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COMMISSION ON HUMAN RIGHTS  
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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement\* submitted by the Netherlands Organization for International  
Development Cooperation (NOVIB), a non-governmental organization  
in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2004]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Aceh**

**Written by: LBH (Legal Aid Institute)- Aceh**

Following the failure of the Cessation of Hostilities Agreements signed by the Government of Indonesia and GAM on 19 May 2003, the Government of Indonesia officially declared the imposition of martial law on Aceh for the period of 6 months, which has been extended to another 6 months since November 2003. The status imposition followed by military operation in the region obviously expanded gross violations of human rights.

Failure of dialogue for peace in Aceh owe to some reasons. The main reason is the strengthening idea of state's security that has been maintained by overlooking human rights. This imitates the previous policies which was not-human rights friendly. This idea was built based on three pillars, namely 1) military's domination in state's decision making process 2) strengthened militarism approach in the name of the unity of the Republic of Indonesia and combat against terrorism, 3) state's negligence of repression and human rights violation by military apparatuses in the name of the unity of the state and combat against terrorism.

On 26 June 2003m the Martial Law Authority issued entry restriction that bans foreign NGOs from working in Aceh. NGOs like the Henry Dunant Centre, ICMC, Oxfam International, Peace Brigade International, and Save the Children, that have been providing logistic, humanitarian support for local people, particularly IDPs, had to leave Aceh . Even ICRC, that has the authority to work in conflict area as pursuant to the Geneva Convention 1949 of which Indonesia is a state party was not allowed to stay and work in the province. Restriction to foreign NGOs and journalists to come and work in Aceh effectively isolate the region. This isolation means a cut-off of access to humanitarian support and blocks international community's access to monitoring human rights violations. Due to the pressure of the CGI members, the isolation was moderated during the CGI meeting on 10 December 2003, where 3 international institutions – ICRC, WHO and UNDP was allowed to work in Aceh.

Given such condition, gross violation of human rights enlarged. During the period of May - October 2003 there were 166 tortures, 200 arbitrary arrest and detention, 43 abductions, involuntary disappearances, and 145 extra judicial killings. In the same period, there were 22 cases of violence against journalists and Aceh media. In the other part of the country, on the meantime, civic education and human rights training were dismissed by force by the military or police. Restriction and penalties are tailing civilians who intend to fly any flag other than 'Merah Putih'.

Despite Komnas HAM repeated investigations into cases of gross violations against human rights during the martial law period and submission of reports to the government, the perpetrators have never been brought to an impartial and fair justice. The fact shows the significant practice of impunity in Aceh and Indonesia in general.

There is a major concern concerning independent judiciary issue under martial law. Government official source stated that in November 2003, there were 1305 cases that had been trialed, 563 had been prosecuted. Only a few of those were defended by qualified lawyers. All cases were examined under terrorism charge or crime against the state with possible death

sentence. Under martial law, judge's independence to giving consideration and making verdicts are not possible. It was reported that many detainees were tortured in the examination process. The evidence obtained during the torture was used as the base for the judge's verdicts. The martial law regional authority together with the Ministry of Justice and Human Rights have decided to dump 160, out of 563 defendant whose case had been decided, to prisons outside Aceh on ideological reason.

Careful attention should be given on the arrest and trial of 5 GAM negotiators who were been charged terrorists and sentenced to 12 – 15 years in prison. The government of Indonesia has ruined the assurance it had perused in the agreement on the safety of the negotiators and freedom from possible arrest and prosecution. The prosecution itself was not at all fair. At the same time, the Anti-Terrorism Law was imposed retroactively where it should not.

Forced eviction of villagers was done by TNI and POLRI for cutting off GAM logistic chain, or cleaning off this separatist movement. Some 3680 residents of nine villages of Nisam district, North Aceh were removed to Alue Papua village of Nisam district, Eas Aceh. Some 115 families or 341 residents of Siron Blang and Siron Krueng villages of Indrapuri district, Aceh Besar were removed to Pasar Baru Lampakuk, Kuta Cot Glie district. During the first 4 months of martial law imposition there was around 35 thousands IDPs throughout Aceh. Protests addressed to such injustice was clammed, making excuse of the martial law authority's power based on Law No. 23/prp/1959 imposed in the province.

The implication of the martial law is worsening the conditions of women's rights. Women are often targets of violence and used as tools to attacks enemy. Statistics reveals ...cases of violence against women under the same pattern where ...women were arrested and taken as hostages to pressure their families to surrender. On the other hand, the women who have to live in refugee camps have no access to decent food, housing and health care, particularly reproductive health.

Human rights defenders' safety during the martial law is in question. Violence against human rights defenders and people-based organizations have been identified, but the government of Indonesia has no policies in place to protect them.

Based on the above, we hereby would like to urge the Commission to:

1. Put pressure on the government of Indonesia to draft and execute a policy to protecting human rights defenders who are working in conflict areas in Indonesia.
2. Put pressure on the Government of Indonesia to inviting UN Special Rapporteur on Torture to Indonesia and to providing access to investigation on Aceh
3. Put pressure on the government of Indonesia to ratifying the covenants on the social-political rights, and the economic, social and cultural right
4. Put pressure on the government of Indonesia to carrying out its international obligations to submitting reports on the execution of the human rights instruments it has ratified

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