

INDONESIA

Acehnese Human Rights Defenders under Attack

Introduction: Escalating human rights violations in Aceh

Despite encouraging indications that Indonesia's new administration will continue with the reform process which began in 1998 under former President Habibie, the human rights situation in the country remains fragile. In the absence of fundamental institutional and legal reforms, human rights violations continue to go unpunished and perpetrators continue to evade justice.

The people of Aceh, in northern Sumatra, have endured serious human rights violations for many years. These have been committed in the context of counter-insurgency operations by the Indonesian security forces against the armed opposition group, Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM). Thousands of civilians, including women and children, have been caught up in the violence which has created untold misery and suffering for the region's population.

Recently, local resentment towards central government has manifested itself in popular support for independence. On 8 November 1999, up to one million Acehnese people took part in a public rally to demand a referendum on self-determination for the region.

Ongoing violence has affected the lives of almost everyone in the region. According to the Aceh office of the Indonesian Legal Aid Institute (*Lembaga Bantuan Hukum (LBH) Aceh*), in the month of January 2000 alone, over 100 people were tortured, 21 people were unlawfully killed, over 400 homes, shops and stalls were burnt down and 90 homes and shops were damaged.¹ There are now unconfirmed reports that 179 people have been killed in Aceh since the beginning of the year and that dozens of arrests have taken place over the last few weeks.

In the current climate, normal civilian government has become virtually impossible, ordinary policing has been suspended, prisons have been closed and escaped prisoners are reported to be roaming free. Most government offices at the local level have been shut, the majority of courts are no longer operational and there is a serious breakdown in law and order in several parts of the region. Although exact numbers are impossible to determine, it is believed that thousands of Acehnese people have been displaced from their homes.²

¹ See *LBH-Aceh: End worsening abuses, revoke military operations status* (Detikcom, 2 February 2000).

² More detailed information can be found on p.6 of this report.

Human rights defenders under attack

In recent weeks, there have been worrying signs of increased attacks on civilians, in particular human rights defenders. Human rights lawyers, humanitarian workers, student activists and journalists are just some of those who have been threatened, attacked and, in some cases, killed.

Some recent cases of attacks and intimidation waged against non-governmental organization (NGO) and human rights activists in Aceh are detailed below. Amnesty International urges the Indonesian authorities to ensure that human rights defenders can carry out their work free from fear of harassment, intimidation, arrest, “disappearance”, or death.

The United Nations has recently noted that human rights activists in any country are often at particular risk of human rights violations given the content and nature of their work. In recognition of this risk, the United Nations General Assembly has adopted a *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*.³ Amnesty International urges the Indonesian authorities to comply with the provisions of this Declaration and conduct immediate, fair and impartial investigations into the cases detailed below, and all other allegations of human rights violations, with a view to bringing those responsible to justice according to international standards.

Sukardi

Sukardi, a 30-year-old staff member of an environmental and community development group called the Indonesian Bamboo Thicket Institute (*Yayasan Rumpun Bambu Indonesia, YRBI*), “disappeared” on 31 January 2000 in Sawang Sub-district, South Aceh. His body was discovered the following day. Serious injuries, including bruising, swelling and broken bones suggest that he may have been tortured before being killed.

³ UN Doc. A/RES/53/144, 8 March 1999. Article 12 of this Declaration reads:

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

According to reports received by Amnesty International, Sukardi was abducted in the vicinity of Sawang district police command (Polsek) while travelling back to his office on his motorcycle at around 6pm in the evening of 31 January. When he failed to return, some friends went out to look for him. They stopped searching at around 10pm because of bad weather. At around 6am the following day, Sukardi's colleagues received a phone call stating that a corpse had been discovered around eight kilometres from the YRBI office in the direction of the town of Tapak Tuan, South Aceh. Sukardi's friends went to the Tapak Tuan General Hospital to identify his body. According to reports, his right hand was broken and several muscles were exposed. He had also been shot several times in the chest as well as in the back of his legs. His motorcycle was discovered on 4 February 2000 in a nearby ravine.

It is not known who is responsible for his death or why he was killed. There are unconfirmed reports that a witness heard the sounds of someone apparently experiencing severe pain coming from Sawang police station on the evening of Sukardi's "disappearance". A police spokesman has stated that a police investigation has been launched into the case. In view of serious concerns that the security forces may be responsible for his death, Amnesty International is calling on the authorities to conduct an independent inquiry into the incident.

Syaifuddin Gani and Nazaruddin Ibrahim

On 4 January 2000, Syaifuddin Gani and Nazaruddin Ibrahim, two prominent human rights lawyers were arrested by police in Sigli town, Pidie District, Aceh. They were held at Sigli police resort (Polres) for three days before being released on bail on 7 January, following significant international pressure.⁴

Their arrest is believed to be linked to their work with human rights NGOs in Aceh. The police have confiscated a laptop computer belonging to Syaifuddin Gani. It is still not clear whether the two will face legal proceedings. Amnesty International remains concerned for their safety and is closely monitoring their situation.

Nashiruddin Daud

Nashiruddin Daud, a politician from South Aceh who was well-known for campaigning for the prosecution of members of the Indonesian National Army (*Tentara Nasional Indonesia*, TNI) accused of human rights violations in Aceh, was found dead in Medan, the capital of North Sumatra on 25 January 2000. The circumstances surrounding his death remain unclear, but there are concerns that his murder may be connected to his activities and efforts to bring to justice those responsible for past human rights violations in Aceh.

⁴ See Amnesty International Urgent Action: Extra 01/00 (ASA 21/01/00 and ASA 21/02/00)

Nashiruddin Daud, aged 58, was a member of the United Development Party (*Partai Persatuan Pembangunan*, PPP) and vice-chair of a parliamentary commission of inquiry into human rights violations in Aceh. He played in a key role, when, in November 1999, this commission summoned a number of key military personnel for questioning about past human rights violations in Aceh.

Nashiruddin Daud was reportedly abducted in Medan by an unknown man at about 2pm on 24 January 2000 following an official visit to Aceh with several other politicians to prepare for the Aceh People's Congress. Witnesses have reported seeing him getting into a black Mercedes with the man and being driven away from the centre for the representatives of the Aceh Regional Government (*Pemerintah Daerah Aceh - Pemda Aceh*) in Medan, just before he was due to catch a flight back to Jakarta. His body was discovered the following day in Deli Serdang Sub-district by local police who took it to a nearby hospital. It bore several wounds, suggesting that Nashiruddin Daud may have been tortured before his death.

Although the reasons for Nashiruddin Daud's death are unclear, the possibility that it is related to his human rights work on Aceh cannot be ruled out. The police have launched an investigation into the case. The military also appear to be involved in the investigation and have questioned Pemda employees. There are unconfirmed reports that Pemda staff members have been intimidated by the TNI. The Indonesian Code of Criminal Procedure (KUHP) places sole authority to conduct criminal investigations with the police (or other civil service official granted special authority by law). Amnesty International is therefore concerned by reports that the TNI is involved in this investigation.

On 16 February 1999, Indonesian police chief, Lieutenant General Rusdihardjo, stated during a parliamentary hearing that a member of the Aceh Referendum Information Center (SIRA) was being investigated in connection with the case. SIRA protested against these allegations, and subsequently, Banda Aceh police chief, Brigadier General Bachrumsyah Kasman stated in a media interview that the SIRA member was not involved in the crime. Meanwhile, the armed opposition group, Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM) have issued a public statement denying responsibility for Nashiruddin Daud's death.

Students

Acehnese students have often been at the forefront of demonstrations for a referendum on self-determination, which intensified following the popular consultation in East Timor on 30 August 1999. Activist student groups have also set up centres throughout the region for monitoring human rights violations. They are at particular risk of intimidation and attack.

At 8.30pm on 11 December 1999, several students who were travelling home by minibus from a meeting of the Congress of Muslim Students in Jambi, North Aceh were reportedly shot at by members of the TNI and the mobile police brigade (Brimob), apparently after they failed to stop at a roadblock. Three students, Rahmat Yahya, Putra Juanda and Said Mahfud Zikri, were

taken to hospital after the incident and treated for serious gunshot wounds. One student was reported to have had both arms broken.

In a separate incident, several students from Student Solidarity with the People, (*Solidaritas Mahasiswa untuk Rakyat, SMUR*), a human rights monitoring and campaigning group, were reportedly attacked by Brimob officers during a memorial ceremony marking the anniversary of a shooting incident in the town of Lhokseumawe on 3 January 1999.⁵ The SMUR students were severely beaten and over 10 students were injured during the attack. One student required hospital treatment following the assault.

Members of the People's Crisis Centre (PCC), an organization of volunteers (mostly university and high school students) who have set up centres for the distribution of aid for internally displaced people and for monitoring human rights violations, have also come under attack. On 19 January 2000, one member of PCC was beaten during an attack on the PCC branch in Cot Ijue, Matang Geulumpang Dua, Jeumpa Sub-district, North Aceh. According to reports, members of Brimob fired gunshots and forced their way into the PCC building damaging doors and windows. The male volunteers were ordered outside where they were told to eat dirt. Rizanur, the coordinator of PCC Matang Geulumpang Dua was beaten by a police officer from North Aceh who had arrived at the scene after the Brimob attack. Rizanur had to be treated in a local hospital for his injuries.

Journalists

Journalists reporting on the situation in Aceh have also been attacked. For example, on 3 August 1999, Supriadi, a 34-year-old journalist working for a local newspaper Medan Pos, was reportedly abducted from his home near Banda Aceh by two unidentified men riding motorcycles. Two days later his body was discovered in the town of Bukit Hagu, North Aceh. He had reportedly been shot in the chest and knifed across the throat, almost completely severing his head from his body. Although the identity of the perpetrators remains unclear, it is believed that the killing may have been related to Supriadi's journalistic work in which he had reportedly been investigating allegations of corruption as well as development and education issues in Aceh.

More recently, on 9 January 2000, three journalists were assaulted by police officers during a security operation aimed at a group of suspected GAM members in the town of Lhoksukon in North Aceh. The police officers intervened when the journalists were about to take pictures of a fire that had started during the incident. The reporters were beaten by the police and their camera equipment was confiscated. Following the incident, Banda Aceh Police Chief

⁵ In this incident, members of the TNI opened fire on a procession of people, headed by women and children, marching from Pusong village towards the residence of the Governor of North Aceh on 3 January 1999. The procession was organized following an upsurge in military activity in the area in response to the killing of seven members of the TNI in Lhok Nibong, East Aceh on 29 December 1998 which was subsequently blamed on GAM.

Brigadier General Bachrumsyah Kasman issued a statement expressing regret. The police later stated that they would be investigating the case.

Background

There have been long-standing tensions in the relations between central government and Aceh, which has a rich cultural heritage very different from that of Java and a long-tradition of resistance to domination by outside authorities. These tensions have been exacerbated by a failure to benefit the area with economic development, a perceived lack of respect for local custom and religion, and the government's failure to address human rights violations committed by the Indonesian security forces in the region.

Much of the resentment and hostility underpinning Acehnese calls for independence can be attributed to the repressive actions of the security forces in the region and the authorities' failure to bring security force personnel to justice for human rights violations they have committed in Aceh. Between 1989 and 1998, Aceh was designated an area of special military operations (*Daerah Operasi Militer, DOM*), during which the military conducted counter-insurgency operations. These operations were at their most intense between 1989-93, when an estimated 2,000 civilians, including women and children, were unlawfully killed. At least one thousand people were arbitrarily arrested, and many were held incommunicado for periods of more than one year and subjected to ill-treatment and torture. Others "disappeared" in military or police custody.

Human rights violations continued at a reduced level up to August 1998 when Aceh's DOM status was lifted. However, following a series of attacks, some lethal, by Acehnese people on TNI personnel in December 1998, violations by the security forces escalated once again. Over the course of the last year, dozens of civilians have been unlawfully killed, hundreds of houses and public buildings have been burnt down, and hundreds of people have fallen victim to arbitrary detention by the TNI on suspicion of having links with GAM. Those detained are often denied access to lawyers of their choice and are at serious risk of torture or ill-treatment.

The armed opposition in Aceh have also been accused of committing human rights abuses. Amnesty International continues to call on armed opposition groups to make a public commitment to abide by international humanitarian law as defined in Article 3 of the Geneva Conventions and to ensure that all troops under their control act in accordance with these standards.

While acknowledging that opposition groups in Aceh have been responsible for human rights abuses, independent confirmation of the allegations about GAM activities has not always been possible to obtain. Observers have claimed that there has been military involvement in provoking some disturbances which the TNI has subsequently blamed on GAM. Such disturbances are then used by the TNI to justify an increased military presence in Aceh.

Elements of the Indonesian security forces have called on the government to re-impose martial law in Aceh. The government has so far resisted such calls. In early November 1999, the head of the armed forces, Admiral Widodo, announced an intention to reduce troop numbers in the region on the grounds that “a security approach cannot solve the problems in Aceh”.⁶ However, many of the redeployed troops from Aceh have been replaced by police mobile brigade (Brimob) units, which have themselves been responsible for serious human rights violations in the past. For example, in late November, it was reported that 876 members of Brimob had been deployed to the region. Members of Brimob were responsible for serious human rights violations in East Timor, including participation in attacks on pro-independence supporters during and immediately after the popular consultation in August 1999.⁷

On 2 February 2000, Banda Aceh Police Chief Brigadier General Bachrumsyah Kasman announced that a major police operation, known as *Sadar Rencong III*, would be launched later in the month in which raids would be conducted to arrest 800 alleged GAM members and sympathisers.⁸ This followed the second *Sadar Rencong* operation, conducted in January 1999, which was considered a failure by the authorities because the police used a “defensive approach” and were unable to capture many rebels.⁹ According to the Police Chief, a “much more aggressive” approach would be adopted in the third operation.¹⁰ Amnesty International is concerned that in the absence of fundamental reforms to police and military training and measures to ensure accountability, such operations are likely to involve the use of excessive force, resulting in further unlawful killings.

In response to repeated calls for perpetrators of human rights violations to be brought to justice, on 30 July 1999, former President Habibie set up an Independent Investigation Commission on Violence in Aceh (*Komisi Independen Pengusutan Tindak Kekerasan di Aceh*). The Commission was comprised of 27 members including members of Indonesia’s National Commission on Human Rights (Komnas HAM), non-governmental organizations (NGOs), academics and representatives of the government. On 10 November 1999, the Commission submitted its findings to Indonesia’s new president, Abdurrahman Wahid. Although the report has still not been published in full, it is believed to document around 5,000 cases of alleged human rights violations in Aceh. The Commission investigated five specific incidents in depth and recommended that 18 military personnel and two civilians alleged responsible for these violations should be brought to trial. The authorities have established special joint military-civilian courts,

⁶ See *Reuters* 3 November 1999

⁷ See *Reuters* 24 November 1999

⁸ See *Indonesian Observer* 3 February 2000

⁹ *Ibid.*

¹⁰ *Ibid.*

known as *koneksitas* courts, for the trials which were due to start this month. However, the recent absconding of one of the key suspects has caused the start of the trials to be delayed.

Amnesty International welcomes initiatives by the Indonesian government to address past human rights violations. However, the organization is concerned that measures taken should be comprehensive in their approach, addressing *all* past violations, not just isolated cases. In addition, trials should be conducted in civilian courts in accordance with international standards, upholding the right to a fair trial.

Recommendations

Amnesty International urges the Indonesian government to:

- ensure that human rights organizations and activists have full access to all areas of Aceh; take immediate steps to protect the right of human rights defenders and other human rights monitors to carry out their legitimate human rights activities in Aceh free from fear of arrest, intimidation or attack;
- ensure that full, prompt and impartial investigations are carried out into all alleged human rights violations targetted at human rights defenders;
- ensure that suspected perpetrators of serious human rights violations - including extrajudicial execution, torture and “disappearance” - are brought promptly to justice before a civilian court according to international human rights standards; they must be disarmed and suspended from active duty pending the outcome of judicial proceedings;
- ensure that all those in custody have access to their families, legal counsel of their choice and medical assistance, and are not at risk of torture or ill-treatment;
- issue immediate instructions to the security forces to halt all arbitrary arrests and detentions, torture and ill-treatment, “disappearances” and unlawful killings;
- ensure that, in accordance with Indonesia’s Code of Criminal Procedure, responsibility for investigations should lie solely with the police or other civil service official who is granted special authority by law to conduct an investigation;
- ensure that all security operations in Aceh are carried out in accordance with international human rights standards, including the *UN Code of Conduct for Law Enforcement Officials* and the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*; in particular, the intentional and lethal use of firearms may only be a measure of last resort in order to protect life.

Amnesty International calls on the armed opposition in Aceh to:

- make a public commitment to abide by international humanitarian law as defined in common article 3 of the Geneva Conventions;
- ensure that all troops under its control act in accordance with international standards of humanitarian law.

Amnesty International urges the international community to:

- raise human rights concerns, including the cases in Aceh detailed above, in bilateral or multilateral dealings with the Indonesian government; put pressure on the Indonesian authorities to fulfil their human rights obligations in line with the above recommendations;
- support efforts by the Indonesian authorities to reform Indonesia's legal and judicial institutions in line with international human rights standards; ensure that assistance with such reform is made a key component of donor aid to Indonesia;
- prevent supplies of water cannon, armoured personnel carriers, sub-machine guns, small arms, ammunition and all other military, security or police (MSP) equipment, training and personnel, likely to be used to facilitate human rights violations in Indonesia. This cessation should also cover brokering, licensed production and co-production arrangements, and government-to-government contracts;
- establish and monitor strict and effective end-use verification mechanisms for all other MSP transfers. If human rights violations are carried out using such equipment, the supply contracts (including spare parts, maintenance and training) should be cancelled immediately.