

# CAN MILITARY OPERATION SOLVE THE ACEH'S PROBLEMS ?

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## **I. Introduction**

The establishment of the military emergency zone in the Nanggroe Aceh Darussalam province is a key phase in the resolution of the Aceh issue. A major gamble is being played by government officials, TNI, Polri, Parliament (MPR and DPR) and other state institutions, with the future of Aceh being the stake. This military emergency zone option constituted an anticlimax of an ongoing negotiation process on a track called the Cessation of Hostilities Agreement (CoHA) that later met a dead end. The climax of this dead end was the deadlock in the Joint Council talks in Tokyo on 17 May, which was later used by the Indonesian president as the basis to issue Presidential Decree No. 28 of 2003 on the Enforcement of the Military Emergency Zone in the Nanggroe Aceh Darussalam Province, effective 19 May 2003. The lack of harmonious relationship between the Indonesian (central) government and Aceh, either as a group of people or on a regional level, dates back to the declaration of independence. Traced further along, the Aceh region's relationship with the Dutch colonial central administration was also the worst compared to other regions in the entire archipelago. It was not until the early 20<sup>th</sup> century that Aceh could be said to have been "conquered" by the colonial administration.

This text tries to view the contextuality of the issues in Aceh with a historical perspective, and to perform an analysis on Aceh's current situation. The intention of this text is to view the context of Aceh's issues over an extended time span, while understanding why the Aceh problem has never been resolved. There are important milestones that call for one's attention in viewing the process by which Aceh was shaped, from an independent state to a province and a part of the Republic of Indonesia. The main focus of this analysis is to observe how the economic, political and cultural relations between Aceh and Indonesia were formed, and to observe any predictable tendencies resulting from the political policies to be made on Aceh.

The context to be observed is the political relations between Aceh and the Indonesian Government (Jakarta) which so far has yet to show any coherence and harmony. The historical background of the disharmonious political relations between Aceh and the Indonesian (central) Government, in the context of the republic administration, also with going further back to view how Aceh's relations with its neighboring regions were shaped, and to view all of this context in assessing the current developments in Aceh, especially after the CoHA signing and the Indonesian government's plans for a military emergency zone. This entire discussion will try to perceive whether the military operation (military emergency zone) can solve the Aceh issue; in this context, Aceh's centuries-old relations with the Central government structure (usually referred to as Jakarta after independence).

## **II. Aceh: The Context Before and During Colonialism**

As an important power in the Malaya archipelago, Aceh was not the cohesive nation-state as the latter is known today; nor could it be placed in a simplistic context during the Dutch reign, as a building block of post-war Indonesia. In the fourteenth century, Lhokseumawe (North Aceh) was a part of the Pasai Kingdom and a significant center of trade and Islamic education (Reid, 1969, p.1). When the Portuguese took over trade

control in the Malayan peninsula in 1511, the north-ern coast of Aceh was the largest produ-cer of pepper under Portuguese rule. The Portuguese's interventionist authority was later challenged by Aceh's Sultan Ali Mughayat Shah (1514), who declared Aceh to be an independent state and controller of the economic assets (Kathiri-tambhy-Wells, 1969, p.455).

During the first half of the 1520s, he gathered anti-Portuguese forces to drive the Portuguese away from the Northern Coast, and succeeded in conquering Pidie and Pasai permanently with public sup-port; the area was integrated into the Greater Aceh region and the people were acculturated into Acehnese. During the reign of Sultan Ala'ad-din Riayat Shah al-Kahar, the Aceh kingdom expanded its control all the way to Eastern Aceh and North Sumatera, reaching its peak during the era of Sultan Iskandar Muda (1607-1636), whose sovereignty included Paria-man (under the control of the Minang-kabau kingdom) and key ports around the Malayan Peninsula such as Pahang, Ke-dah, Perak (Hall, 1981, p.369). James Siegel believes that it was during this era that the tradition of Aceh as an Islamic state began (Siegel, 2000, p.37).

In 1641, with the Dutch taking over control of the Malayan peninsula, Aceh's political and trade grasp in the Malayan peninsula was undermined. This was due to a number of reasons, one of them being the growing resistance from such regions as Pariaman, which cooperated with the Dutch colonials, as well as resistance from some regional governors controlling trade and taxation centers on the west coast area.

In 1666-1667 the Dutch mobilized their troops to take over Malaka, ending the Sultan of Aceh's control over the region and reducing it to the areas that we see today (Reid, 1969, p.5). Since then the Sultan's sovereignty was merely a symbo-lic one, with its control limited to Banda Aceh and its port, the other areas being controlled by the *uleebalang*, who thereby gained political independence from the centralized power of the Aceh sultanate, and controlled the trade in their territory (Siegel, 2000, p.33). During the reign of Tuanku Ibrahim (1838-1870), the Aceh Sultanate tried once again to seize full control of the entire Aceh region, inclu-ding such North Sumatera areas as Lang-kat, Deli and Serdang. The antagonism between the Dutch imperial power and Aceh over the Malay peninsula prompted England to sign an agreement to hand over full control of Sumatera to the Dutch, with a guarantee that England would continue to enjoy the freedom to trade in the region. This agreement legiti-mized the Dutch to take over control of the entire Sumatera and to wage a 40-year war to control Aceh, the last area in Sumatera not under their sovereignty, as well as control over trade in the Malay peninsula.

In this war, the *uleebalang* grew more compromising towards Dutch power, placing more importance on defending their own territories. This was what drove the *ulama*<sup>1</sup> (clerics) to take over the leadership in the resistance against Dutch colonial rule, resulting in the emergence of charismatic leader Tgk. Chik di Tiro of Pidie. (Reid, 1969, p.252). From 1903, however, the *uleebalang* administration under Dutch control gained stability, and in 1913 the Dutch all but succeeded in conquering Aceh, with the *ulama* surren-dering in the guerrilla resistance (Reid, 1979, p.282). During the Dutch oppre-ssion, the *ulamas* gained a central posi-tion in the Aceh society, due to the *ulee-balang* growing dependence on

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<sup>1</sup> *Ulama* is a traditional Islamic leader

Dutch power and increasing alienation from the Aceh society, and loss of control on the trade in their own region, the *uleebalangs* were reduced to becoming landowners as a source of economic income (Siegel, 200, p.27). The *ulama*'s leadership over the society and the need to develop Islamic education in a *dayah* school (a kind of *madrasah*, a traditional Islamic school) led to the establishment of PUSA (All Aceh *Ulama* Association), the first chair-man being one of the most charismatic *ulama*, Daud Beureuh of Pidie (Reid, 1989, p.1989). It was the PUSA that had the closest resemblance and contact with the populist movement of all the characters present in Aceh, and the contact with the nationalist movement in Indonesia fuelled the concern for a national liberation (Reid, 1989, p.25-26), with the PUSA growing increasingly political as a result, as did Pemuda PUSA, the youth organization under PUSA's auspice.

### **III. Aceh: Context of the Establishment of the Indonesian Republic and the Revolution**

Many PUSA *ulama* supported the 1942 Japanese invasion, having assumed that Japan would be able to drive away the Dutch power. It turned out, however, that Japan followed the Dutch's lead by using the *uleebalangs* to control the government, and isolating the PUSA, reducing it from a political organization to a strictly religious one. Many PUSA leaders were turned into Japanese propaganda tools for Japanese war interest, and the *uleebalangs* mobilized manpower and collected harvested rice, eventually paying dearly during the social revolution for being Dutch or Japanese colonial agents.

With Japan's loss and fall in the war in 1945, Aceh joined the Indonesian struggle for independence. One of their deeds was to donate the *Seulawah* aircraft to the cause. Many youth organization members were enthusiastic about the Indonesian nationalists' ideas, and in October 1945 the senior *ulamas* showed their support by issuing a "Declaration of the *Ulamas* of Aceh" signed by four leading *ulamas* including Teungku Daud Beureuh, and declared the struggle to be a "holy war". Anthony Reid describes Daud Beureuh as "the first prominent *ulama* who strongly supported the Republic" (Reid, 1979, p.197). However, this support did not result in any new officials in the Republic's leadership in Aceh, with many political positions still being dominated by the *uleebalang* while the revolution coming from the coalition between the *ulamas* and the *madrasah*-educated youth and the national revolution was rapidly being transformed into a social revolution pitting the *ulamas* and youth against the *uleebalang*. In March 1946, a great number of *uleebalangs* were killed and slain, until the political, economic and military power in Aceh was taken over by the PUSA *ulamas* and the powers associated with them (Reid, 1979, p.210, 254).

The central administration's struggle against the Dutch and allied forces' policing left the new leadership in Aceh to be working autonomously, performing consolidations across the board. The Dutch made no attempt to regain occupation of Aceh; as a consequence, Aceh became the most vital source to support the Republic. Funding was obtained through a profit-able barter trade in the Malaka Strait with Penang and Singapore, with the entire trade activities remaining under PUSA control (Morris, 1985, p.99). Aceh's loyalty to the central administration during this revolutionary period was clearly inspired by the fact that it had a freedom to manage its own affairs with no political intervention from the capital (Morris, 1985, p.98). The difference between the revolution in Java and

the one in Aceh propelled the Aceh revolution beyond a mere national revolution (against Dutch colonialism) into a social revolution and perceiving the two as inseparable from one another. The trouble in the relationship between Aceh and the Republic administration in Jakarta (Central Administration) emerged later, just as it had during the Dutch and Japanese occupation. Apart from Indonesia's eventual founding on secularism – while the PUSA *ulamas* desired an Islamic state-based country, the central government extended its authority in Aceh by having Aceh absorbed into the North Sumatera province, another measure to remove PUSA's control over civil, military and economic administration, and generally eroding Aceh's autonomy. The outcome was the 1953 rebellion led by Tgk. Daud Beureuh, declared as a *Darul Islam* (DI) struggle. This rebellion received widespread support from the Aceh society. Failing to suppress the rebellion as a whole, the central administration then turned Aceh into a province of its own with Ali Asjmy, a former Pemuda PUSA leader, as the Governor. Two years later, Aceh was given a "special region" status, with autonomy in religious affairs, law, customs and education. This met part of the demands by the rebellion movement, putting an end to the insurgency although several leaders, such as Daud Beureuh, did not cease their fighting until 1962. In December of the same year, a conference attended by 700 Aceh leaders was held to declare the region's return to peace and harmony. (Sjamsuddin, 1985, p.6-7, 111-112).

#### **IV. Aceh: New Order Context**

The tradition of poor economic relations between Aceh and a central government (either in the context of colonialism or as a republic under Sukarno) reoccurred during the New Order era under Suharto. The New Order constructed a development narrative based on economic growth and political stability. This narrative changed the political and economic landscape in the Aceh region. The PUSA *ulama*'s leadership was starting to be replaced by secularly-educated technocrats and civil bureaucrats as the new elite in Aceh, and political stability was maintained by constructing a military territorial power in the entire Indonesia. What is more, PUSA was eventually integrated into the Indonesian *Ulamas Council* (MUI or *Majelis Ulama Indonesia*).

##### ***IV. 1. The "Development" Narrative and Its Impact on Aceh***

This New Order development narrative was brought by its agents, i.e. the technocrats who brought along their "ideas to achieve progress" in economy. The natural assets in Aceh were exploited in the context of the development narrative. Factories were built such as LNG and *Pupuk Iskandar Muda* company. LNG product, for example, reached over 40% of the total global production in the early 1990s (*Financial Times*, 22 March 1991), making Indonesia the leading LNG exporter in the world. In 1991, almost 90% of Aceh's fertilizer output was exported (*Kompas*, 6 January 1992). This economic and industrial growth eventually created a "migrant-heavy settlements" and gave rise to marked social and cultural differences between the people working in major industries with the neighborhoods around them. Control of all economic output was centered under the New Order reign, a concentration of power and authority centered in Jakarta on industrial policies, economic benefits and bureaucratic agents, and licenses for new industrial projects were significantly influenced by the Jakarta (Java)-centric slant. On the

other hand, development in Aceh enjoyed no significant progress compared to the economic benefits generated by the region.

Politically and economically, the emergence of technocrats as the new elite in Aceh dismissed the *ulamas* previously dominant role. To perpetuate this economic exploitation, the New Order appointed the military as the keeper of economic and political stability, and to cut down the authority of the local administration. Local political positions such as Governor and Regents were fully determined by the central government. The centralized power and absence of regional authority gave rise to the resistance of a section of the public who called themselves the Free Aceh Movement (*Gerakan Aceh Merdeka* or GAM) under the leadership of Hasan di Tiro in 1976. GAM's establishment and resistance were based on the historical claim that Aceh was a free state until the colonial Dutch declared war against the sovereign state of Aceh; therefore, the transfer of power over Aceh from the Dutch colonial government to the Indonesian government was an illegal process. (Refer to ANLSF, Declaration of Aceh-Sumatra Independence in *Suara Aceh-Merdeka*, 15 November 1991). In the context of politics and economy, nevertheless, the exploitation of Aceh's resources to benefit the Jakarta political elite, the loss of local authority over Aceh's politics and economy, and reduction of Aceh's (i.e. Islamic) culture into Javanese (i.e. secular) culture as a narrative constructed to compete with the New Order narrative.

The centralized power and economic exploitation (of Aceh's natural assets), the gradual loss of Aceh's Islamic culture, and the absence of local authority, constituted a particular narrative that GAM eventually built on. This particular narrative saw Aceh alienated from the "becoming Indonesia" project that had been mutually established. This narrative was later construed and grew to compete with the New Order development narrative, bringing about forms of resistance with a fundamental idea for movements to liberate itself and split from the republic, since the republic was deemed incapable of fulfilling their part of the republic founding contract. Armed conflicts were then attempted to support the particular narrative that was slowly taking up the spaces previously filled by the New Order narrative. Escalating armed activities, attacks against major corporation offices or police stations and military installations and armed contact with military personnel resulted in a tremendous counter-insurgency action from the New Order administration. In the effort to maintain the development narrative, the Suharto administration in 1989 unleashed a military operation, which grew with the establishment and application of the Military Operation Zone (DOM) in Aceh for the purpose of eradicating the GAM's separatist movement. In the nine years that DOM was implemented, thousands of civilians were killed, missing, raped and sexually harassed, or subjected to torture that left a profound trauma, as recorded by the Aceh Human Rights NGO Coalition in the following table:

Case Type	Number of Victims
Swift/Arbitrary Extrajudicial Killings	1,321
Missing Persons	1,958
Rape	128
Arson	597 homes

Source: Investigation and Inventory by the Aceh Human Rights NGO Coalition

#### IV. 2. Military Doctrine and Practices in the Counter-Insurgency Action

According to the studies by Geoffrey Robinson (1998), the military doctrine and practice implemented in Aceh was an underlying factor of the New Order's power in conducting counter-insurgency action against GAM. According to Robinson, the doctrine and practice were implemented in two areas: *first*, the institutionalization of terror as a method in facing the threat of "insecurity" against national defense; and *second*, a systematic mobilization that forced civilians to assist the counter-insurgency operation as spies (Robinson, 1998, p.140). This operation was known by the name of Red Net Operation (*Operasi Jaring Merah*).

This institutionalization of terror emerged in the form of swift extra judicial killings, torching of the homes of villagers accused to be GAM supporters, nocturnal assault/ raid from house to house, arbitrary arrest, routine torture of arrested individuals, rape on women believed to have ties to GAM, and public execution (Amnesty International, *Shock Therapy*, 1993). According to Robinson, the state's punishment in its most terrifying form was the targeted killings of certain individuals and public executions. During the first two years of the counter-insurgency operation, bodies of victims in Aceh, usually young men, were found on roadsides, near villages that served as security bases, marketplaces, plantations, and riversides – a warning against any other community members not to give their support to the rebel group (Robinson, 1998, page 141). In the Amnesty International report (1993), the mysterious killings in Aceh were part of a central government policy that included a shock therapy policy to achieve a successful defense strategy and political and defense purposes (Amnesty International, 1993, p.8).

Civilians were mobilized in this counter insurgency operation to serve as a human shield in attacks of suspected GAM bases, as spies, and also to instill courage in the community members in hunting down and killing anybody suspected to have ties to or to support GAM (Robinson, 1998, 143). Colonel Syarwan Hamid, Commander of Korem 011 at the time and commander of the military operations for Aceh, was the man behind this strategy; he had stated that "The young men are at the forefront. They can identify GPK members. We take care of the rest." (*Kompas*, 11 July 1991).

These patterns and methods are now being taken up again in the military emergency zone policy as well as in previous instances. Politically-motivated assassinations were commonplace, such as the murder of the IAIN Ar Ranniry Rector, Professor Dr. Safwan

Idris; Syah Kuala University Rector Professor Dr. Dayan Dawood, human rights activist Jaffar Siddiq Hamzah, etc., all of which was intended to build an institution of terror against the society that even found its way to the politicians and academics.

Civilian mobilization in the form of militia was also hinted at in the current military operation, as revealed in the finding of the National Commission of Human Rights' Aceh Peace Observer Ad Hoc Team, suspected to be used to divert the vertical conflict into a horizontal one. This finding was delivered by the Chairman of the Komnas HAM ad hoc Team, MM Billah (*Kompas*, 11 June 2003).

## **V. Aceh in the Post-Authoritarianism Politics: Military Operation as Commander in-Chief**

The changes that took place in Indonesia in 1998 had a widespread impact on the local political constellation. The military's predominant role in politics were brought to the limelight, and eventually reduced to a certain extent. These changes also had impact on Aceh. The DOM status was revoked, and human rights violation cases were getting revealed to the public as a part of political crime and crimes against humanity committed by the New Order administration. A new foundation for charges emerged: how justice for the victims and perpetrators of human rights violation crimes during DOM was served. Victims received an appropriate rehabilitation and reconstruction process, and perpetrators were brought to the court to account for the human rights crimes they had committed during the DOM military operations and post-DOM.

However, the government's admission of serious post-DOM violations was not followed by any legal process; it did not even change the political landscape in Aceh. The post-Soeharto administration took after the New Order regime's characteristics and behavior under the façade of local administration in Aceh, with corruption, collusion, nepotism and military presence being kept alive.

Some of the graver human rights violations actually took place after the revocation of DOM and its replacement with such military operations as Sadar Wibawa Operation, Sadar Rencong I, II, III Operations, Meunasah Operation, Pemulihan Keamanan Operation, such as the Idi Cut Incident (East Aceh), the Beutong Ateuh Tragedy (Tengku Bantaqiah), The Simpang KKA Tragedy, The KNPI Building Incident, etc. In the interconnected trial of the Beutong Ateuh case (Tengku Bantaqiah) and the KNPI Building Incident, the court ruling failed to satisfy the public's sense of justice because the verdict was too light compared to the number of casualties in the two incidents. From various investigation reports, the following can be tabulated from January 1999 to September 2002 figures:

Case Type	Number of Victims
Swift/Arbitrary Extra Judicial Killings	2,508
Missing Persons	533
Torture	2,946
Arbitrary Arrests	1,600

Data were processed from various reports, investigation results and inventory conducted by:  
Banda Aceh LBH, Aceh Kontras and Aceh Human Rights NGO Coalition

The number of victims above gave a very clear indication of the magnitude of violence that took place during the post-authoritarianism political era. The extent of this violence was a direct result of the various military operations carried out by the Habibie, Abdurrahman Wahid and later Megawati Soekarnoputri administration. In the effort to scale down the extent of armed violence, Abdurrahman Wahid had tried during his term of office to find a peaceful solution for the Aceh issue. One solution was to undertake a Humanitarian Respite agreement between TNI and GAM, but this agreement did not proceed effectively and the violence and armed conflict continued to escalate. In dealing with this situation, President Abdurrahman Wahid issued Presidential Instruction (Inpres) No. 4 of 2001, which laid down comprehensive measures in economy, politics, society, law, public order, security and information and communication (see Inpres No. 4/2001). In terms of security and order, this Inpres granted full authority and command to the Indonesian Police for the restoration of peace in Aceh. Furthermore, to accommodate for the gaps in social and economic matters and political autonomy, President Wahid issued Law No. 18/2001 on NAD Special Autonomy, later put into effect during the Megawati administration.

Nevertheless, the legal justice issue that remained unimplemented, as well as the inadequate rehabilitation and reconstruction taken up by the Indonesian government, continued to create demands and resistance from the Aceh civil society. The Aceh civil society created a new foundation for the basis of their struggle: the quest for justice for the victims of past human rights violations. This new foundation was identified as “the plight of the Acehnese”, a term that described how the Aceh people’s pride, rights and dignity had been violated. These new grounds for their demands emerged from civil society movements outside of GAM such as NGOs, students, women’s activists, local Aceh political activists, etc. They complemented the foundation that was the absence of political authority and the expropriation of Aceh's economic assets – both of which informed GAM’s narrative – and became one particular narrative whole that rose as the narrative of struggle against the grand narrative construed by the New Order and subsequent regimes.

The emerging particular narrative constructed by the people of Aceh became a more universal narrative, leading to calls for a referendum, in which the pro-referendum rallies attended by two million Acehnese became a hegemonic discourse, rivaling the discourse of autonomy construed by the post-Soeharto administration. GAM and the ever-growing public resistance movement tore apart the narrative constructed by the New Order and subsequent regimes, leading to the signing of the Cessation of Hostilities Agreement

(CoHA) on 9 December 2002, to put a stop to the escalating armed contacts between GAM and TNI, and the growing number of civilian casualties.

## **VI. CoHA: Planting the Seeds for Peace in Aceh**

The CoHA signing of 9 December 2002 breathed a new life and gave an excellent new space for the efforts to resolve the 26-year conflict between the Indonesian Government and GAM, especially the past thirteen years. It was proven that during the first two months following the CoHA agreement, the 26 years of armed contact could be ceased by either party. The people of Aceh welcomed this peace effort, as evident from the changes in Aceh's cities. This was particularly evident in Banda Aceh: prior to the peace agreement, public activities could only take place until 7-8 pm; after the signing, these could resume until 10-11 p.m. The public was no longer living in fear of armed contacts, sweeping, illegal taxation, etc. The CoHA in general had four agenda focuses: security, humanitarianism, reconstruction and civil society dialog. The security agenda included cessation of armed conflict and violence, establishment of the peace zone, demilitarization (TNI's relocation and shelving of GAM weapons) and the reformulation of the Mobilized Brigade (Brimob) in Aceh into a civilian police force. The humanitarian agenda included the distribution of humanitarian aid. The reconstruction agenda consisted of rehabilitation for victims of violence and reconstruction of destroyed public facilities (schools, hospitals, government offices, etc.). The civil society dialog agenda consisted of the formulation and undertaking of an all-inclusive dialog to create a more powerful and permanent civil space and to build a democratic social structure in Aceh.

To monitor the implementation of CoHA's contents, a Joint Security Committee or JSC was established, with members consisting of senior military officers from TNI and GAM and senior military officers from a third party appointed by both parties (Indonesian Government and GAM), with a senior high-ranking military officer from Thailand eventually being appointed as JSC chairman. The mandate for this commission was to perform supervision, investigation, reporting and dissemination of information (see Article 3 paragraph (b) in CoHA). During the first two months following the CoHA signing, the mutual trust building process between the two parties of the agreement proceeded smoothly. This was evident from the support given by the national and local media on the tremendous amount of hope for a good and smooth peace process. An initial effort out of the CoHA signing was the cessation of armed conflict and violence, including against civilians, control of troops, shifts in troop position from offensive to defensive, prohibition against adding the number of personnel and war machine, and guarantee to the civil society to express their aspirations.

In these two months, JSC succeeded in creating and establishing peace zones in conflict areas as mandated in the CoHA, and an agreement was reached that neither party (TNI/Polri personnel and GAM troops) situated in the area would be permitted to enter the peace zones. The first area successfully established as a peace zone was the Indrapuri Subdistrict in Aceh Besar (*Kompas*, 26 January 2003), with six more established in February: Kawai XVI Subdistrict in the Aceh Besar District, Sawang Subdistrict in the South Aceh District, Tiro Subdistrict in the Pidie District, Peusangan Subdistrict in the Bireun District, Simpang Kramat Subdistrict in the North Aceh District, and Idi Tumong Subdistrict in the East Aceh District (*Kompas Cyber Media*, 10 February 2003).

JSC's work was reasonably successful; a few setbacks notwithstanding, there was a general indication of an effort towards the optimum execution of its mandate. In late January, JSC observed in its report that according to its monitoring and investigation results, there was a very significant decline in armed contact post-CoHA signing, although violence against civilians were still going on (*Kompas*, 26 January 2003). Acting upon its findings, JSC imposed sanctions on the parties deemed to have violated the CoHA. A number of sanctions were handed to either party of the CoHA, among others to GAM, judged to have committed the serious violation of attacking the TNI in Longkop in the East Aceh District and the shooting of two TNI personnel in Lamno in the Aceh Jaya District on 16 January 2003. JSC also imposed a sanction to the Indonesian government (in this case the NTI) for the less serious violation of intimidation against GAM members by TNI personnel in Bireun on 14 January 2003.

## **VII. CoHA Crisis: Returning Aceh to a Cycle of Militarism Violence**

Three months into the CoHA signing – i.e March 2003 – the commitment of either party to the cessation hostility began to show signs of waning compared to the first two months following the signing. Both of them still had not managed full control of the troops in the field. This was evident from the troops' active movements from one location to another, sparking armed conflicts and beginning to affect civilian life. Furthermore, some peaceful rallies by the public were halted and banned.

These incidents eventually led to the attack on the JSC office in Central Aceh in early March. In April, the situation escalated and was aggravated, followed by various incidents such as the planned kidnapping of Tengku Amri Wahab on 4 April, the torching of the Joint Security Committee in Langsa, East Aceh, on 6 April, the shooting of two police inspectors in Lamtamot, Aceh Besar on 7 April, and the shooting that resulted in the death of nine civilians in the subdistricts of Tiro, Mutiara and Delima in the Pidie district (*Suara Pembaruan*, 15 April 2003). The climax of the CoHA implementation crisis was the attack and destruction of the JSC Office in Central Aceh in early May 2003. The JSC office in this region was eventually closed down, and the entire personnel recalled to Banda Aceh. In 6 April 2003, a mob destroyed and burned down the JSC office in East Aceh. The purported reason for these destructions and attacks was the public dissatisfaction of JSC's performance, which they regarded as slow (*Kompas Cyber Media*, 7 April 2003). Since the attacks and destructions of JSC office in the two regions, the acts of violence began to increase in number.

The CoHA implementation crisis eventually concluded with GAM's rejection of a Joint Council discussion conference on 25 April 2003 as mandated in the CoHA. The Indonesian government under President Megawati responded to this crisis by submitting a proposal for the implementation of an Integrated Operation as an answer to their perception of a "peace talk standoff". The Integrated Operation was planned to incorporate security restoration operation, humanitarian operation, law enforcement operation, and local administration reinforcement operation, to be focused in five districts – Aceh Pide, North Aceh, Bireun (Aceh Jeumpa), Greater Aceh and East Aceh, which formed the basis of the conflict, with a population of under two million people. In this context, however, a planned enforcement of a military emergency zone to effect the

Integrated Operation was also put forth. The changes that occurred were also evident in the mass media coverage. After 25 April, a shift began to occur in the orientation of the coverage – where the media had strongly supported the peace process, it had done an about-face to support military operation as the answer to the Aceh peace crisis. This analysis was clearly evident in the writing that analyzed the mass media coverage from 10 April 2003 to 10 May 2003. This mass media coverage may be construed as their support for the government's discourse on the military operation. In the news, columns, analyses and even editorials, it was evident that the Aceh problem was placed in a space filled by the Indonesian Government and GAM alone. Hardly any space was given the involvement, views and ideas of the Aceh civil society.

The climax of the failure in this peace process through negotiations was the issuance of Presidential Decree (Keppres) No. 28 of 2003 on the Military Emergency Zone Status for the Nanggroe Aceh Darussalam (NAD) Province, which was to come into effect on 19 May 2003 at 00.00 for a duration of six months. The rationale behind this military emergency zone establishment was Aceh's perceived state of danger at a military emergency level, with the central military emergency commander-in-chief position being held by the Indonesian President and the Aceh regional military emergency commander position by the Commander-in-Chief of the Iskandar Muda Military Region.

### **VIII. Martial Law in Aceh: Cove-ring Up the Failure in Local Government Reform**

Of the entire exposition on Aceh from different contexts in a historical perspective, a connection may be drawn with regard to why the Megawati regime eventually adopted a military emergency zone policy in Aceh, and the implementation of an intensive military operation to deal with the GAM resistance. In this case, the Megawati administration was caught in a New Order-style political troubleshooting by going the same route: undermining Aceh's local political authority while collecting its natural resource without giving back Aceh's fair share, while committing excessive repression against any potential resistance from the society by applying the DOM status, causing numerous casualties and prolonged trauma among the Aceh people. This condition gave birth to a new resistance led by Hasan Tiro, which has continued until these days of military emergency zone in Aceh.

What can be gathered from this entire context? One point that can be observed is that historically the Aceh region has had a solid political authority in its own territory; any effort to cut down this authority will be met with a strong resistance. It is evident that the issues of economic injustices, absence of local political authority, high incidence of human rights violations, occurred virtually throughout Indonesia under both the Soekarno and the New Order regime, but it was in Aceh that the resistance against them were the strongest and most significant. During the Soekarno regime, local resistance sprang up in Java, Kalimantan, Sulawesi and Sumatera, though none of them as intense as in Aceh. Similarly, during the New Order era, the people of Aceh once again put up a strong resistance when the local political and economic authority were cut down and nullified. This means that in light of previous contexts, it may be concluded that the establishment of a military emergency zone would be the least popular option and would not solve the Aceh issue.

In dealing with this Aceh issue, the government tagged GAM as the sole factor instead of reflecting on the wrong policies which had been taken and implemented. From this oversimplification of the matter by the Indonesian Government by positioning GAM as the sole factor it can be concluded that the Indonesian Government is trying to escape its responsibilities for its political mistakes in dealing with the Aceh issue so far, and that to cover up its history of misplaced policies, corrupt local government in Aceh, disregard of crimes against human rights committed by state officers, unfair economic distribution, failure to fulfil the public's sense of justice, the government took the quick way out – the military emergency zone!

On one hand, in the implementation of local governance, for example, the faults were conspicuous, especially in the abuse of authority and the corruption. The anti-corruption tabloid *Lacak* exposed fifty abuses of authority by the Aceh Local Government (specifically Governor Abdullah Puteh) in the form of mark-ups, non-transparent project tenders, and a 2003 budget deficit as high as 85 billion rupiah (*Lacak* No. 4, Yr. I, May 2003, pages 4-5), not to mention the mysterious disappearance of the allocated education fund since 2000 with no clear reporting or allocation (*Lacak* No. 4, Year I, May 2003, page 7). On the other hand, these abuses were not acted upon by any political action by removing local government officials who failed to provide accountability for their performance; the corrupt practices spread instead. There was virtually no introspection and evaluation on the fraudulent actions; only the “dangerous threat of GAM” was dwelt on and addressed.

The local government’s inability to create a greater space for civil society participation and for rehabilitation and restructuring, as well as the central government's inability to provide legal justice for the injustices inflicted on the people of Aceh, were the grounds for the government to cover up all of its mistakes by positioning GAM as the key factor in the Aceh issue. If this is the case, it is clear for us that the Indonesian Government will cover up its short-comings by making new mistakes. The increasing number of political mistakes to be committed by the government will further alienate Aceh, in turn creating new, more latent problems: the spread of resistance and separatist movements against the central government and the republic administration. And if this is indeed the case, the civilian casualties will be numerous due to the government's ineptitude in resolving problem after problem – creating new ones instead – through military operations and military emergency zones. As of this writing, there have been a number of casualties during the one month following the enforcement of the military emergency zone. This report is a compilation of various sources compiled by media *Suara Pembaruan* (20/6) :

Source	Civilians	TNI	Polri	GAM
TNI Headquarters	-	26	-	202
Polri Headquarters	110	-	3	96
NAD Provincial Health Service	157	-	-	-
PMI	197	-	-	-

On the other hand, the government/TNI has also resorted to the politics of labeling and criminalization against human rights workers currently monitoring the implementation of the military emergency zone in Aceh. These labeling and criminalization are aimed at the human rights workers deemed to have criticized the military emergency zone policy in Aceh by associating the human rights and humanitarian workers as “supporters” or “part of” the Free Aceh Movement.

Certain organizations were declared to have ties with GAM: SIRA (*Sentral Informasi Referendum Aceh*), SMUR (*Solidaritas Mahasiswa untuk Rakyat*) and Kontras (*Komisi untuk Orang Hilang dan Korban Tindak Kekerasan*) in Aceh. These three organizations and institutions were declared to be a part of GAM. Their “dismissal” into one “labeled” space followed the New Order’s labeling trends, generalizing any activity believed to challenge government policies.

According to a number of human rights activists in Aceh, this labeling was more of a terror strategy to prevent human rights violation monitoring work during the military emergency zone, since this work would further expose the military emergency zone policy, and the field implementation of the military operation, necessitating the avoidance of any criticism or evaluation on the operation for as much as possible.<sup>2</sup>

This labeling was believed to be true based on a Search List issued by the Local Military emergency zone Commander-in-Chief, which included a number of human rights and humanitarian workers in Aceh, such as Tarmizi (LBH Banda Aceh), Asiah (Kontras Aceh), and Kautsar bin Muhammad Yus. The search list was a method for seeking information on a number of names believed to be on the list but have never been announced to the public. Based on a mere handful of interrogations and sweeping of some NGO offices, the myriad questions on the names of the appointed people were referred to on a list kept by the officer conducting the search, as evident from the search of a number of names at LBH Banda Aceh.<sup>3</sup> In addition to the “wanted” names, a number of human rights workers had also been arrested, with some of them detained:

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<sup>2</sup> Interview with human rights activists in Aceh

<sup>3</sup> Interview with Afridal Darmi, Banda Aceh LBH Director

**Human Rights Workers in Aceh  
Arrested and Detained during the Military Operations**

Name	Occupation	Date of Arrest	Arrested by	Note
<b>Cut Nur Asyikin</b>	Chairman, Srikandi Foundation, Aceh	Tuesday, 20 May 2003	Officers of the Banda Aceh Polri Mapolresta	On 20 May 2003, at 5.00 p.m., officers from the Banda Aceh Mapolresta visited the home of Cut Nur Asyikin on Jl. Flamboyan, Lampulo Banda Aceh. The victim was arrested and brought to the Banda Aceh Mapolresta and held in detention there. She was not allowed to see her legal counsel until the third day of her detention.
<b>Halim al Bambi</b>	Staff Member, Aceh Human Rights NGO Coalition	Tuesday, 27 May 2003	Police Officers	On 27 May 2003 at 11.20 p.m., the Aceh Human Rights NGO Coalition office on Jl. Jenderal Sudirman was searched for the second time. Four staff members who were staying at the office for the night were arrested. The police had also searched the premises at 6 p.m. the previous day. The reason for the search and the arrest of the four human rights workers was unknown.
<b>Surip</b>	Staff Member, Aceh Human Rights NGO Coalition	Tuesday, 27 May 2003	Police Officers	Ditto
<b>Jumiran</b>	Staff Member, Aceh Human Rights NGO Coalition	Tuesday, 27 May 2003	Police Officers	Ditto
<b>Nandi</b>	Staff Member, Aceh Human Rights NGO Coalition	Tuesday, 27 May 2003	Police Officers	Ditto
<b>Muhammad Yusuf</b>	Chairman, Aceh Legal Assistance and Human Rights Post (PB HAM)	Saturday, 7 June 2003	East Aceh Polres Officers	On Saturday 7 June 2003 at 5.00 p.m., officers visited the Legal Assistance and Human Rights Post (PB HAM) office in Langsa, East Aceh. They arrested the Chairman of East Aceh PB HAM and 2 PHIA ( <i>Pemberdayaan Harkat Inong Aceh</i> ) human right workers.
<b>Nursyamsiah</b>	Chairman of Pemberdayaan Harkat Inong Bale (PHIA)	Saturday, 7 June 2003	East Aceh Polres Officers	Ditto. Arrested along with Halim al Bambi at the PB HAM office.
<b>Nazaria</b>	Staff Member, Pemberdayaan Harkat Inong Bale (PHIA)	Saturday, 7 June 2003	East Aceh Polres Officers	Ditto.
<b>Fitriani</b>	Staff Member, Pemberdayaan Harkat Inong Bale (PHIA)	Sunday 8 June 2003	East Aceh Polres Officers	On Saturday 7 June 2003 at 6.00 p.m., East Aceh Polres Officers driving a grey Toyota Kijang visited the home of another PHIA staff member, Fitriani. Concerned that the victim may escape, Fitriani was arrested the day after the visit to her house, and threatened to be entered into the DPO list if she did not turn herself in. The following day (8/6/2003), Fitriani went to the East Aceh Polres station and was immediately arrested.
<b>Nuraini</b>	Kontras Volunteer	Thursday 19 June 2003	TNI/Polri Joint Team consisting of Tim-4 Yonif 315/JRD, Koramil-5/Delima, Yonif-642 and Police led by Second Inspector Popon Melaks	On 19 June 2003 at around 5.00 a.m. a TNI/Polri Joint Team arrested Nuraini, her father Zakaria and her neighbor Zulkifli. Nuraini was arrested for alleged ties to GAM due to her regular relay of violence-related information to human rights in Banda Aceh.

Negotiation would be the best way to avoid these possibilities because, *first*, it can restore the Aceh people's trust in the government's political will for a peaceful resolution of the Aceh issue; *secondly*, it can prevent any further civilian casualties which – in the Aceh tradition – will only plant the seeds for new resistance, *third*, to solve the problems within the corrupt Aceh local government that is incapable of accommodating public interest; and *fourth*, to place the civil society as a key actor in the implementation of the peace

process, so as to minimize armed resistance in any form, avoiding the potential for new casualties.

The assignment of local political authority should go beyond placing a central administration representative in the Aceh region; it should provide greater room for the emergence of local political leadership approved and chosen by the Aceh people themselves. Local political authority is more than an extension of the central government; it has the authority to construct and develop a democratic governance structure, and abandoning the militaristic face which had been attached to every political policy stipulated for Aceh, to ensure that public control on clean and effective local governance will proceed properly.

### **IX. Reading the Entire Context: An Analysis of the Latest Situation in Aceh**

From this whole exposition on Aceh in various contexts from a historical perspective, a connection can be drawn to perceive how the Aceh conflict is being perpetuated, as if the expected resolution would never be reached. It can be seen from the entire context that Aceh has a historically independent and strong political authority in its relations to other regions or political authorities around the Peninsula and the Malaka Strait. From the 15th to the 18th century, the Kingdom of Aceh was the political and economic powerhouse in the region. The Portuguese's power in the Malayan Peninsula was taken over, and the Kingdom of Aceh went on to expand its hold all the way to Pariaman in West Sumatera. It was the control over this region that led Aceh to a war against the Dutch who wanted to seize the trade areas under Aceh's control. The war over the region lasted forty years, with Aceh eventually "losing", although the Dutch colonial power was limited to Banda Aceh and the port city of Lhokseumawe, and subjected to sporadic resistance by Aceh's fighters.

The fall of Japan brought the Aceh *ulama* under PUSA to take control over the civilian, economic and war administration. The Dutch's effort to regain control over the Dutch East Indies never included Aceh; it was only centered in Java and West Irian. During this period, Aceh ran its own affairs autonomously, and even lent full support to the national revolution against the Dutch. After the end of the Dutch reign, Soekarno's regime once again reduced the local government political authority in Aceh, giving rise to the resistance of Aceh clerics under Teungku Daud Beureuh. Lengthy negotiations managed to put an end to the Aceh resistance, and gave the region special autonomy to implement its own traditional law, religion and education.

The New Order regime repeated what Soekarno's regime had done – cut down local political authority in Aceh, while taking the region's natural assets with no regard for fair distribution, while imposing excessive repression over any potential resistance from the society by establishing the DOM status, resulting in numerous casualties and prolonged trauma among the Aceh society. This condition led to the birth of a new resistance movement led by Hasan Tiro, and continued to this day, up to the signing of CoHA.

What can be seen from this entire context? One point is that the Aceh region has a historically strong political authority over its own region; any effort to reduce it will

inevitably be met with strong resistance. This is evident from the issues of economic injustice, absence of local political authority, high incidence of human rights violations, in virtually the entire Indonesia under both the Soekarno and New Order regime; however, it was in Aceh that the resistance against these grew most powerfully and significantly.

During Soekarno's regime, regional resistance sprang up in Java, Kalimantan, Sulawesi and Sumatera, yet none of these were as strong as the one in Aceh. Likewise during the New Order era, with the people of Aceh once again putting up a strong resistance when the local political and economic authority were cut down and removed. This means that in reflection of the previous contexts, it can be concluded that military operation will be the least popular solution and the least likely to resolve the Aceh issue.

In dealing with this Aceh issue, the government tagged GAM as the sole factor instead of reflecting on the wrong policies that it had taken and implemented. From this oversimplification of the matter by the Indonesian Government by positioning GAM as the sole factor it can be concluded that the Indonesian Government is trying to escape its responsibilities for its political mistakes in dealing with the Aceh issue so far. The local government's inability to create a greater room for civil society participation and for rehabilitation and restructuring, as well as the central government's inability to provide legal justice for the injustices inflicted on the people of Aceh, were the grounds for the government to cover up all of its mistakes by positioning GAM as the key factor in the Aceh issue. If this is the case, it is clear for us that the Indonesian Government will cover up its shortcomings by making new mistakes. The increasing number of political mistakes to be committed by the government will further alienate Aceh, in turn creating new, more latent problems: the spread of resistance and separatist movements against the central government and the republic administration. And if this is indeed the case, the civilian casualties will be numerous due to the government's ineptitude in resolving problem after problem – creating new ones instead – through military operations.

Negotiation would be the best way to avoid these possibilities because, *first*, it can restore the Aceh people's trust in the government's political will for a peaceful resolution of the Aceh issue; *secondly*, it can prevent any further civilian casualties which – in the Aceh tradition – will only plant the seeds for new resistance, *third*, to solve the problems within the corrupt Aceh local government that is incapable of accommodating public interest; and *fourth*, to place the civil society as a key actor in the implementation of the peace process, so as to minimize armed resistance in any form, avoiding the potential for new casualties.

The assignment of local political authority should go beyond placing a central administration representative in the Aceh region; it should provide greater room for the emergence of local political leadership approved and chosen by the Aceh people themselves. Local political authority is more than an extension of the central government; it has the authority to construct and develop a democratic governance structure, and abandoning the militaristic face which had been attached to every political policy stipulated for Aceh, to ensure that public control on clean and effective local governance will proceed properly. From what can be observed through the mass media coverage, military operation was the only choice to be taken. Media support for this

policy was also remarkably clear, with virtually every media seen lending its support for the implementation of military operation planned by the Megawati's regime. The parliament (MPR and DPR) also granted full support by approving the 1,23 trillion rupiah fund budget submitted by the government to bankroll this Integrated Operation (*Kompas*, 13 May 2003).

In mass media coverage, the voice of the Aceh civil society was virtually unheard. From the research results presented at this meeting, during the 10 April – 10 May time span established to be the research period, the *Kompas* daily, for example, published interviews and comments from Aceh civil society sources a mere 14 times out of the total 289 publications, compared to 118 times for Indonesian government/TNI/Polri officials. The rest was made up of Jakarta politicians, central MPR/DPR members, Jakarta public figures, and Jakarta NGOs. Similarly, three other national media: *Republika*, *Media Indonesia* and *Suara Pembaruan* – other subjects of the research – assigned a similar portion. Therefore, it can be concluded as an initial hypothesis that the mass media have been strongly influenced by the government's political policy, if not virtually under the government's control.

The step eventually taken by the Indonesian Government through President Megawati was to issue Presidential Decree No. 23 of 2003 on Military Emergency Status for the Nanggroe Aceh Darussalam (NAD) Province. This came as a shock because the implementation of the Integrated Operation was based on a military emergency zone status in Aceh. The establishment of a military emergency zone will return Aceh to its situation during the DOM era, perhaps even worse because it is now an open war, with 27,000 TNI troops plus one Air Force Brigade and one Marine Brigade in Aceh for the Integrated Operation in the context of military emergency zone situation.

Given Aceh's history, a military emergency zone status to be followed by a large-scale military operation will once again pit the people of Aceh against the central government, as had happened during the Soekarno and Soeharto era, as well as post-DOM. This situation will further undermine the political relationship between the government and the Aceh society, not to mention ripe for severe human rights violations against civilians trapped in an unwanted situation, because the majority of the Aceh people have opted for a peaceful resolution of the problems in their region. However, the voice of the Aceh people went largely unheard by the Indonesian Government and the mass media, the latter tending to give more support to the military operation implementation.

The lack of room for the voice of the Aceh people clearly shows that GAM is the only factor that the government took into account. The existence of other elements – i.e. the civil society – was not considered a key factor for the resolution of the Aceh issue. Therefore, the policy to be taken will be a major disadvantage for the civil society, since their position was not considered to be a factor in the political decision or policy making on Aceh.

Yet this was the single most crucial factor to be considered, because the entire decision-making process on Aceh will largely depend on how the people will decide on its political stance; disregard of this factor will backfire against the government, with the people

likely taking a confrontational stance against the government and the Integrated Operation likely not proceeding as desired.

In perceiving the people of Aceh in today's context, there are three main actors that the Indonesian Government and national and international communities will have to take into consideration. The *first* will be GAM, who demanded Aceh's independence from Indonesia and taking up an armed struggle in fighting for its demands. The *second* will be the local political elite or local government officials calling for local political authority and a greater share of distributed economic wealth for Aceh, through more formal channels such as a Law to accommodate the demand. The *third* will be the civil society, identifiable as the *ulama*, students, NGOs and women's activists with their demands for justice for the people who had been victimized, for investigation and trial for past and ongoing human rights violation cases.

These circles presented the referendum as the best way to learn of the Aceh people's aspirations yet to be accommodated by the Indonesian government. These actors should be viewed in a balanced perspective when the government is taking a political policy. So far the government has only regarded GAM and the local political elite, never including the civil society in decision or policy making. It is this third actor who is currently playing a key role in the campaign for a peace process in Aceh.

Therefore, it is important for all circles, especially the international community, to see the aspirations and views of the Aceh civil society and to give full support to this group's efforts to keep campaigning for peace in Aceh, since failure to lend full support for its efforts will result in the government implementing the military operation, and all the implications that this would cause.

## **X. Implications of a Military Operation**

Military operation will carry a number of predictable implications. This analysis will provide two significant ones: political implication and social implication, and humanitarian law violations in a military operation proceedings.

### ***X. 1. Political Implications***

There are two key elements that may generate an adverse effect of a military operations in a political sense: *First*, military operation will further erode the Aceh people's trust in the Indonesian government. After the revocation of the Military Operation Zone (DOM) status, the government did not completely abandon the military operation policy in dealing with any problems in Aceh; instead, it divided the operation into several military operations such as *Wibawa Operation*, *Sadar Rencong Operation*, *Meunasah Operation*, *Pemulihan Keamanan Aceh Operation*, soon to be followed with the Integrated Operation currently in preparations.

An outcome of this operation was a number of grave human rights violations such as the Simpang KKA case, The *Beutong Ateuh Case* (Tengku Bantaqiah), the 1999 KNPI Building Case, which further fuelled the mistrust of the Aceh people in the restoration efforts and cessation of the military operation in Aceh to pave the way for a resolution of

the prolonged conflicts. In the inter-connected trial of the Tengku Bantaqiah case and the KNPI Building Incident failed to satisfy the public's sense of justice, while no inquiries were made into any of the human rights violations in the DOM era.

One certainty is that the Integrated Operation to be implemented by the Indonesian government will return Aceh to the situation of previous military operations, which in turn will drive away the Aceh people's sympathy and trust in any efforts for peaceful resolution, and deepen the plight of the people which has not been remedied since the enforcement of DOM. This implication will continue to grow, with stronger resistance from the Aceh people against the Indonesian government, be it in the form of armed struggle or other forms of resistance.

*Secondly*, military operation will affect regional politics in Southeast Asia due to the outflow of refugees likely to escape to neighboring countries such as Malaysia, Thailand or Singapore as had happened during the DOM period and afterwards. The Aceh refugees in Malaysia poses a complicated issue between the Indonesian government and its Malaysian counterpart which is still ongoing; and a military operation plan in the context of an Integrated Operation will further complicate the issue of regional security in terms of refugees.

### *X. 2. Social Implications*

In addition to the political implications, some social implications will be sure to happen should the military operation takes place, such as: *First*, there will be a large number of civilian casualties. This assumption is based on an analysis on past military operations both during DOM and afterwards. During DOM, there were a staggeringly high incidence of casual-ties, rape and sexual harassment on women, missing persons, torture, and other grave human rights violations against civilians that always accompanied any military action anywhere. Up to 27 July 2003, the military emergency zone implementation has resulted in civilian casualties as noted below:

Civilian Casualties during the Military Emergency Zone in Aceh from 19 May 2003 to 18 June 2003

District	Case Type				Total
	Murder	Torture	Arrest	Disappearance	
East Aceh	35	9	18	4	66
North Aceh	35	41	10	2	88
Pidie	7	7	8	0	22
Aceh Jeumpa	36	24	7	4	71
South Aceh	12	3	0	1	16
West Aceh	3	10	0	2	15
Greater Aceh	31	2	6	0	39
Central Aceh	8	0	0	1	9
Banda Aceh	9	5	1	1	16
Aceh Singkil	0	0	0	0	0
Southeast Aceh	0	0	0	0	0
Sabang	0	0	0	0	0
<b>Total</b>	<b>176</b>	<b>101</b>	<b>50</b>	<b>15</b>	<b>342</b>

Civilian Casualties during the Military Emergency Zone in Aceh from 19 to 30 June 2002

District	Case Type					Total
	Murder	Rape	Torture	Arrest	Disappearance	
East Aceh	7	0	0	0	0	7
North Aceh	9	4	0	1	0	14
Pidie	1	0	0	14	0	15
Aceh Jeumpa	3	1	0	0	0	4
South Aceh	3	0	0	2	0	5
West Aceh	7	0	0	0	0	7
Greater Aceh	3	0	0	1	0	4
Central Aceh	1	0	0	0	0	1
Banda Aceh	4	0	3	3	0	10
Aceh Singkil	0	0	0	0	0	0
Southeast Aceh	1	0	0	0	0	1
Sabang	0	0	0	0	0	0
<b>Total</b>	<b>39</b>	<b>5</b>	<b>3</b>	<b>21</b>	<b>0</b>	<b>68</b>

Civilian Casualties during the Military Emergency Zone in Aceh from 1 to 18 July 2002

District	Case Type				Total
	Murder	Torture	Arrest	Disappearance	
East Aceh	6	0	5	0	11
North Aceh	30	26	21	5	82
Pidie	8	32	39	5	84
Aceh Jeumpa	13	0	4	1	18
South Aceh	5	1	4	1	11
West Aceh	4	1	12	5	22
Greater Aceh	3	1	18	5	27
Central Aceh	0	0	5	0	5
Banda Aceh	1	1	3	5	10
Aceh Singkil	1	0	0	0	1
Southeast Aceh	0	0	0	0	0
Sabang	0	0	0	0	0
<b>Total</b>	<b>71</b>	<b>62</b>	<b>111</b>	<b>27</b>	<b>271</b>

Civilian Casualties during the Military Emergency Zone in Aceh from 19 to 27 July 2003

District	Case Type				Total
	Murder	Torture	Arrest	Disappearance	
East Aceh	12	0	1	2	15
North Aceh	14	4	23	0	41
Pidie	5	11	0	1	17
Aceh Jeumpa	3	2	6	0	11
South Aceh	10	0	4	0	14
West Aceh	0	0	2	4	6
Greater Aceh	5	1	5	1	12
Central Aceh	1	0	0	0	1
Banda Aceh	1	0	0	0	1
Aceh Singkil	0	0	0	0	0
Southeast Aceh	0	0	0	0	0
Sabang	0	0	0	0	0
<b>Total</b>	<b>51</b>	<b>18</b>	<b>41</b>	<b>8</b>	<b>118</b>

Source: YLBHI, compiled from LBH Banda Aceh, Kontras Aceh Investigation, Field Monitoring Result, Public Report/Complaint, *Serambi Indonesia* daily, *Waspada* daily and *Koran Tempo* daily

*Second*, there is a recurrence of rape crimes, as had happened during the DOM period, during the military emergency zone against four women from the Alui Lhok Village,

Paya Bakong Subdistrict, North Aceh District. They were SD (25 years old), HS (25), AS (21) and (NL), who were raped by three TNI officers who were members of Infantry Battalion Yonif 411/Pandawa Salatiga - Pratu Awaluddin, Pratu Husni Dwila and Praka Seprianus Lau Webang.

The three defendants had been convicted with a prison sentence and discharge from their unit and the military service. However, the verdict against the three defendants – 3 years and 6 months for Seprianus, 3 years for Husni Dwila and 2 years and 6 months for Awaluddin (*Kompas*, 20 July 2003) – far from served justice for the victims, since these could have been categorized under crimes against humanity, a violation of Article 9 of Law No. 26/2000 which stated that:

*“murder; annihilation; slavery; eviction or forced removal of community members; arbitrary removal of physical freedom; rape, sexual slavery, and other forms of sexual violence; torture of a certain group based on political beliefs, race, nationality, ethnicity, culture, religion and gender; and forced disappearance of an individual.”*

are crimes against humanity, the perpetrator of which should be tried in a human rights court.

Rape is also a violation of Law No. 39 of 1998 on Human Rights, article 33 paragraph (1) “Every individual has the right to be free from torture, punishment, or cruel, inhuman, or dehumanizing treatment”; Article 285 of the Criminal Code “Whosoever by violence or by threat forces a woman who is not his wife to have intercourse with him, due to rape, shall be subjected to a maximum prison sentence of twelve years”, as well as Law number 7 of 1984 on Ratification of the Convention for the Elimination of Discrimination against Women of Any Form and Article 3 of the 1949 Fourth Geneva Convention on Protection of Civilians during Wartime.

Another rape case occurred on 18 June 2003 in Bireun, befalling a third-year junior high school student in Bireun who reported her being raped by an officer of the North Sumatra Regional Police Brimob, Baratu Muhammad Solihin, who was stationed at the former Bireuen District Attorney's Office at the time. The rape took place when the victim was on her way home from school with her younger sibling and a friend (*Tempo Interaktif*, 19 June 2003). The case dossier has been handed over to the Bireun District Attorney's Office.

*Third*, there will be a large-scale domestic mass evacuation (internally displaced persons) which will have a widespread impact on the refugees as well as other areas to which they are going to escape. This evacuation will have a deterrent effect especially on children who need adequate shelter and serious attention to the spread of disease in refugee camps, a common occurrence.

This evacuation will also have an adverse impact on the continued education or study of schoolchildren. Children will be forced to leave behind their school to seek refuge for an undetermined time, and while in refuge there is no guarantee that their education will continue. This is evident from the data collected by the People Crisis Centre (PCC) up to 19 July 2003:

Number of Refugees Based on People Crisis Centre (PCC) data up to 19 July 2003

Area	Number of Refugees	Refugee Site
East Aceh	5.479	1
Aceh Tamiang	2.661	1 (611 families)
North Aceh	12.199	3
Aceh Jeumpa	Unconfirmed	-
Aceh Pidie	1.449	1
West Aceh	5.477	2
South Aceh	17.105	6
Greater Aceh and Southwest Aceh	5.106	2

*Fourth*, there will be a loss of livelihood for the locals in the conflict areas. Most of the Aceh people who live in the conflict areas depend on agriculture for their livelihood; military operation will force them to leave their homes to evacuate and avoid being victims of the war. Abandoning their home means leaving behind their entire possessions and properties, including their day jobs. In refuge, there will be no guarantee for them to receive proper treatment and to recover the job they have lost due to war. The community in these conflict areas will be sure to lose their livelihood for an undetermined time.

*Fifth*, there will be an epidemic of fatal diseases. One of the greatest dangers in every refugee site is the eruption of disease due to poor hygiene in any refugee camp. Diarrhea, malaria, and perhaps even dengue fever will be a serious threat especially for infants and pregnant women. In refugee barracks in REuleut, Musa Batu Subdistrict, North Aceh District, for example, up to 3 August 2003 there were 1,014 refugees with an age range from under three years to adulthood who suffered from an assortment of maladies. The predominating illnesses were scabies (in 383 people), acute respiratory tract infection (406), and diarrhea (383). (*Kompas*, 4 August 2003). The refugee situations in Maluku, Poso and Aceh during the post-DOM military operation period show that these epidemics took many lives, especially among children, pregnant women and the elderly.

*Sixth*, there is the potential threat of famine in refugee sites. This is an almost commonplace problem in refugee sites, with food and medicine aid becoming the main problem; it is not rare for infants to fall ill and die due to lack of food, clean water or nutrition. Delays in goods distribution also leave some regions virtually unreachable in the distribution of daily food needs.

*Seventh*, there will be infrastructure damage in the education sector, with the torching of schools causing children to lose their place of learning. This damage impedes the learning process at basic and intermediate education level; furthermore, the flow of refugees means that most children will be forced out of their schools to evacuate. The figures for schools which have been burned down or destroyed are as follows:

District/ Municipality	TK	SD	MI	SLTP	MTs	SMU	MA	SMK	SKB	Total
Bireun	3	97	22	9	2	4	1			138
Pidie	1	191	28	24	5	2	1		1	253
Greater Aceh		14	4	9	2	2				31
Aceh Jaya		12	2	1	1		2			16
East Aceh		30	3	6	2	4				47
Banda Aceh		1								1
West Aceh		6		2		-				8
Aceh Tamiang		4								4
North Aceh		3								3
Nagan Raya		3	1	1			1			6
<b>Total</b>	<b>4</b>	<b>361</b>	<b>60</b>	<b>52</b>	<b>12</b>	<b>12</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>507</b>

Source: Nanggroe Aceh Darussalam Provincial Education and Culture Service

Apart from schools, a number of public facilities were also destroyed and burned down: one Public Health Center (*Puskesmas*), six auxiliary *Puskesmas* and nine village clinics. Torching of public transport occurred to thirteen buses/ minibuses, trucks and fuel-transporting vehicles.<sup>4</sup>

Based on the entire analysis in this text, some recommendations are suggested for the international community to have a more active involvement for the continuing peace process in Aceh and civilian protection efforts in Aceh.

## XI. Conclusion and Recommendations

In general, the People's Representative Assembly, Human Rights Commission and the international community will all have to do the following: *first*, to urge both parties – i.e. the Indonesian government and GAM – to return to the negotiations and to the CoHA, and to avoid military action as a way to resolve the Aceh problem, by constantly monitoring the implementation of the military operation and the military emergency zone status in Aceh, as well as continuing to monitor the developments afterwards; *secondly*, to urge both parties to include the Aceh civil society in every negotiation and decision making, since all such decisions will have an impact on the Aceh society; *third*, to perceive and to place the Aceh civil society as a key factor in every decision making that involves Aceh, and not perceive only the Indonesian Government and GAM as the actors with political interest in Aceh.

In a military emergency zone in Aceh such as today and its implementation in the form of military operation, the international community is urged to:

*First*, continue pressuring both parties to return to the negotiation table and to the corridors of peace agreement (CoHA) as the best solution for the Aceh conflict.

<sup>4</sup> Data obtained by YLBHI from incoming reports and monitored mass media.

*Second*, provide full support for the protection of civilians threatened by military actions by either party. The military operation to be undertaken is a conventional military operation, therefore carrying a large potential for various forms of human rights violation.

*Third*, request the United Nation High Commission of Refugees (UNHCR) to be actively involved in assisting the evacuation that will constitute a direct impact of the military operation, to monitor the refugees' condition, provide food, medicine and basic supplies for the refugees.

*Fourth*, request the International Red Cross (ICRC) to be actively involved in monitoring every violation against civilians that may occur during the military operation, and to monitor the Aceh situation in light of humanitarian legal foundations, the Geneva convention to protect civilians in a war situation, and humane treatment for prisoners of war under the principles of the Geneva convention.

*Fifth*, request the UNICEF to monitor the development and condition of children victimized by the military operation, whether they are staying at refugee camps or remaining in conflict areas.

*Sixth*, requesting countries which have been supporting the restoration and restructuring in Aceh to prioritize their aid to target civilians directly, to prevent any misuse of aid for any purposes other than civil society interest.

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