

Written statement submitted by the International NGO Forum on Indonesia Development (INFID), a non-Governmental organization on special consultative status

Item 9 :

WRITTEN STATEMENT ON ACEH

The signing of the Memorandum of Understanding (MoU) on 15 August 2005 in Helsinki, Finland by the Government of the Republic of Indonesia and the Free Aceh Movement (GAM) has successfully suppressed the high number of violence that occurred. Since the signing of the MoU until the end of 2005, the Aceh HR NGO Coalition recorded that 47 people became victims of HR violations. This number is low compared with the number in January-May 2005 which is 172 people, this time frame is during the enforcement of the Stage II Civilian Emergency Status. The total number of victims during the Stage II Civilian Emergency Status is 239 people.

Although the number of victims decreased, the quality of the violations improved. This is indicated by the changes on the pattern of violence that makes it difficult to identify the perpetrators. Example is the incident that happened in the District of Biruen wherein a machete was used to cut off the head of the victim. Meanwhile, the patterns used during the previous years are still being used.

Threats against volunteers of humanitarian organizations in Aceh who are involved in the rehabilitation and reconstruction of Aceh also occur, like the shooting of 2 volunteers from Hong Kong and the Netherlands on May and July 2005. The Indonesian Police did not conduct a serious investigation to know the identity and motive of the said shootings.

There is a serious threat on the peace process of Aceh post MoU signing in Helsinki. This threat can be seen from several aspects, namely; elite movement – elite militia to expand the province of Aceh, the blueprint for the reintegration of the members of GAM in the community that is still unclear, the forced return of the refugees as a consequence of the conflict that is being conducted by the local government, implementation of the MoU in the Proposed Law on the Government of Aceh, the disbandment of militia and the solving of HR violations, including the obstructions of the members of Parliament in Jakarta, particularly from PDIP.

Resolving HR violations will be a crucial problem in the future because the establishment of an HR Court and the Truth and Reconciliation Commission is not yet clear. Aside from this, it is not yet clear if the time limit of the cases that occurred will be based on Law No. 26/2000 or after the 15 August MoU Helsinki. In terms of the Truth and Reconciliation Commission (KKR), aside from the date of its establishment, another serious problem is the mechanism and character of KKR, especially for Aceh.

This condition is applying worsened by the phenomenon of excavation of graves that is still ongoing at present without the principle of legal records that will be useful in the legal process, both in the HR Court and KKR. Until 30 January 2006, KontraS Aceh has recorded 22 grave excavations that found 37 human skeletons (some of the skeletons were allegedly victims of abduction/arrests during the Military Emergency I Status). This phenomenon has the can be considered as an act of abstraction of justice potential to erase tracks and evidences that leads to impunity.

Ironically, the presence of the representative of Komnas HAM in Aceh since 1999 did not provide a meaningful contribution to the solution of cases of HR violations. This institution only accommodated complaints on cases of violence but none of these cases were brought to court. During the Military Emergency Status, Komnas HAM has already investigated more or less 70 cases of HR violations, but not one of these cases was processed. This is an additional obstacle in the many efforts to resolve cases of HR violations.

In the context of the Proposed Law on the Government of Aceh, the tug of war for the practical interest of dividing power particularly between Jakarta and Aceh is also a crucial problem that weakens the peace process in Aceh and it is far from the substance of the MoU, example is the regulation on the civil crimes of committed by TNI members that should be settled in a civil court (as stipulated in the MoU). In the final draft made of the Department of Home Affairs, this clause deleted this means any crimes committed by TNI members, remains under the jurisdiction of the military court. Many of the substances of the Draft Law on the Department of Home Affairs of the Government of Aceh are still far from expectations.

The various problems mentioned above are worsened by the fact that the mission of AMM in Aceh might not be extended after June 15, 2006. This is despite the fact that the presence of AMM is very necessary because it is an institution that has the mandate to control the peace process in Aceh.

Another important problem is the handling of the victims of tsunami calamities that neglects the basic rights of the victims, such as, the absence of health services for children and elderly, poor sanitation in refugee barracks, the slow reconstruction of the houses that were destroyed or shattered, and the channelling of money allocations are not yet totally provided.

Aside from these, there is discrimination in handling the victims of the natural calamities and victims of conflict. Although most of the rights of the tsunami victims are not yet fully provided, their condition is better than the condition of the victims of the conflict who do not get anything from the government. The government is not building their houses that were burned down, they don't get capital and tools for business, and they don't get money allocations and health services although they are already refugees since 1999.

Based on these data, we are requesting the UN HR Commission to :

1. Urge the Government of Indonesia to extend the period of work of AMM until all the points in the MoU are implemented;
2. Urge the Government of Indonesia to follow-up the cases of HR violations monitored by Komnas HAM and investigate cases of HR violations that occurred during the period of the Military Operation Zone (DOM) (1989) until 2005;
3. Urge the Government of Indonesia to thoroughly investigate the shooting of 2 foreign volunteers in Aceh; and
4. Urge the Government of Indonesia to disband the militia groups in Aceh that were formed during the emergency military status.

Written by KontraS Aceh and HRWG

