wing of GAM, the Inong Balee, report that they were forced to expose their breasts to allow the military and police to check for the crescent moon said to be tattooed on the breast of female members.

The military itself was not without casualties as they pursued their military campaign: 419 military soldiers were killed and 289 were injured, and 24 TNI weapons were lost. (*Puspen TNI, 16 September 2004*)

The Indonesian security forces were determined to crush not only members of GAM, but also their families and supporters. As martial law progressed, members of GAM families - including women and children - were increasingly the focus of intimidation, harassment and even worse. In many areas across the province, houses belonging to those who were believed to be supporters of GAM were often marked with a red X. Once a house was marked in this way, friends and other family members no longer visited, fearing trouble from the military and police if they were seen with someone suspected of being a "friend" of GAM. A villager whose house and family business were marked with an X said his business was close to collapse: "Many of my customers shop elsewhere now; they are afraid to come here. That X marked the beginning of the end of my business." (*Interview, Lhokseumawe, 4 February, 2004*)

The suffering of the civilian population during martial law is found not only in the numbers dead, tortured, raped and arbitrarily arrested, but in the tens of thousands of displaced people who fled or were chased from their homes; whose houses or villages were damaged or burned to the ground; who lived in overcrowded, unsanitary and unhealthy conditions; whose sick (including elderly and children) could not get medical care, either because they were too afraid to make the journey to the local doctor, or because the clinic had been destroyed or those who worked there killed or arrested. Moreover, tens of thousands of people lived in grinding poverty, trying to eke out a meagre living in an economy destroyed by war. For several years before martial law, a humanitarian crisis had been simmering just beneath the surface of Aceh's broken society. The human cost of the implementation of martial law was simply an extension of the situation that prevailed at that time, and had a devastating impact on Aceh's fragile economic and social infrastructure.

Displaced peoples

The people of Aceh were on the move: women and children, sometimes with brothers, fathers, or husbands; sometimes alone. In the first two weeks of martial law, government data showed 25,000 internally displaced people (IDPs), many women and children, living in camps in nine areas of Aceh. (*Analisa Daily, 4 June 2003*) One year later, an estimated 125,000 people had fled their homes because of the fighting, or had been relocated (displaced) by the policy of emptying villages to search for GAM. (*Jesuit Refugee Services, 17 April 2004*) Many fled because the authorities suspected them of having links with GAM. Reports from some areas tell of wives and children, elderly and sick relatives of GAM being forced to leave their villages by the military and police; most had nowhere else to go.

Many of these IDPs returned to find their houses ransacked and burned, allegedly by military-backed militia who sometimes enlisted the help of local people. "Yes, I am ashamed to admit that I did burn my neighbour's house," said one man. "But if I refused, the military and militia would accuse me of being too close to GAM, and that would bring trouble on my family." (*Interview, Lhokseumawe, 29 July, 2004*)

Military intelligence in Aceh relies on information from *cu'ak* (informers). Anyone, at any time, could be accused of being GAM, which might result in interrogation, arrest, torture or death; people became distrustful of friends and neighbours, as illustrated by this example:

“That night, the troops of TNI came to our house, they said a neighbour told them that my brother was a member of GAM, and arrested him. I pleaded with them not to take my brother away, that he was not a member of GAM. But they didn’t listen. My whole family was so depressed, but we could do nothing. One day later, his body was found tied to a palm tree, his mouth was tied shut, and his throat had been cut. His body showed evidence of torture. He was not GAM, he worked at the local palm oil plantation – that’s all.” (*Interview, North Aceh, 17 June 2003*)

The military forced thousand of villagers to move from their homes and into camps as part of the search for GAM; guarantees were given that property and livestock would be protected, and that when people returned home, everything would be as they left it. Such promises proved empty: people returned to find homes had been looted and crops destroyed and animals were missing. One villager told of his experience:

“In July members of TNI came to the village and told everyone we had to leave to go to a camp not far from here. In the second week of September we were allowed home. But when I got to my house, everything had been taken. All that was left were some clothes and cooking pans. Everything else, my TV, my glass cabinet, spring bed, and some special family things and jewelry had all been taken. My neighbours all found the same. We tried to complain but the police and military told us that gangs of thieves were roaming and that the military was too busy chasing GAM to worry about anything else. Now I have almost nothing, but I thank god my family is safe and that my house is not burned.” (*Interview, Bireun, 10 November 2003*)

The camps suffered from a general shortage of food, drinking water and basic health care; substandard tents often left people exposed to wind, rain and the heat. A media report from the first weeks of martial law tell of the situation in one such camp “The IDPs are not only facing fear and insecurity, they also face skin, respiratory and other health problems. So far, the government has not yet delivered food, they can only rely on food that they carried when they were displaced. Inadequate clean water has caused an epidemic of diarrhea.” (*Liputan 6 SCTV, 27 May 2003*) In a weak gesture at alleviating some of the suffering of these people, the government promised to provide food, medical treatment and basic health care to the IDP camps, but in reality, living conditions continued to be severe.

The number of people displaced was certainly much higher than the estimated 125,000; many IDPs, afraid of being more vulnerable to arrest or worse in camps, simply lived with relatives or friends, or fled to the jungle and the mountains where they lived in makeshift camps. Some even went to Jakarta or elsewhere in Indonesia, and many to fled to neighbouring Malaysia.

Targeting Women

As is common in areas of conflict, women in Aceh have been viewed as “soft targets,” and used as a tool of war. Women have not escaped unlawful killing, torture of arbitrary arrest. There is a long history in the province of rape and violent sexual assault against women by the security forces. Many men, afraid of being targeted by the military and militia, have fled from the villages, leaving the women more vulnerable to intimidation and harassment. In some villages, a majority of households are now headed by women who have become the family and community protector and provider. There are also a disproportionately high number of women and children in many of the IDP camps. Many of the men never return, leaving the women alone and in a state of perpetual uncertainty, more vulnerable and usually more impoverished as they struggle to fulfill multiple roles.

During martial law, physical attacks against women increased. It was not uncommon for women to be interrogated and beaten in an attempt to extract information about male

relatives suspected of being GAM; children often witnessed the arrest, interrogation and even rape of their female relatives. A local journalist tells how the frequency of harassment of GAM family members has increased:

“Since the beginning of martial law, I have noticed an increase in targeting of female relatives of GAM. There was a typical case in late September 2003, involving the wives of several GAM members. Erlinawati Zainun, the wife of GAM commander in Greater Aceh, disappeared with her three children aged six, three, and one years old. At the same time, the sister-in-law of another of GAM commander, Apriyani, 25, and her children (Surya, 5, and Diana, 2) were also taken. Only one week later, another wife of GAM, Fithri Wahab, was taken by the military for interrogation together with her two year-old child. They were all later released, unharmed but traumatised from their ordeal.” (*Interview, Banda Aceh, 23 December 2004*)

Women thought to be related to members or sympathisers of GAM have been shown no mercy by the security forces. This story is told by Mariani’s relative:

“In December 2003, 12 marine troops stationed at a temporary post at the local elementary school at the village of Cot Setui Beuregang in North Aceh conducted a night patrol. They went to the neighbouring village of Meule where they approached a house belonging to Mariani. The troops asked her to open the door as they wanted to search for weapons and a GAM flag. The troops asked Mariani whether her husband - who was not at home at that time - was a member of GAM. She said no, but the troops did not believe her. They interrogated her for several minutes. Finally, the commander raped her in front of her 14 year old daughter and her baby (8 months).” (*Interview, Kuala Lumpur, 15 September 2004*)

But it was not only those thought to be relatives of GAM who suffered, as explained by a local lawyer:

“A woman whose name I cannot reveal to you was moved from one military post to another. At each post she was interrogated and tortured. She returned to her village after almost two months to find her house had been burned; neighbours told her the military were responsible. Her mother had moved to another village. Convinced that she was already dead, her mother and other family members had already commemorated the traditional ceremony to mark 40 days since a person’s death.” (*Interview, Banda Aceh, 18 August, 2004*)

One month after the beginning of martial law (June 2003), four women alleged they were raped by the military in a village in North Aceh. The case received widespread publicity, and even shamed the military into an apology. PDMD’s commander Major General Endang Suwarya said: “To the victims and their families, I personally and on behalf of the institution apologise for the conduct of the soldiers of the Indonesian military.” (*Antara, 1 July 2003*)

On 19 July 2003, a military court found three soldiers guilty of raping the four women in North Aceh and sentenced them to 2.6 to 3.6 years imprisonment. Similar other cases also resulted in short sentences for the military officers involved. Despite isolated cases being taken to court, incidents of violence against women continue to be reported.

In response to increasingly vocal and public accusations of misconduct by security forces during martial law, the commander in chief of the TNI, General Endriartono Sutarto, admitted that some ‘rogue’ elements of the military did indeed behave outside their legal mandate. In a rare attempt at transparency, military headquarters issued a statement admitting that 511 cases of criminal acts by military members during martial law in Aceh

had been investigated, 429 cases have been processed and 82 cases have been brought to trial. Of those taken to trial, 57 members of the TNI have been sentenced to between three months and three years in prison; three members of TNI were dismissed from the military. (*Puspren TNI, 5 May 2004*)

A 'BROKEN' PROVINCE

The local economy in ruins

The local economy in Aceh, already broken by many years of conflict, was devastated even further during martial law. The cost of basic commodities increased as local production halted in many parts of the province: the grassroots economy collapsed as farmers and fishermen were too afraid to go to work, and local market places closed. To make matters worse, the flow of goods from neighbouring North Sumatra was disrupted.

According to the latest government census of 2003, the number of people living below the poverty line in Aceh was 1,601,000, or 39.7% of the population (Aceh Statistic Bureau, BPS Aceh, October 2003). After one year of martial law, the Aceh office of the National Family Planning Bureau, (Badan Koordinasi Keluarga Berencana Nasional, BKKBN) reported that 53.53% of families in Aceh were living below the poverty line. (*Serambi Indonesia, 30 September 2004*)

Food Insecurity

Out of a workforce of 2,254,155 in Aceh, 48% of these rely on a local farming and fishing industry that is not yet fully commercialized. An estimated 60,000 traditional fishermen use small boats to maintain a subsistence livelihood. Working in remote areas, the farming and fishing communities in Aceh have been especially vulnerable to intimidation, kidnapping, or worse. Looting of their produce by the security forces – and some have also alleged, by GAM – is not uncommon. In many rural areas, villagers are afraid to work in their farms for fear of being caught up in armed contact between the military and GAM, or of being accused as a member or supporter of the movement. A villager in the Pidie area explained the situation:

“When martial law began, I left my farm because I was afraid to get stuck in the battle between TNI and GAM. I grow cocoa, chili and soya. These crops are now ready to be harvested, but I am afraid to go to my farm as military often conduct sweeps of that area. I heard that some other farmers were beaten because they were accused of being members of GAM. So now I have to work at something else in order to provide food for my family. I worked to build my farm for the past three years, but now I cannot do anything with it.” (*Interview, Trienggadeng, 25 September 2003*)

During the decades of conflict in Aceh, hundreds of farmers have been killed as they tended their crops. Many of the killings take place on farms in remote areas; bodies are often found some time later bearing marks of torture and terrible injuries:

“My father is too old to tend the farm but he came with my brother and me that day. We had not been to the fields for more than two weeks, so we had too much work to do. My father said he would come to help ‘in spirit’ only, but in fact when we arrived at the fields he suddenly became like a young man again. After several hours working in the fields, a military truck arrived, six soldiers got out and said they had come for my brother, who they said had been giving food to GAM. I know it wasn’t true as my family had very little food; we had none to give away. My father and I protested, but they led my brother away. It was then that my father went after the military to plead for my brother. When his pleas did nothing, he kicked one of the soldiers. The soldier let my brother’s arm drop, raised his gun and shot my father in the face. I feel guilty – I should have gone to defend my brother and my father would still be alive. I feel angry that they shot my

father for nothing. And I feel despair that I have not seen my brother since; perhaps he is dead too.' (Interview, Kuala Lumpur, 14 August 2003)

In many areas fishermen were prevented from working. In East Aceh, a fisherman explained:

"We are banned from going to the sea at night to fish, so we have to go during the day from morning to afternoon. If we do not go back by afternoon, the troops will 'search' us and cause trouble for our families. We don't want to take the risk of our wives and children being intimidated or worse, so better we don't go to sea. And in the daytime, there are not so many fish to be caught. We also have to report to the military posts before we go fishing, to sign their book and sometimes we are asked to leave our identity card in the post. When we return from the sea, we must pay to get our ID cards back." (Interview, Aceh Tamiang, 27 September 2003)

Farmers were subject to similar harassment; those who did continue to work in the fields were often forced to sell their produce at below market value to middlemen appointed by the military. The reason given was to prevent food supplies reaching GAM or their families, but in reality, this localised policy only served to provide cheap food to the security forces and their proxies.

"In my area of Simpang Kramat in North Aceh, the local military has banned the villagers from going to their farms, which are mostly in mountain areas. The military suspected the farmers were supplying food to GAM; so they stopped them farming." (Interview, Simpang Keramat, 23 July 2003)

In the first few weeks of martial law, supplies of food and fuel were brought from North Sumatra by road. But distribution was disrupted when trucks stopped plying the main Medan-to-Banda Aceh route due to the threat of attack by unknown parties. And many truck drivers feared getting caught up in an armed clash between TNI and GAM. In addition, there were many more checkpoints on the roads as the military searched for members of GAM and for weapons. Illegal tolls had to be paid to the security forces on the main roads in Aceh, as much as Rp 1 million to 1.5 million per journey, which was then added to the price of the goods (*Suara Pembaruan*, 1 August, 2003).

Infrastructure

During one year of martial law, schools, health care facilities, local government buildings, public transport and other social and financial infrastructure, already damaged by so many years of war, came to a complete standstill in some areas.

Education

The education system suffered a devastating blow; in the first month of martial law, 505 schools were burned, most of them completely destroyed. (Kontras Aceh, monthly report, June 2003) By the end of martial law, 611 schools had been attacked, and equipment and text books for tens of thousands of students destroyed.

As with many incidents in Aceh, it is unclear who burned the schools; both GAM and the Indonesian military blamed each other for the arson. The consequences of such destruction on the education system was severe: the Bureau of Justice and Human Rights in Aceh reported that after one year martial law, 54,000 children had dropped out of school because of conflict-related conditions, such as the destruction of physical infrastructure, death of teachers and other staff, and many children and teachers simply did not want to take the journey to school for fear of attack. Moreover, many children, displaced to military-run camps, were not given education as previously promised by the authorities.

After only one month of martial law (June 2003), the government had already announced that a programme of rebuilding the schools was underway. However, a survey conducted by the local anti-corruption group SORAK (People's Solidarity Movement Against Corruption) reported that no reconstruction of school buildings had taken place. (*The Age*, 21 November 2003)

Health care

Despite the fact that the ratio of doctors and nurses in Aceh before martial law was higher than the national average, implementation of primary health care such as child immunization and antenatal care was poor.⁵ While in the major towns of Aceh the health care system remained relatively unaffected by martial law, the already poor access to health care in the remote areas, and at the sub district and village level was affected by security concerns on the part of both staff and patients who were too afraid to travel to the health centres.

To compensate for this, and in preparation for the expected surge in displaced peoples during martial law, the Indonesian Health Ministry announced it would send 740 additional doctors and 5,000 nurses to the province. (*Antara*, 23 May 2003) To facilitate this, Rp 28 billion was allocated by central government to several hospitals in Aceh to provide health care to IDPs. (*Media Indonesia*, 28 May 2003)

Housing

Hundreds of houses were also destroyed by arsonists during martial law. Eyewitnesses report that it was common for the military to burn houses as they conducted search operations for GAM. A villager told Kontras: "On 17 January 2004, the Brimob conducted a sweep in a village in Pidie. They were looking for a member of GAM and went to his house. He was not there, but they burned his house and 24 others in the same village." (*Kontras data, January–June 2004*) The burnings also reportedly happened after the military and GAM had been engaged in armed contact, with the military coming to villages to seek revenge for losses incurred.

Shops, markets, and other business were all targeted by the TNI and "unknown" protagonists. The situation in Aceh spiraled out of control, with burnings, lootings, killings and abductions a daily occurrence in many places.

The supply of electricity – often sporadic – was cut in some places as pylons and power lines were sabotaged by unknown groups. Outside the main town of Banda Aceh, telephone services were also intermittent, exacerbating the isolation of these areas.

Who was responsible for such destruction of the social and economic fabric of Aceh's society? With both the Indonesian military and GAM blaming each other, it was often difficult to ascertain with certainty who was perpetrating such acts. Eyewitness accounts given by local people indicate that the Indonesian military, the paramilitary police brigade (Brimob), and militia proxies were responsible for most of the destruction.

Acehnese Civil Society under Fire

Even before martial law, lack of freedom of expression and association was a fact of everyday life in Aceh. Those who dared to criticise the president or the government had always been treated harshly: many were imprisoned, others simply disappeared, and many corpses were found, sometimes bearing the marks of torture. In the first few days of martial law, a warning was issued by Major General Endang Suwarya: members of any NGO thought to be supporting separatist activities would be arrested.⁶

Since martial law was imposed, several local NGOs and civil society organizations have been listed as illegal, and their members threatened with arrest. Many organizations have

ceased operating, key individuals have gone into hiding or fled overseas or to other provinces. Organizations that wanted to continue operating were obliged to work under, and report to, the military administration.

The director of a local humanitarian organisation working in IDPs camp in Aceh said:

“During the first month of martial law, all of our staff were summoned by the military and told we must submit regular reports. They also insisted that we submit all our financial statements to the military authorities together with a list of our activities. The military checked our organisation’s accounts and a list of our activities. We told them we would not report regularly; so they blocked our future activities. Not only that, two of our field staff are in prison and have been tortured by the military. General Suwarya accused them of being members of GAM.” (*Interview, Banda Aceh, 25 February 2004*)

The social mechanisms that are so important to the functioning of Acehnese society also came under attack during martial law. It was no coincidence that the role of community and religious leaders was targeted for disruption. In Aceh, religious leaders and community elders are the bedrock of society; figures of strength, relied upon to help solve everything from family matters to village level disputes and problems, while also representing their constituents at the district and provincial level government. However, during martial law, these leaders also came under attack from the authorities; fulfilling their role as advisor and representative often brought accusations of supporting GAM, thus placing them in personal danger. At the same time, these community leaders were also often accused and intimidated by GAM for their role in trying to build good relations between local communities and the military administration, and to assist their community in navigating local military bureaucracy. As their task became more arduous, and more dangerous during martial law, many village chiefs resigned. In June 2003, 76 village chiefs in Bireun simultaneously resigned from their positions, citing intimidation by both GAM and Indonesia’s security forces as the reason. (*Suara Pembaruan, 10 June 2003*)

Interviewed by the media, one of the village chiefs explained: “We do not want to be village chiefs any longer, much better to be a normal citizen rather than become the target of anger from the warring parties. The Indonesian troops ordered us to raise the Indonesian flag everyday in front of the houses, to do night vigils and to mobilise villagers to express their loyalty to the unity of the state of Indonesia. At the same time, GAM also targeted us if we did that. We are also afraid of GAM, but we were accused of being GAM sympathisers and beaten by the Indonesian security forces. Whatever happens in the village, the village chief is always the target.” (*Suara Pembaruan, 10 June 2003*)

Aceh’s justice system

Aceh’s weak and corrupt judicial system and its ill-treatment of suspects has long come under attack from lawyers and others concerned with human rights and the right to a free and fair trial. Since the late 1990s, the court system in Aceh has been seriously compromised by the conflict, which has seen prosecutors’ offices and courts attacked and judges, lawyers and public prosecutors threatened, kidnapped, and murdered. The ravages of conflict, institutional failure and the free-for-all corruption at all levels of Aceh’s judiciary, has over many years systematically undermined the credibility and ensured the near-collapse of the legal system in the province. This extra-legal legal system was used by the martial law authorities to imprison those suspected of being GAM members or sympathisers.

In pursuit of law enforcement (one of the components of the martial law integrated operation), the authorities arrested thousands of largely innocent civilians in Aceh. Arrests were often made on the basis of vague suspicion, rumour and information from *cu’ak* (informers). One of the first suspected GAM members to be arrested during martial law was

Cut Nur Asyikin, a prominent women's rights activist and founder of Srikandi Aceh women's organization. Arrested on 20 May 2003, Cut Nur's treatment was typical: under martial law regulations she was denied the right to be accompanied by lawyers, and even her family found access difficult and often had to pay for such "privilege." Initially charged with terrorism, the charges against her were finally reduced to sedition, and she was sentenced to 11 years in prison.

As the police stations, military posts and prisons in Aceh proved unable to cope with the increasing numbers of prisoners, a system of 'fast-track' trials became common, in which lack of evidence posed no obstacle to public prosecutors and judges. Detainees were charged and put on trial, often without legal representation; almost all were convicted. Many remained in prison serving long sentences. In the twelve months of martial law, 2,115 people were placed under police and prosecutor investigation, 1,307 of whom were charged with insulting the government. (*DPR press release, 20 May 2004*)

The increase in numbers being detained in Aceh posed a problem for police stations and prisons in the province, which did not have the capacity to hold so many prisoners. For example, the prison in Banda Aceh held 117 prisoners in September 2002, but one year later (after four months martial law) that number had grown to more than 1,000. Various sources paint a picture of conditions that were grim: insufficient food and water, prisoners sleeping on the floor in mosquito-infested and overcrowded cells, and torture and beatings during interrogation. Many prisoners report, and witnesses confirm, that intimidation and harassment was all part of everyday life for most. Female prisoners suffered additional abuses, as they were often sexually harassed and assaulted. Detainees were often held incommunicado; even family and lawyers were often not given access. The following account came in a note smuggled out of the Polres (police station) in Banda Aceh:

"I am in a cell with 23 other inmates. I face four charges, including treason. I could spend the rest of my life in jail. In Indonesia, one is never 'innocent until proven guilty.' I have been badly tortured by the police who want information from me. A senior intelligence commander, Captain Darmawan, together with his assistant Sgt Safrizal, beat me with a rattan can on 18 July 2003. I have difficulty moving, and my back and my hands are badly bruised and painful. I will appear before a court driven by nothing more than politics and paranoia. I am afraid. There is no rule of law here." (Interview, Banda Aceh, July 2003)

This prisoner was sentenced to several years in prison; his appeal was rejected and his sentence was increased.⁷

Lawyers, family members and visitors confirm this bleak and miserable account of the existence for those detained in Aceh. And information from those already released paints a picture of systematic abuse and brutality, forced confessions, fabricated evidence, and a judicial economy in which evidence, prosecutions and procedures are bought and sold to the highest bidder. A local lawyer tells the story of one detainee:

"This prisoner was arrested in Indrajaya by the army on 9 June 2003 and immediately transferred to local police custody in Sigli. He was detained at the local police station for five days, during which time he was tortured as the police tried to force him to admit he was a member of GAM. He was finally formally detained and held for a further two months for interrogation without the presence of a lawyer. His case was then passed to the public prosecutor to prepare for court. The prosecutor told my client: 'If the judge asks if you would like a lawyer in courts, you should say "No, I don't need a lawyer" – do you understand? And do you understand also that if you don't do what I say, we will request a longer sentence and you will spend longer in a cell?' The prosecutor prepared the charge of treason, and the prisoner appeared in court only three times

before being sentenced to three years' imprisonment. During the trial there was no lawyer, and no witnesses were called." (*Interview, Banda Aceh, 16 August 2004*)

Lawyers report that in some cases, police forced detainees to pose for photographs in front of a GAM flag and carrying an AK-47 machine gun. These pictures were then presented in court as evidence of treason.

In January 2004, a new policy of removing prisoners sentenced to more than three years in jail in Aceh to prisons in Java began. Martial law commander General Suwarya, explained that this policy was necessary for two reasons: first, because the prisons in Aceh were full, and second, to break the link between members of GAM who were already sentenced and those who were still in the jungle. (*Detiknews, 18 January 2004*) Four of the five GAM peace negotiators sentenced to between 12 and 15 years in prison, were transferred to Java. But senior negotiator Sofyan Ibrahim Tiba, sentenced to 15 years, was not transferred due to ill health. Sofyan's daughter explained:

"We were very afraid of the consequences if Sofyan was sent to Java, because my father is getting very old, and he has kidney problems, diabetes, and other health problems. We begged the public prosecutors and the judge to allow my father to remain in Aceh where we could provide the medicine and special diet he needs. After some negotiation, we paid the head of the prison, the prosecutors, and the hospital to allow my father to stay. These payments are not legal fees, they were bribes, and cost our family and friends more than US \$1,000. That's the way things work in Aceh – we have no choice." (*Interview, Banda Aceh, 7 August 2004*)

As the number of prisoners continued to increase during martial law, with surrendering GAM members swelling numbers even further, an alternative solution was needed, and the idea of what the government called "re-education" camps was introduced. The programme at the camps usually lasted between three and five months and was essentially an exercise in promoting loyalty to the state. Taught by members of the government, the military and others, lessons on the meaning of "being Indonesian" – the "responsibilities" of the citizens to the state – and skills training for trades common in Aceh such as tailoring and farming were key components. To "test" whether the re-education programme had been successful, an oath of loyalty had to be taken before completion of the course, and travel out of Aceh within the first six months of release was not allowed. There was little room for critical thinking in these courses; they were schools of indoctrination, where beatings and intimidation were just as much part of the curriculum as singing "Indonesia Raya" (the national anthem). During martial law, 1,681 alleged members or supporters of GAM entered these centres: the last group "graduated" in July 2004, having entered just before martial law ended. Each received Rp 2 million on completion to help them start a small business.

What happened to GAM during martial law?

At the beginning of martial law, the Indonesian military assessed GAM's strength at 5,000 armed members. Despite this relatively low number, 40,000 Indonesian military and police were deployed to the province, making it the most militarised area of Indonesia.

In the face of such overwhelming military force, GAM took a strategic decision to retreat to the mountain and forest areas, adopting a defensive rather than offensive stance. But the fact that the Indonesian government felt the need to commit such vast military resources to the province was an indication of how effective GAM's guerrilla tactics had been at challenging the dominance of the state in Aceh. There is no doubt that the organisation, directed by a leadership that has been in exile in Sweden since 1979, has had quite remarkable success at maintaining strong support in Aceh. Its presence has been

sustained because of the loyalty of the Acehnese people, with whom the movement was able to shelter, and who provided food and other logistic support.

According to military data, 1,963 members of GAM were killed, 2,100 were arrested and 1,276 surrendered during martial law. In addition, 1,045 weapons (home made and commercially manufactured) were seized from GAM. (*TNI HQ press release, 5 May 2004*) But many NGOs and others in Aceh dispute these figures, claiming that many of the dead included in these figures were in fact civilians. The government announced it wanted to win the hearts and minds of the Acehnese. But in fact, the repressive security response to problems in the province only resulted in more anger and resentment toward the Indonesian government and its security forces in Aceh. Many civilians joined GAM during this time, boosting the ranks of the GAM armed faction.

The Indonesian government sought to silence GAM both by waging a military campaign, and by engaging in an intensive intelligence operation not only in Aceh, but in Jakarta and elsewhere in Indonesia. Intelligence and confessions from GAM members who had been arrested or surrendered led to the detention of some of GAM's most prominent figures. The parading of GAM members who had allegedly surrendered and given information became a regular occurrence on Indonesian TV. Such propaganda efforts were successful in portraying GAM as an organisation on the run and with a rapidly diminishing fighting and political capacity.

Fewer statements were issued from the movement's political and military hierarchy, and fewer interviews were carried, even in the international media. This is due to the fact that some of GAM's key players in Aceh were arrested and subsequently sentenced to long prison sentences. Moreover, logistics such as satellite and hand phones became more problematic; external issues such as the global war on terrorism, Iraq, Palestine and other major global events also made Aceh less "interesting" to the international community. .

UNDERSTANDING THE LACK OF NEWS ON ACEH

Not only was GAM outmanned and outgunned, it was also under-resourced in the propaganda war. Local and national media obeyed orders from the military not to carry stories that were sympathetic to or carried statements by GAM. In addition to the restrictions on foreign and local journalists detailed above, the policy of embedding journalists with the military was employed, and two media centres were established where regular media briefings were given by the military. The door to Aceh was firmly closed to independent journalism.

The experience of *Serambi*, the only Aceh based daily newspaper, is typical of the dangers faced by local journalists and other media staff. Two days before martial law began, *Serambi* published a statement by the military leader of GAM, Muzakir Manaf, who said his troops were ready to go to war against TNI and the police. That same day, General Endang Suwarya ordered *Serambi*'s senior staff and editors to a meeting.

A journalist who attended the meeting told how *Serambi* representatives were told by Suwarya that the GAM statement carried that day should be the last time *Serambi* printed the words spoken by a member of GAM. Although martial law had not yet been imposed, the General told the meeting that the military would indeed be taking control of Aceh very soon, and that his word would be law on what *Serambi*, and indeed all media in Aceh and Indonesia, could print. But the *Serambi* team explained that it was against all ethics of journalism to favour one side over another, and also that if *Serambi* was seen to favour the military in such a way, GAM would be angry and the newspaper's office might come under attack. The General responded that he would send troops to guard the *Serambi* office.

During martial law, journalists not embedded with the military were often viewed as GAM members. According to the coordinator of Indonesia's Journalists Association (PWI), Tarman Azam, three journalists were killed in Aceh during martial law and many others were beaten, kidnapped and shot at as they traveled in cars to gather information; in many cases, the perpetrators were unknown. In fact, 87 cases of violent attacks against journalists were reported. (*Suara Merdeka*, 3 January 2004) As media offices in Aceh came under increasing pressure, what little press freedom there was quickly disintegrated in the prevailing atmosphere of repression.

In a military briefing to the media, Major General Sjafrie, a Special Forces intelligence officer, said that the TNI's chief aim was not only to protect journalists but also to prevent them from visiting GAM strongholds, he said: "You are not allowed to go into GAM areas. That is the regulation. We are not going to permit reporters to enter those areas on purpose or accidentally, so don't think of doing it. Your movement in the areas must be reported to the nearest military post, and any attempt to publish GAM statements is strictly prohibited." (www.pdmd-nad.info, 21 June 2003) Authorities also banned local television stations from selling footage to foreign agencies and instructed local journalists not to share information with foreign colleagues.

On 20 May 2003, local journalists in Aceh were summoned to meet General Suwarya. The General's message was quite simple: "You either report on the red and white (Indonesian) side, or you will be identified as GAM. Our mission here is to crush GAM, after that meeting, we had no choice but to follow his orders. Let me say, most of the news you have read from Aceh during martial law was based on military propaganda. I have seen many military brutalities in the villages, but I was too scared to tell anyone, and none of the media in Indonesia would carry such stories – they were afraid." (*Interview, Muharram M. Nur, Kuala Lumpur, 13 August 2004*)

Adopting the American policy in Iraq of embedding journalists with the military, the Indonesian government even obliged those who registered to be embedded to undergo training before they were allowed to join the press pools in Aceh. A representative of the Aceh Journalists Association (AJI), said: "Initially, though some journalists had voiced alarm at the plan of 'embedded journalism,' editors who wanted to cover the war felt they had no option but to register their journalists to be part of the embedded corp. The result was that more than 50 journalists registered, but foreign media representatives were refused." (*IFJ-Asia, 6 June 2003*).

Those journalists who were not embedded found it very difficult to move around freely, and even speaking to local people was often prohibited by the military:

"I only wanted to ask the fisherman some questions, about his family's economic situation. But as soon as I began to speak to him in the local fish market, a military officer came over and asked what I was doing and what we were discussing. He demanded to see my notebook. Luckily I hadn't yet written anything that the fisherman said. When the military officer left, I couldn't ask the fisherman any more questions. He looked terrified and I didn't want to bring him any trouble." (*Interview, Banda Aceh, 15 August 2004*)

Journalists embedded with the military were often accused by GAM of unbalanced and biased reporting. In a case that received much international attention, two journalists working for the Indonesian television station RCTI, Ersu Siregar and Ferry Santoro, were kidnapped in Langsa, East Aceh together with three others in late June 2003. By early July, GAM admitted the two were being detained by the group. A GAM spokesman said: "The reason we are holding them for questioning is that the Indonesian military have been using

the press to conduct intelligence operations in Aceh.” (*Tempo*, 3 July 2003) In late December, Ersu was shot and killed during an armed clash between GAM and the Indonesian military. Following the death of Ersu, GAM came under mounting pressure to release all other civilians they were holding. In May 2004, Feri was released together with 150 other hostages, some of whom had been held by GAM for many months.

ELECTIONS UNDER MARTIAL LAW

In April 2004, legislative elections took place throughout Indonesia, and in July 2004 the country's first ever direct presidential election was held. In Aceh, the election campaigns took place in an atmosphere of repression, with many people protesting that they were forced to register to vote. In fact, the Centre for Electoral Reform (CETRO) and others monitoring the election reported that the military emergency administration prevented political parties from holding meetings on voting procedures for fear that they would teach people how to spoil their ballot papers. The martial law administration ensured control on election-day by locating polling stations near military posts. The National Election Commission (KPU), whose job it should have been to determine polling locations, was only given a list of the sites a few days before the election took place.

The military deployed 8,000 troops to “secure” the election in Aceh. (*Tempo* *interaktif*, 1 April 2004) In addition, 13,000 police officers were deployed during both the April and July 2004 elections. The chief of Aceh police, Inspector General Bahrum Syah Kaman, said that civilian groups would be used to assist the security forces in preventing GAM from “foiling” the forthcoming elections. (*Serambi Indonesia*, 31 March 2004) True to his word, as many as 55,000 civilian neighbourhood guards (Linmas) were also mobilised throughout the province to assist in securing the electoral environment.

From eyewitness accounts, it appears that in many towns and villages in Aceh, the election was neither free nor fair. There are many reports of the security forces and the Linmas “encouraging” people to vote for a particular candidate, and even “accompanying” people as they marked their ballot papers:

“I went to vote because Brimob came to my house to ‘remind’ me. I went with my husband and son, when we arrived at the building there were four military guarding it and when I went to vote, a soldier helped explain the ballot paper and watched as I voted. I can’t remember who I voted for. I was too nervous at the time and afraid of the soldier. Anyway, Indonesian law does not allow local parties, so only national parties could compete – what’s the point?” (*Interview, Beutong Ateuh, West Aceh, June 2004*)

The security forces and their militia also visited camps for displaced persons to encourage people to vote. A woman in West Aceh said: “Yes, I did vote in the election – not because I wanted to, all politicians are the same. But if I didn’t go to vote, the military and police would beat me, and perhaps beat my children too.” (*Interview, Krueng Sabee, West Aceh, 10 April 2004*)

Eventually, after one year of martial law, the security situation was downgraded to a civil emergency, until an earthquake registering 9 on the Richter scale hit Aceh on 26 December 2004. The earthquake itself was devastating, but the tsunami that followed it, rolling waves inland as far as seven kilometres in some places and as high as 20 meters, wiped out everything in its wake. The final death toll is not yet known, as the missing will not be added to the death count until one year after the event. But at present, more than 170,000 are known to have died.

CONCLUSION

Martial law was the embodiment of the pursuit of a military solution to the problems in Aceh, and can be understood largely within the context of central government politics. The then President Megawati Sukarnoputri, replete with strong nationalistic tendencies and a visible zest for power, was acutely aware of the ease with which her predecessor, Abdurahman Wahid, had been impeached. In securing her own power base, she was vulnerable to political pressure from government and military hardliners. Moreover, Megawati's ideas of nationhood made her more receptive to the argument by the more conservative elements that the ongoing conflict in Aceh required a 'final solution' if the unity of the state was to be guaranteed. In reality, years of increasing militarization in Aceh meant the building blocks for military rule were already in place in Aceh as Megawati came to power; the official implementation of martial law was an almost inevitable extension of existing practice. Megawati Sukarnoputri had been in power less than 2 years when, on 18 May 2003, she signed a decree making martial law official. The impact was instant and devastating.

In its bid to crush GAM, the central government gave the military control of all aspects of life in Aceh; civilian control was handed over to General Suwarya, the martial law administrator. Civil rights, such as they existed in Aceh prior to marital law, were suspended: membership, supporting or even holding sympathies for GAM brought death, torture or imprisonment. Lack of due process in the courts led to many people being convicted despite a lack of evidence, and those against whom evidence was presented received excessively harsh sentences; women did not escape such cruel treatment in the courts. And children, the sick and elderly were left traumatized by the brutality, cruelty and oppression they saw perpetrated against family, friends and neighbours.

The security campaign was against GAM, but it was civilians who suffered most as restrictions were placed on people's movement, where one was able to live, and in some places access to basics such as food and water was also controlled by the military. The ability to hold an ID card which gave a degree of protection against suspicion of links to GAM was at the military's whim, and the right to work was also denied to many. Control of the media, denial of rights to freedom of expression and association resulted in the breakdown of the civil society movement that had been so critical of the government in the past. The media became (even if only temporarily) a mouthpiece for the military's propaganda war.

The cost of martial law should not be counted in the numbers of those killed or disappeared, kidnapped, tortured or imprisoned, but in the systematic destruction of infrastructure and of the local economy. The military and their proxy armies have wreaked havoc in Aceh for many years, martial law was the culmination of that policy. In the end analysis, it was a disproportionate use of force against a largely civilian population – after all, the Indonesian military itself claimed that GAM's armed faction was only 5,000 members. To send 40,000 troops into the province to crush a rebellion of this size whilst at the same time stating one's aim being to win the hearts and minds of the local people was an obvious contradiction, but this is exactly what the Indonesian government did.

There is no doubt that the Indonesian military most certainly did not win the hearts and minds of the Acehnese. Was the military successful in its primary objective – to crush GAM? Indeed, GAM did suffer grave losses as a result of the military campaign, and was seriously weakened in resources; troops, weapons, medicines, food, and money was all in short supply. Morale was also dented. In the seven month period of civil emergency that followed martial law, GAM was still under attack when the earthquake of 26 December 2004 destroyed buildings, and the waves of the tsunami swept across areas of the province wiping out thousands of houses and businesses, schools and hospitals, almost 200,000 people lost their lives, tens of thousands remain missing. But it was not only the physical

landscape of Aceh that was changed that day, the political environment was also to change as a direct result of such catastrophic disaster.

In the wake of the earthquake, and with the full encouragement of the more moderate President Susilo Yudhoyono who came to power in September 2004, a new peace process was begun in which there were early indications that significant concessions were possible from both sides. Vice President Yusuf Kalla has, in the past few years, made several attempts at backroom diplomacy with the GAM leadership in Sweden. These approaches have been mostly rejected by GAM. Now, perhaps for the first time ever, a genuine political will to negotiate a cessation to hostilities exists. It appears that Susilo and others in the government, and perhaps also the military have recognized that some concessions to GAM might earn them significant gains. At the same time, the enormous loss of life in the tsunami, and the trauma felt by so many in Aceh gave GAM a face saving exit strategy from the conflict. Using the opportunity presented by such a humanitarian need, both sides have come together in Finland's capital Helsinki for a series of talks in which the issue of compensating GAM for renouncing their claim for outright independence is under discussion.

Reports in the media at the time of the first two rounds of talks in January and February 2005, quote members of the GAM negotiating team suggesting acceptance of a political solution that does not offer full independence is being considered. Such reports caused outrage and disquiet in Aceh and in Acehnese communities overseas. Many people were confused at the apparent sudden turnaround, and demanded clarification. After all, the refusal to renounce independence is exactly why martial law was imposed less than two years ago – in May 2003. In a statement dated 23 February 2005, GAM sought to alleviate such concerns: "To be clear, GAM has not given up its claim for independence for Aceh [sic]. However, it has recognised that in a spirit of cooperation in the post-tsunami period, it should make concessions. It has therefore not brought to the negotiating table the issue of independence, and this is therefore not being considered during these talks."

However, despite such outright denials, a significant possibility exists that these closed door negotiations will result in an agreement that will see Aceh remain part of Indonesia, with perhaps some form of self-government; and indeed, there are strong indications that the GAM hierarchy appear ready to accept power within the unity of the state of Indonesia. An increase in local power, reintegration and rehabilitation packages, and also amnesty for GAM combatants and supporters, and legislative changes that allow local political parties to be established in Aceh are just a few of the offers that are likely by made by the Indonesian government. A source close to the negotiations has said that 'everything is up for discussion.'

End note:

Many of those imprisoned during martial law, accused of being members or supporters of GAM, are not able to participate in the new (post-tsunami) political environment and negotiations for peace. They were swept away by the tsunami as the waves destroyed the prisons and prison cells in which they were being held, leaving hundreds of prisoners dead. These include Cut Nur Asykin and Sofyan Ibrahim Tiba, both mentioned in this report. A local lawyer quoted in this report was also lost, someone who dedicated her life to defending human rights through the courts in Aceh, also Muharam M. Nur, the Serambi journalist who was so generous with his time for our research. This report is dedicated to these friends, and to the many others who lost their lives in the tragedy of 26 December 2004, and in the violence during martial law and the preceding years. The story of Aceh is their story – far removed from the billions of dollars of aid that now pours into the province.
Salam

¹ The Care for Human Rights Foundation (FPHAM) estimates that during DOM, 1,321 people were killed, 1,985 missing, 3,439 tortured, 128 raped, and 81 sexually assaulted. Other NGO sources report many more killed, arrested and tortured, and that 600 women were raped.

² To obtain a blue book, a letter of application had to be submitted to the National Coordinating Body for the Management of Disaster and IDPs/Refugees (Bakornas) and to the Coordinating Minister of Social Welfare. If Bakornas recommend the application for approval, the Minister will send a letter to the Ministry of Justice whose responsibility it is to issue the blue books. Entry is for 14 days with the possibility of a further 14 days extension.

³ See *Fear in the Shadows: militia in Aceh*, Eye on Aceh, 2004 for description of militia trends in Aceh.

⁴ See *Fear in the Shadows: Militia in Aceh*, for a description of the different recruitment methods, including a brief description of why some civilians have joined these militia groups voluntarily.

⁵ Aceh had 2,228 puskesmas which was 3.1% of Indonesia's total to service less than 2% of the population.

⁶ The General identified two local groups: SIRA (Sentral Informasi Referendum Aceh, Aceh Referendum Information Center) and SMUR (Solidaritas Mahasiswa Untuk Rakyat, Student Solidarity for the Peoples' Movement) as being guilty of such 'crimes'. (Detikcom, May 21, 2003). SIRA was responsible for the mass pro-referendum rally of 1999 to which it claims almost 2 million people attended, and also a smaller, second rally that was targeted by the security forces. For its part, SMUR had been actively involved in organising student rallies since 1998, and also led a campaign to boycott the 1999 general election in an attempt to force the government to address the issue of establishing a human rights tribunal to deal with cases of human rights abuses during the 10 years when Aceh was a special military zone (1989-1998).

⁷ To disclose the exact length of sentence handed down to this prisoner might reveal his identity, thus endangering both him and his family.