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# **Civil Society and Human Rights in Aceh after the Tsunami**

**Prepared for the Congressional Human Rights Caucus (CHRC)**

Members Briefing

The Tsunami Catastrophe: Human Rights Challenges  
in Conflict Areas — Aceh, Indonesia

Thursday, February 10<sup>th</sup>, 2005

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On behalf of Human Rights First, I wish to thank Chairman Lantos and Chairman Wolf and the members of the Human Rights Caucus for the opportunity to present some thoughts on human rights concerns regarding relief and reconstruction efforts in Aceh. As the Indonesian government and the United Nations declare that the emergency phase is over, it is perhaps well past time to examine the place of human rights in what remains an enormous humanitarian challenge.

Graffiti on a surviving shard of wall in Banda Aceh serves as a record of the disaster: “The earthquake began at 7:55. The ocean rose at 8:30. Only the ruins remain.” In Aceh, the tsunami seemingly came out of nowhere. But the relief and reconstruction that follows is taking place in a context of conflict, military control, and weak respect for human rights that long predates December 26, 2004. This context provides lessons from the recent past, but also warning signs in the current environment and a few indications of what the next phase may bring. I understand other members of the panel will focus on the broad conditions prior to the tsunami and on important humanitarian concerns such as protection of internally displaced people. I will focus on the question of civil society and specifically the role of human rights defenders, based on extensive conversations with local and international agencies operating in Aceh.

Human Rights First is a non-profit, non-governmental organization. Since 1978, it has worked to protect and promote fundamental human rights, holding all governments accountable to upholding the standards set forth in the Universal Declaration on Human Rights and other international human rights instruments. Our Human Rights Defenders program works to support the efforts of human rights activists around the world through advocacy campaigns on behalf of persecuted human rights activists, and activities designed to expand the practical realization of the right to promote and protect human rights.

### **The persistence of the past**

The Indonesian government in Jakarta deserves credit for opening Aceh to foreign assistance in the days after the tsunami hit. The Indonesian military has also played an important role in relief activities to date, including food distribution and the recovery of bodies. The arrival of an astounding collection of aid workers and volunteers from throughout Indonesia and around the world to a province largely closed to outsiders for nearly two years has been accompanied by major changes. Their arrival has helped foster a level of openness, in those areas in which the international community is present, that one local activist could only sum up in the word “unbelievable.”

But while many Americans first heard of Aceh in the aftermath of the tsunami, for those who follow human rights in Asia the name was all too familiar. While Aceh had been the site of anti-colonial resistance and regional rebellions for much of the 20<sup>th</sup> century, the current conflict began with a declaration of independence in 1976 and the creation of the Free Aceh Movement (Gerakan Aceh Merdeka, or GAM). Counter-insurgency operations peaked in the 1990s and then again when martial law was declared in May 2003.

The continuing impact of abuses committed during this separatist conflict will have important ramifications for the planning and execution of recovery plans. For example, any agency seeking

working to address trauma, displacement, or lost livelihoods will find that these problems did not begin on December 26.

Three decades of counter-insurgency operations, capped by two years of martial law and civil emergency, provide several important lessons for those working in Aceh today:

*The politicization of displacement and attacks on humanitarian workers:* Throughout the years of war the Acehnese have acquired long experience with displacement. Even before martial law, villagers often fled the fighting to seek refuge at mosques or soccer fields in nearby towns. Civil society organizations, including women's organizations and student groups, played an important role in providing food and medical care and monitoring the situations in these temporary camps. The camps were viewed by the military as potential bases of support for GAM. Fearing that the guerrillas were using the camps to recruit members, obtain supplies, or maintain a presence in the towns, the military viewed the displaced population with suspicion and targeted those who sought to assist them. Members of student groups and local humanitarian organizations were harassed, beaten, and threatened with death by security forces and their civilian allies. In December 2000 three volunteers with Rehabilitation Action against Torture in Aceh (RATA) were killed together with the torture victim they were assisting, and staff members of the international aid organization Oxfam UK were tortured in August 2000.

For its part, GAM forced many non-Acehnese migrants to seek safety outside the province, where many remain in cramped camps. GAM also reportedly used the IDP population for its own strategic and public relations ends, discouraging some from returning to their homes.

The displaced civilian population was caught between the GAM rebels and the security forces. With as many as 100,000 displaced Acehnese scheduled to be moved to semi-permanent relocation camps beginning next week, there is reason to fear that this vulnerable population will again be used as pawns. While access to affected populations has not been problematic to date, if the environment changes due to renewed conflict or tightened security, local organizations assisting or monitoring the relocation sites may be singled out for official harassment.

*Undermining civilian government and civil society:* There is a common impression that the large military role in Aceh is due to the tsunami's destruction of the civilian bureaucracy and civil society organizations. The disaster did indeed cause major losses: nearly 1,000 civil servants are dead or missing at the provincial level alone, and 54 of the 241 subdistrict governments are said to be non-functioning. More than 40 NGO activists, including several leading human rights defenders, are missing or dead, as well as journalists, teachers, religious leaders, and other community leaders. Several prominent human rights organizations have lost their offices and their records.

But the military's dominance is also the legacy of years of military operations followed by martial law. Even before martial law the army's territorial command structure, reinforced by a series of military operations, created a parallel structure down to the village level that overshadowed the weak civilian bureaucracy. Even as military commanders took control of the economic and political life of the province, many civil servants fled their posts due to fear of GAM attacks. The court system outside of Banda Aceh had largely ceased to function long before the tsunami struck.

Under martial law subdistrict heads in contested areas were replaced with retired military officers. Martial law also had a “humanitarian component” that gave the Indonesian military a central role in assistance to IDPs and severely restricted NGO access. Local organizations were shut out of IDP camps they had worked in previously.

Martial law was downgraded to civil emergency status in May 2004, but access by international organizations and journalists was still severely limited at the time of the tsunami. Under civil emergency the power was formally vested in civilian authorities (a governor later jailed on corruption charges), but troop strength and military operations were not necessarily scaled back. A respected Jakarta NGO has identified 84 civilian deaths and 47 disappearances in the first six months of civil emergency ending November 2004. What’s more, authorities are still empowered to summarily restrict freedom of expression and assembly, carry out arbitrary searches, and restrict freedom of movement.

A six-month extension of civil emergency will end on May 19, the second anniversary of the declaration of martial law. The presidential decree that extended the status calls for a monthly evaluation, but the government has not used this feature to withdraw emergency status.

## **Present warning signs**

### *The dominant role of the Indonesian military*

The Indonesian military has played an often welcome role in relief operations. Such a role was required immediately after the tsunami by the lack of alternatives in many areas and the need to reach people in need quickly. But especially as the emergency phase shifts to reconstruction, military participation in the context of Aceh raises serious questions.

At the provincial level, the former commander of operations under martial law, Major General Bambang Darmono (a former martial law commander), serves as head of humanitarian operations for the army, distinct from the security operations. But in Meulaboh, the second biggest hub of humanitarian activity, one colonel has performed both functions. This meant he has run the nightly relief coordination meetings at the base while simultaneously bearing responsibility for ensuring that GAM was defeated militarily.<sup>1</sup> While there is not yet evidence of discrimination impacting suspected GAM sympathizers, this dual role raises fears that food aid or relocation programs could be subordinated to military aims.

In addition there have been several credible reports that local military commanders have required that aid be handed over in whole or in part to be distributed by the armed forces, citing fears that the aid would otherwise end up in guerrilla hands. But this practice could also lead to discrimination, bottlenecks in aid, and possible corruption.

As the government plans for massive relocation into semi-permanent barracks, the possibility of an army role is also troubling. Although government officials have stated there would be no army role beyond

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<sup>1</sup> For most of the relief phase the officer in question was Colonel Gerhan Lantara, whose role in East Timor’s Santa Cruz massacre of 1991 was never adequately investigated. He reappeared in 1999 as the martial law commander for the Dili sector during the peak of militia violence.

“securing” the barracks, military documents and the military role in aid distribution, management, and security in existing camps raise concerns.<sup>2</sup>

### *Signs of hostility to humanitarian workers*

Given the long track record of hostility towards IDPs and those working to help them, intimidation or other forms of restriction are a particular point of concern. Local and international NGOs have not reported that restrictions have significantly hampered their ability to operate. At the same time, however, there are signs that some in the military are uneasy with the role played by NGOs, especially local ones.

It has been widely reported that the military has formally restricted access by foreign aid workers beyond the two cities of Banda Aceh and Meulaboh, ostensibly as protection from attack. International NGOs are expected to clear their travel in advance and accept a military escort if required. However, these rules are not strictly enforced, and so far appear to be a form of monitoring rather than control. It is important that these rules are not used to restrict access beyond that required by genuine security concerns. GAM has stated it will not attack foreign aid workers, a pledge that is consistent with its vested interest in a continued international presence in Aceh.

Travel around some west coast towns such as Lamno is especially circumscribed. Indonesian volunteers and one international NGO were prevented from traveling in this region, although this problem was later remedied.

Human Rights First has also learned of isolated, but nevertheless worrisome, efforts to intimidate local NGOs.

- According to press reports on January 10 in the Mata Ie section of Banda Aceh, a volunteer was beaten by soldiers and needed stitches.
- Several local NGOs have been visited by security officers demanding information on their aid distribution activities. Two of the most active NGOs in Banda Aceh were visited within half an hour on the night of January 22, one by police and one by members of the provincial military command in plainclothes.
- Students carrying out a health assessment in Bireuen were approached at an IDP camp by several soldiers. The officers later came to their office and took them to the military post where they were questioned for several hours about their activities before being released.
- The head of the watchdog organization Government Watch, Farid Faqiih, was detained on January 27 in Meulaboh, accused of stealing supplies donated by army wives. He was badly beaten by soldiers including an army captain. While his role in the disappearance of the supplies is still unclear, his mistreatment is a worrying sign.

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<sup>2</sup> According to the Indonesian military’s “Broad Plan on Natural Disaster Relief and Control of Displaced Persons in [Aceh] Province,” military forces will be involved in surveying “numbers and locations of displaced persons (DP), planning/preparations for relocation...[and] displacement of DPs to DP camps that have been developed.”

### *Lack of local participation*

Acehnese have a saying that “*Buya krueng teudong-dong, buya tamong meuraseuki.*” This translates roughly as “the crocodile in the river only watches while other crocodiles eat his food.” Failure to participate in the benefit of Aceh’s natural resources has long been one of the grievances driving separatism in Aceh. The influx of NGOs and businesses from other parts of Indonesia and around the world has raised fears that the main beneficiaries of the billions of dollars pledged for reconstruction will once again not be the Acehnese. Their exclusion from planning their own future led one Acehnese to tell me in frustration: “Sometimes I think it would be better if the wave had just wiped us out, so these people could come and build whatever they want.” But in Aceh, participation is not just good development practice but a question of fundamental human rights.

Civil society organizations, including NGOs, academics, and religious organizations, should be given a central role in the design, delivery, and monitoring of aid efforts. The local non-profit community is reeling from the destruction, and the loss of several of its leading members. But Aceh’s development and human rights organizations have survived years of war, abuse, and martial law. If conditions allow they will continue to play an important role.

### **Future issues**

The Indonesian government is still developing a master plan for Aceh’s reconstruction, and the international community has engaged government agencies in a dialogue on internationally-accepted principles and standards. However several issues have already been identified as important and potentially problematic. The role of human rights defenders and other NGO monitors will be critical to efforts to achieve transparency and accountability.

*Limits to access:* Access in Banda Aceh, Aceh Besar district, and Meulaboh remains quite good. But even in those areas the fact that civil emergency status and restrictions on access remain officially in place, coupled with signs of suspicion of humanitarian workers, lead many to fear that the current levels of openness will not be sustained.

*Land rights:* Land rights are contentious in Indonesia under the best of conditions. But the loss of documents by landowners and the destruction of offices of the regional land board further compounds the problem. An additional source of conflict and uncertainty is the proposed creation of a buffer zone of up to two kilometers from the shoreline, with limited construction along the coast. The displaced population has not received any clear information about this plan. If this situation leads to conflict, the military role in relief and reconstruction may become more problematic.

Human rights defenders play a critical role in allowing people to defend their rights in the face of the state, the military, and a private sector that often relies on links to powerful state elites.

*Military-linked businesses:* Due to a long history of economic exploitation of Aceh’s resources by the military, there is widespread concern that army-controlled business and foundations will seek to play a role in reconstruction. Such a role could cause problems especially where reconstruction plans run into opposition from local communities. As early as January 11, the Artha Graha conglomerate, partly

owned by the military, arranged an invitation by the local government to provide a blueprint for the reconstruction of the city of Meulaboh, although the offer was later rescinded in deference to the provincial master plan now under development.<sup>3</sup> Military involvement in both legal and illegal logging will also be relevant in the construction boom to follow.

## **Recommendations**

In the face of these significant concerns, we would offer the following recommendations for all future assistance to Aceh:

### *1. Support an environment conducive to the participation of Acehnese civil society*

The Indonesian government should revoke civil emergency status and its restrictions on freedoms of expression and assembly. Donors, such as the World Bank, USAID, and United Nations agencies, should include protections for human rights defenders in their dialogue with Indonesia on Aceh's reconstruction as a necessary mechanism for transparency and accountability.

### *2. Ensure access by humanitarian and human rights organizations to all regions of Aceh*

The fear that GAM's civilian supporters or even active members are among those seeking aid should not be used as an excuse to unreasonably restrict aid or to intimidate aid workers, whether foreign or domestic. For its part, GAM must not put the camps' civilian populations at risk by using them to operate in any way. Indonesian authorities should continue to give local and international humanitarian assistance groups and also human rights organizations full and free access to all IDP camps to help safeguard the rights of the displaced and ensure that new violations are not allowed to occur.

Access is about more than the distribution of supplies. It is also important that information flows freely in both directions. Displaced people must be aware of their rights and their choices. Human rights defenders need to be able to obtain and provide information about conditions for IDPs and other vulnerable groups throughout Aceh.

The Declaration on Human Rights Defenders states that everyone has the right "freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms."

### *3. Minimize the role of the Indonesian military in humanitarian operations*

A central question for the international community is whether it will reinforce the dominance of the military or seek to empower civil society and the civilian government through its policies on aid and reconstruction. Any efforts to improve conditions in Aceh, whether in the area of human rights, development, or conflict-resolution, must attempt to reverse the marginalization of civil society.

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<sup>3</sup> The chair of Artha Graha's relief effort, the retired general Kiki Syahakri, was martial law administrator in East Timor during the worst of the violence and has been indicted for crimes against humanity by the United Nations Serious Crimes Unit in East Timor.

This debate reaches beyond Aceh. At the national level, a major obstacle to respect for human rights in Indonesia has been the resistance to military reform. And the biggest sign of military's failure to reform has been its role in Aceh since the declaration of martial law.

Aid agencies and bilateral donors should require clear statements on the nature and extent of the military participation in reconstruction, including through military-linked businesses.