

# Peutara Damèe

NURTURING PEACE



Report on Findings  
of the Aceh Truth and Reconciliation Commission  
2023

# Peulara Damèe

NURTURING PEACE

Report on Findings of the  
Aceh Truth and Reconciliation Commission

2023



**Peulara Damèe: Nurturing Peace**

Report on Findings of the Aceh Truth and Reconciliation Commission

First Edition (in Indonesian), October 2023

First English Edition, August 2025

Published by:

Aceh Truth and Reconciliation Commission (Komisi Kebenaran dan Rekonsiliasi/KRR Aceh)

Cover photo:

The memorial monument commemorating the massacre of Tgk. Bantaqiah and his students, built by the Aceh Truth and Reconciliation Commission and the Government of Nagan Raya Regency on October 20, 2021, in Beutong Ateuh, Nagan Raya, Aceh.

Photo: © Aceh Truth and Reconciliation Commission/Adi Novanta

The cover and content photos are the property of the individuals or entities credited in the captions and are used solely for the purposes of this report.

Design and Layout:

Satoejari

Production Management:

Oni Imelva

As'adi M. Ali

**Cataloging in Publication (CIP)**

Aceh Truth and Reconciliation Commission (Komisi Kebenaran dan Rekonsiliasi Aceh)

**Peulara Damèe: Nurturing Peace, Report on Findings of the Aceh Truth and Reconciliation Commission** / Published by Aceh Truth and Reconciliation Commission

– Banda Aceh, 2023

xxi + 286 pages; 15 cm x 23 cm

**Subjects:**

1. History of the Aceh Conflict
2. Human Rights Violations
3. Crimes Against Humanity
4. Truth and Reconciliation Commission
5. Indonesian History

The contents of this report may be distributed for educational purposes and the advancement of human rights, provided the source is fully and properly cited.

# CONTENTS

- ix** | List of Abbreviations And Terms
- xviii** | Foreword
  
- 1** | **Chapter 1: Introduction**
  - 2** | A. Formation of the Commission
  - 5** | B. Truth-seeking
  - 7** | C. Methods and Techniques for Statement-taking
    - 8** | C.1 Preparations for Statement-taking
    - 9** | C.2 Implementation of Statement-taking
    - 10** | C.3 Special Measures for Statement-taking with Victims of Sexual Violence
    - 11** | C.4 Public Hearings
    - 12** | C.5 Locus and Number of Statements Collected
    - 14** | C.6 Management and Protection of Data Collected
    - 15** | C.7 Filing and Classification of Statement-taking Forms
  - 15** | D. Report Writing
    - 16** | D.1 Data Limitations
    - 18** | D.2 Data Shortcomings
    - 20** | D.3 Opportunities
  
- 23** | **Chapter 2: History of the Aceh Conflict**
  - 23** | A. Turbulent Land of Riches
  - 26** | B. Aceh and the Colonial Wars

- 30 | C. Joining Indonesia, Disaffected and Rebellious (DI/TII Darul Islam/ Tentara Islam Indonesia/Indonesian Islamic Army and GAM)
- 35 | D. Military Operations Area
- 41 | E. Operation Sandi (“Code”)
- 47 | F. Martial Law and Civil Emergency (DM/DS)

## 51 | Chapter 3: Legal and Human Rights Framework

- 51 | A. Introduction
- 52 | B. The Commission’s Mandate and Report
- 55 | C. Commission’s Interpretation: Human Rights Violations, Gross Human Rights Violations and Atrocity Crimes
  - 55 | C.1 Human Rights Violations and Gross Human Rights Violations
  - 58 | C.2 Atrocity Crimes and the Most Serious Crimes
- 59 | D. International and National Legal Framework for Killing, Enforced Disappearance, Sexual Violence, Torture, and Arbitrary Arrest and Detention
  - 60 | D.1 Unlawful and Extrajudicial Killings
  - 61 | D.2 Torture
  - 63 | D.3 Sexual Violence
  - 69 | D.4 Enforced Disappearance
  - 72 | D.5 Arbitrary Arrest and Detention
- 74 | E. State Obligations Under International and National Human Rights Laws

## 77 | Chapter 4: Findings and Analysis

- 77 | A. Presentation and Analysis of Findings
- 80 | B. General Findings on Violence in the Conflict
  - 81 | B.1 Distribution of Violence by Act and Conflict Period
  - 84 | B.2 Major Human Rights Violations
  - 90 | B.3 Victims
  - 91 | B.4 Perpetrators
  - 95 | B.5 Patterns of Violence and Goals
  - 96 | B.6 Prominent Sites of Violence and Involvement of International Corporations
- 114 | C. Findings and Analysis on Acts of Torture
  - 114 | C.1 Victims' Profile
  - 115 | C.2 Initiated by Incidents of Arbitrary Arrest and Detention
  - 117 | C.3 Places of Detention and Their Managers
  - 122 | C.4 Methods and Techniques
  - 123 | C.5 Key Testimonies on Torture
  - 147 | C.6 Impact on Victims
- 149 | D. Findings and Analysis of Sexual Violence and Rape
  - 149 | D.1 Victims' Profiles
  - 150 | D.2 Forms of Sexual Violence
  - 156 | D.3 Sexual Violence Against Children
  - 159 | D.4 Motives and Patterns
  - 166 | D.5 Key Testimonies
  - 181 | D.6 Impact on Victims

182		E. Findings and Analysis on Unlawful and Extrajudicial Killings
182		E.1 Victims' Profile
186		E.2 Forms and Patterns of Killings
189		E.3 Various Modes of Extrajudicial Killings
193		E.4 Perpetrators
194		E.5 Key Testimonies on Extrajudicial Killings
220		E.6 Impact on Victims
223		F. Findings and Analysis of Enforced Disappearance
223		F.1 Victims' Profile
224		F.2 Regional Distribution
225		F.3 Perpetrators
226		F.4 Patterns and Methods of Disappearance
227		F.5 Key Testimonies
243		F.6 Impact on Victims
247		<b>Chapter 5: Conclusions and Accountability</b>
248		A. State Obligations for Human Rights Violations
253		B. Individual Responsibility
254		C. Key Findings
254		C.1 Accountability
259		C.2 Recognition for Victims of Human Rights Violations in Aceh
261		<b>Chapter 6: Recommendations</b>
274		Bibliography
280		Annex
285		Endnote

## TABLE

- 2** | Table 1. Commissioners for the Period 2016-2021
- 3** | Table 2. Commissioners 2022-2027
- 13** | Table 3. Regions and number of statements taken in 2017 – March 2021
- 44** | Table 4. Military operations and their specific codes
- 86** | Table 5. Types of sexual violence
- 93** | Table 6. Perpetrators of sexual violence in three periods of the Aceh conflict
- 151** | Table 7. Acts of sexual violence
- 157** | Table 8. Background of child victims of sexual violence
- 159** | Table 9. Patterns and motives for the crimes of sexual violence and rape
- 162** | Table 10. Locations of sexual violence during the Aceh conflict
- 164** | Table 11. Perpetrators of sexual violence during the period of conflict (1990-2004)
- 165** | Table 12. Number of perpetrators for each incident of sexual violence
- 257** | Table 13. Names of military and law enforcement operations in Aceh

## GRAPHIC

- 81** | Diagram 1. Number of violent acts by conflict period
- 82** | Diagram 2. Categories of acts of violence
- 83** | Diagram 3. Distribution of locations of violent incidents
- 84** | Diagram 4. Variations in perpetrators of violence

- 85 | Diagram 5. Distribution of locations of arbitrary arrests and detentions
- 85 | Diagram 6. Number of acts of torture based on the period of occurrence
- 87 | Diagram 7. Distribution of the number of killings by time
- 88 | Diagram 8. Distribution of the number of enforced disappearances by time
- 89 | Diagram 9. Targets of destruction and confiscation of property during the conflict
- 90 | Diagram 10. Number of victims of human rights violations by gender during the conflict in Aceh
- 91 | Diagram 11. Perpetrators of violence during the conflict in Aceh
- 92 | Diagram 12. Perpetrators of arbitrary arrest and detention
- 93 | Diagram 13. Perpetrators of torture
- 94 | Diagram 14. Perpetrators of unlawful and extrajudicial killings
- 94 | Diagram 15. Perpetrators of enforced disappearances
- 95 | Diagram 16. Perpetrators of destruction and confiscation of property
- 161 | Diagram 17. Four main patterns of sexual violence
- 183 | Diagram 18. Age distribution at time of victimization
- 224 | Diagram 19. Number of victims of enforced disappearance by age
- 225 | Diagram 20. Distribution of cases of enforced disappearances

## LIST OF ABBREVIATIONS AND TERMS

Abbreviation	Indonesian	English
<b>ABRI</b>	Angkatan Bersenjata Republik Indonesia	Armed Forces of the Republic of Indonesia
<b>AD</b>	Angkatan Darat	Army
<b>ASEAN</b>	Association of Southeast Asian Nations	
<b>AURI</b>	Angkatan Udara Republik Indonesia	Air Force of the Republic of Indonesia
<b>BAPPEDA</b>	Badan Perencanaan Pembangunan Daerah	Regional Development Planning Agency
<b>BAPPENAS</b>	Badan Perencanaan Pembangunan Nasional	National Development Planning Agency
<b>BIN</b>	Badan Intelijen Negara	State Intelligence Agency
<b>BKKBN</b>	Badan Kependudukan dan Keluarga Berencana Nasional	National Population and Family Planning Agency
<b>BKO</b>	Bawah Kendali Operasi	Under Operations Control
<b>BPBD/A</b>	Badan Penanggulangan Bencana Daerah Aceh	Aceh Regional Disaster Mitigation Agency
<b>BPS</b>	Badan Pusat Statistik	Statistics Indonesia (Central Statistics Agency)
<b>BPSDM</b>	Badan Pengembangan Sumber Daya Manusia	Human Resource Development Agency
<b>Brimob</b>	Brigade Mobil	Mobile Brigade
<b>BUMN</b>	Badan Usaha Milik Negara	State-Owned Enterprise

<b>CAT</b>	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment	
<b>CoHA</b>	Cessation of Hostilities Agreement	
<b>CPED/ ICPPED</b>	International Convention for the Protection of All Persons from Enforced Disappearance	
<b>Danramil</b>	Komandan Rayon Militer	Subdistrict Military Commander
<b>Danrem</b>	Komandan Resor Militer	District Military Commander
<b>DI/TII</b>	Darul Islam/Tentara Islam Indonesia	Islamic State/Indonesian Islamic Forces
<b>Dikbud</b>	Dinas Pendidikan dan Kebudayaan	Education and Culture Service
<b>Dinkes</b>	Dinas Kesehatan	Health Service
<b>Dinsos</b>	Dinas Sosial	Social Service
<b>DM/DS</b>	Darurat Militer dan Darurat Sipil	Martial Law and Civil Emergency
<b>DOM</b>	Daerah Operasi Militer	Military Operation Area
<b>DP3AKB</b>	Dinas Pemberdayaan Perempuan, Perlindungan Anak dan Keluarga Berencana	Women Empowerment, Child Protection, and Family Planning Service
<b>DPMG</b>	Dinas Pemberdayaan Masyarakat Gampong	Gampong Community Empowerment Service
<b>DPD RI</b>	Dewan Perwakilan Daerah Republik Indonesia	Regional Representative of the Republic of Indonesia
<b>DPO</b>	Daftar Pencarian Orang	Fugitive (Wanted) List
<b>DPRA</b>	Dewan Perwakilan Rakyat Aceh	Aceh People's Representative Council

<b>DPRD</b>	Dewan Perwakilan Rakyat Daerah	Regional House of Representatives
<b>DPR RI</b>	Dewan Perwakilan Rakyat Republik Indonesia	House of Representatives of the Republic of Indonesia
<b>DPRK</b>	Dewan Perwakilan Rakyat Kabupaten/Kota	City/Regency House of Representatives
<b>Farmidia</b>	Front Aksi Reformasi Mahasiswa Islam Daerah Istimewa Aceh	Aceh Special Region Islamic Student Reform Action Front
<b>FPDRA</b>	Front Perlawanan Demokratik Rakyat Aceh	Aceh People's Democratic Resistance Front
<b>GAM</b>	Gerakan Aceh Merdeka	Free Aceh Movement
<b>GPK</b>	Gerakan Pengacau Keamanan	Security Disturbance Movement
<b>HAM</b>	Hak Asasi Manusia	Human Rights
<b>HDC</b>	Henry Dunant Centre	
<b>HURIDOCS</b>	Human Rights Information and Documentation Systems	
<b>ICC</b>	International Criminal Court	
<b>ICCPR</b>	International Covenant on Civil and Political Rights	
<b>ICTR</b>	International Criminal Tribunal for Rwanda	
<b>ICTY</b>	International Criminal Tribunal for the former Yugoslavia	
<b>IHL</b>	International Humanitarian Law	
<b>Inpres</b>	Instruksi Presiden	Presidential Instruction
<b>JSC</b>	Joint Security Committee	
<b>Kapolda</b>	Kepala Kepolisian Daerah	Regional Chief of Police
<b>Kapolri</b>	Kepala Kepolisian Republik Indonesia	Chief of Police of the Republic of Indonesia

<b>KARMA</b>	Karya Riset Mahasiswa Akuntansi	Accounting Student Research Work
<b>Kasdam</b>	Kepala Staf Daerah Militer	Regional Military Chief of Staff
<b>Kejati</b>	Kejaksaan Tinggi	High Prosecutor's Office
<b>KKB</b>	Komite Keamanan Bersama	Joint Security Committee
<b>KKR</b>	Komisi Kebenaran dan Rekonsiliasi	Truth and Reconciliation Commission
<b>Kodam</b>	Komando Daerah Militer	Regional Military Command
<b>Kombes Pol</b>	Komisaris Besar Polisi	Chief Commissioner of Police
<b>Komnas HAM</b>	Komisi Nasional Hak Asasi Manusia	National Human Rights Commission
<b>Komnas Perempuan</b>	Komisi Nasional Anti Kekerasan terhadap Perempuan	National Commission on Violence Against Women
<b>Kopassus</b>	Komando Pasukan Khusus	Special Forces Command
<b>Koramil</b>	Komando Rayon Militer	Military Subdistrict Command
<b>Korem</b>	Komando Resor Militer	Military District Command
<b>Korwil</b>	Koordinator Wilayah	Regional Coordinator
<b>Kostrad</b>	Komando Strategis Angkatan Darat	Army Strategic Command
<b>Koter</b>	Komando Teritorial	Territorial Command
<b>KTP</b>	Kartu Tanda Penduduk	Resident Identity Card
<b>KUA</b>	Kantor Urusan Agama	Religious Affairs Office

<b>KUHAP</b>	Kitab Undang-undang Hukum Acara Pidana	Criminal Procedure Code
<b>KUHP</b>	Kitab Undang-undang Hukum Pidana	Criminal Code
<b>LBH</b>	Lembaga Bantuan Hukum	Legal Aid Institution
<b>LKMD</b>	Lembaga Ketahanan Masyarakat Desa	Village Community Resilience Institute
<b>LPSK</b>	Lembaga Perlindungan Saksi dan Korban	Witness and Victim Protection Agency
<b>Mapolres</b>	Markas Kepolisian Resor	District Police Headquarters
<b>Mapolsek</b>	Markas Kepolisian Sektor	Subdistrict Police Headquarters
<b>Masyumi</b>	Majelis Syuro Muslimin	Muslim Shura Council
<b>Menhankam</b>	Menteri Pertahanan dan Keamanan	Minister of Defense and Security
<b>MoU</b>	Memorandum of Understanding	
<b>NIAC</b>	Non-international Armed Conflict	
<b>NII</b>	Negara Islam Indonesia	Islamic State of Indonesia
<b>NKRI</b>	Negara Kesatuan Republik Indonesia	The Unitary State of the Republic of Indonesia
<b>OCM</b>	Operasi Cinta Meunasah	“Cinta Meunasah” Operation
<b>OPCAT</b>	Optional Protocol to the Convention Against Torture	
<b>OPKH</b>	Operasi Pemulihan Ketertiban dan Hukum	Law and Order Restoration Operations
<b>OSR</b>	Operasi Sadar Rencong	“Sadar Rencong” Operation
<b>OTK</b>	Orang Tak dikenal	Unidentified Person

<b>P2TP2A</b>	Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak	Integrated Service Center for the Empowerment of Women and Children
<b>P4SU</b>	Panitia Penyelenggara Pembentukan Provinsi Sumatera Utara	Organizing Committee for the Establishment of North Sumatra Province
<b>Pangdam</b>	Panglima Komando Daerah Militer	Commander of the Regional Military Command
<b>PASKA</b>	Pengembangan Aktivitas Sosial Ekonomi Aceh	Development of Aceh's Socio-Economic Activities
<b>Paskhas AU</b>	Pasukan Khas Angkatan Udara	Air Force Special Forces
<b>PBB</b>	Perserikatan Bangsa-Bangsa	United Nations
<b>PDB</b>	Produk Domestik Bruto	Gross Domestic Product
<b>PDMD</b>	Penguasa Darurat Militer Daerah	Regional Martial Law Authority
<b>PDMP</b>	Penguasa Darurat Militer Pusat	Central Martial Law Authority
<b>PDSD</b>	Penguasa Darurat Sipil Daerah	Regional Civil Emergency Authority
<b>Pemilu</b>	Pemilihan Umum	General Elections
<b>Pemraka</b>	Pemuda Mahasiswa Rakyat	People's Student Youth
<b>Perpres</b>	Peraturan Presiden	Presidential Regulation
<b>Petrus</b>	Penembakan Misterius	Unidentified Shooting
<b>PHPDMP</b>	Pelaksana Harian Penguasa Darurat Militer Pusat	Daily Executive of the Central Martial Law Authority

<b>PKI</b>	Partai Komunis Indonesia	Indonesian Communist Party
<b>PNI</b>	Partai Nasional Indonesia	Indonesian National Party
<b>PNS</b>	Pegawai Negeri Sipil	Civil Servants
<b>Pokja</b>	Kelompok Kerja	Working Group
<b>Polres</b>	Kepolisian Resor	District Police
<b>Polri</b>	Kepolisian Republik Indonesia	Indonesian National Police
<b>Polsek</b>	Kepolisian Sektor	Subdistrict Police
<b>POM</b>	Polisi Militer	Military Police
<b>PP</b>	Pengambilan Pernyataan	Statement-taking
<b>PP</b>	Peraturan Pemerintah	Government Regulation
<b>PPRM</b>	Pasukan Penindak Rusuh Massa	Mass Riot Suppression Squad
<b>PRRI</b>	Pemerintahan Revolusioner Republik Indonesia	Revolutionary Government of the Republic of Indonesia
<b>PUSA</b>	Persatuan Ulama Seluruh Aceh	All Aceh Ulama Association
<b>Ratih</b>	Rakyat Terlatih	Trained Populace
<b>RIA</b>	Republik Islam Aceh	Aceh Islamic Republic
<b>RPJM</b>	Rencana Pembangunan Jangka Menengah	Medium Term Development Plan
<b>RPuK</b>	Relawan Perempuan untuk Kemanusiaan	Women Volunteers for Humanity
<b>Satker</b>	Satuan Kerja	Work Unit
<b>Sattis</b>	Satuan Taktis dan Strategis	Tactical and Strategic Units
<b>SD</b>	Sekolah Dasar	Primary School

<b>SGI</b>	Satuan Gabungan Intelijen	Joint Intelligence Unit
<b>SKPA</b>	Satuan Kerja Perangkat Aceh	Aceh Civil Service Working Unit
<b>SKPD</b>	Satuan Kerja Perangkat Daerah	Regional Civil Service Working Unit
<b>SLTP</b>	Sekolah Lanjutan Tingkat Pertama	Junior High School
<b>SMA</b>	Sekolah Menengah Atas	Senior High School
<b>SMuR</b>	Solidaritas Mahasiswa untuk Rakyat	Student Solidarity for the People
<b>SOP</b>	Standard Operating Procedures	
<b>Tagana</b>	Taruna Siaga Bencana	Disaster Preparedness Cadets
<b>TNI</b>	Tentara Nasional Indonesia	Indonesian National Military
<b>TPF</b>	Tim Pencari Fakta	Fact Finding Team
<b>TPO</b>	Tenaga Pembantu Operasi	Operations Support Personnel
<b>UNHCR</b>	United Nations High Commissioner for Refugees	
<b>UU</b>	Undang-undang	Law
<b>UUPA</b>	Undang-undang Pemerintah Aceh	Law on the Governance of Aceh

# MAP OF ACEH PROVINCE



## FOREWORD

The Commissioners of the Aceh Truth and Reconciliation Commission (Aceh TRC) are deeply honoured to have been given the authority to submit a report on the findings of the truth-seeking process carried out since 2018. This report of the findings is part of the Aceh TRC's aim to fulfil victims' rights to obtain the truth and rectify history, for the sake of building a pathway to strengthening peace in Aceh.

Pursuant to the national Law No. 11 of 2006 on the Governance of Aceh (LoGA), and the Aceh Provincial Government's *Qanun* No. 17 of 2013,<sup>1</sup> the Aceh TRC was mandated to prepare a report on human rights violations including serious human rights violations based on facts and evidence collected. The mandate included analysis of causal factors, background events, political and economic motivations, actions and actors, both state and non-state, and their impacts. Based on this mandate the Aceh TRC collected facts and evidence about the conflict period from 4 December 1976 to 15 August 2005.

This report on the findings of the TRC provides a comprehensive picture to the state, society and the international community about what happened throughout the period of armed conflict in Aceh. The report contains recommendations regarding steps to promote respect and protection of human rights in the future. First, legal, political and administrative changes. Second, implementation of the reconciliation mechanisms. Third, reparations to victims. Fourth, legal action against perpetrators of human rights violations and other acts. These recommendations must be followed up by the Government of Indonesia, including the provincial and local governments of Aceh.

The findings produced by the Aceh TRC were based on truth-seeking processes conducted in several ways. First, taking statements from victims and their families through open and closed hearings. Second, requesting information and documents from government and non-government organizations. And third, in-depth investigation of events. The Aceh TRC also accepted submissions from partners according to thematic investigations which it carried out. All data gathered are processed into these findings. It is hoped that the Aceh TRC report and recommendations will bring new hope in terms of ensuring state accountability for human

rights violations and alleged serious human rights violations that took place in Aceh between 1976-2005.

The Aceh TRC asks the national Government, the Aceh Government, the Regency/City Government, the House of Representatives of the Republic of Indonesia (DPR), the Aceh Parliament, and Regency/City Parliaments, as well as institutions that focus on resolving human rights cases—the National Human Rights Commission (*Komnas HAM*), the National Commission on Violence against Women (*Komnas Perempuan*) and the Witness and Victim Protection Agency (LPSK)—to follow up the recommendations of this report as mandated by Aceh *Qanun* No. 17 of 2013 establishing the Aceh TRC. The Commission believes that the follow-up to this report is part of positive learning steps to prevent similar incidents from happening again in the future.

### **Banda Aceh, 23 June 2023**

Commissioners of Aceh TRC for the period of 2016-2021

1. Afridal Darmi
2. Evi Narti Zain
3. Masthur Yahya
4. Ainal Mardhiah
5. M. Daud Beureueh
6. (Alm.) Fuadi Abdullah

Commissioners of Aceh TRC for the period of 2022-2027

1. Masthur Yahya
2. Oni Imelva
3. Bustami
4. Sharli Maidelina
5. Safriandi
6. Tasrizal
7. Yuliati

## Technical Note on English Translation:

The Indonesian language version of The Report on the Findings of the Aceh Truth and Reconciliation Commission 2023 is the official report of the Aceh TRC. The Commission has authorised and approved this English version.

Every effort has been made to ensure that this translation is a faithful representation of the original, official Indonesian-language version signed off by the Commissioners. In the event of any discrepancy or ambiguity, readers should refer to the Indonesian language version as the authoritative official text of the Aceh TRC.

At times, for the sake of clarity and style, the editors of the English version have exercised discretion and opted for brevity. For example, this has sometimes resulted in cutting repetitive text. Equally, in the translated version of some testimonies sentence order has been altered to accommodate the different language structures and make for ease of reading.

To preserve certain essential elements of Acehnese social and cultural life, or to reflect entities and practices that were so widespread in the specific context of the conflict period, this English-language version has retained some original Acehnese or Indonesian words (marked in italics). Editors have provided an English translation or an approximation of the term in parentheses within the main text. Equally, many Indonesian government bodies, especially entities within the broad national security apparatus, are commonly known by their Indonesian acronyms or abbreviated composite words (e.g. Koramil, which stands for *Komando Rayon Militer*, an Indonesian term that refers to the military command structure). These are listed in the Glossary, and in the text after the initial full name is used appear in the commonly used shortened form.

In this translation, the terms truth-telling and truth seeking are used at different times, with an aim to accurately convey meaning within specific contexts. Truth seeking is generally a necessary preparatory aspect to the aim of telling the truth that has been found, i.e. truth-telling. For example, collecting statements from victims is part of the truth-seeking process;

giving victims the opportunity to testify at public hearings is part of truth telling, as is publishing their accounts in this report.

Editors have added Endnotes to this translation, to provide explanations of certain historical, political and cultural factors to make the text more accessible to international readers. The decision to include this information in the form of Endnotes was made to ensure the flow and readability of the text as well as to maintain the synchronicity of Footnotes with the original. In some of the Endnotes, editors have provided links to sources for further reading.

The Aceh Truth and Reconciliation Commission (KKR Aceh) held a Public Hearing in the Plenary Hall of the North Aceh District Parliament (DPRK Aceh Utara) – Lhokseumawe on July 16–17, 2019, presenting 16 witnesses who testified on various human rights violations that occurred during the conflict in Aceh. This was the second public hearing, following the first one held in Banda Aceh in November 2018.

Photo: © Aceh Truth and Reconciliation Commission



My hope is to live a long and healthy life, and that there will no longer be any unrest and conflict like before. I want to live quietly and peacefully, redeem our plot of land that we had to mortgage to free family members from detention, and get capital to start a business. My hope for the government it will take care of us, the poor victims. The government must not be allowed repeat the violence and abuse against the community.

—Female survivor

We hope that peace can be maintained in Aceh. If the country is safe, we can live in peace and safety and earn our livelihood. We also hope that the government will pay attention to the victims of the conflict. The government should fulfil our rights. Those of us who experienced violence and are poor still don't even get help. Meanwhile, other people who did not experience severe torture and who are not poor did receive help because they were close to the current authorities. For the perpetrators, we hope that the state can prosecute them according to existing laws. And we want the perpetrators to apologise to us. Apologies must be done in an official way and recognised as appropriate, not like saying sorry during Hari Raya, just shaking hands saying sorry and leaving. Saying sorry should not be done like this.

—Male survivor

My hope is that in the future there will be no more violence. Safety. No other woman should experience what I went through. If there is another conflict, I don't know what our situation will be.

—Female survivor

## A. Formation of the Commission

1. The Aceh Truth and Reconciliation Commission (Aceh TRC) was formed on the basis of national Law No. 11 of 2006 on the Governance of Aceh (LoGA) and the fulfilment of the Memorandum of Understanding (MoU) agreement signed by the Government of Indonesia and the Free Aceh Movement (*Gerakan Aceh Merdeka* or GAM) on 15 August 2005 in Helsinki, Finland. The Aceh TRC was mandated as a continuation of the commitment of national leaders to end the decades-long armed conflict in Aceh. In 2016, with the strong encouragement of a number of organizations and civil society, the Aceh TRC was officially formed by the Governor and the Aceh People's Representative Council (*Dewan Perwakilan Rakyat Aceh* or DPRA) based on Aceh *Qanun* No. 17 of 2013 concerning the Aceh Truth and Reconciliation Commission. Henceforth, the Aceh TRC will be called the Commission in this report.
2. The Commission is an independent statutory body. The commissioners are selected and appointed by the DPRA from candidates openly selected by a competent committee. The Commission is led collectively and collegially by seven commissioners. The organizational structure consists of a chairman (who is also a member), a deputy chairman (who is also a member), and five members. In carrying out its activities, the Commission is responsible to the Governor and DPRA.
3. The commissioners for the 2016—2021 period were appointed by the Governor of Aceh on October 24 2016. The names of the seven commissioners appointed can be seen in Table 1.

**Table 1. Commissioners for the Period 2016-2021**

Name	Position
Afridal Darmi	Chair
Muhammad MTA	Vice Chair, and Chair of Working Group on Witness and Victim Protection

Evi Narti Zain	Chair of the Working Group on Truth Seeking
Masthur Yahya	Chair of the Working Group on Reconciliation
Fajran Zain	Chair of the Working Group on Documentation and Publication
Ainal Mardhiah	Member, and Chair of the Working Group on Women
Alm. Fuadi Abdullah	Member, and Chair of the Working Group on Reparations

4. During the course of this Commission, there were changes in the composition of commissioners. Muhammad MTA resigned on 27 September 2017, and was replaced by M. Daud Beureueh. Evi Narti Zain was then appointed as deputy chairman replacing Muhammad MTA. Meanwhile, Fajran Zain resigned on July 15 2018. The Aceh government decided not to appoint a replacement commissioner for Fajran Zain. On September 21 2020, Fuadi Abdullah passed away due to illness. Since then, the Commission has been running with five commissioners. The duties of the Reparations Working Group were taken over by the Chair of the Commission, and the Documentation and Publication Working Group was concurrently carried out by the Chair of the Truth Seeking Working Group. The first term Commissioners completed their duties in October 2021.

5. The Commissioners for the second period (2022—2027) were appointed by the Governor of Aceh on 7 February 2022, as shown in Table 2.<sup>ii</sup>

**Table 2. Commissioners 2022-2027**

Name	Position
Masthur Yahya	Chair
Oni Imelva	Vice Chair, and Chair of the Working Group on Documentation and Publication
Bustami	Member, and Chair of the Working Group on Truth-Seeking
Sharli Maidelina	Member, and Chair of the Working Group on Women
Safriandi	Member, and Chair of the Working Group on Reconciliation

Tasrizal	Member, and Chair of Working Group on Witness and Victim Protection
Yuliati	Member, and Chair of Working Group on Reparations

6. In addition to the commissioners, the Commission is assisted in carrying out its duties and functions by several Working Groups which were *ex-officio* chaired by a commissioner. These consist of the Working Group on Truth-Seeking; Working Group on Women; Working Group on Reparations; Working Group on Witness and Victim Protection; Working Group on Documentation and Publication; and the Reconciliation Working Group. In terms of administration and finance, the Commission is assisted by the Secretariat. The Head of the Secretariat is functionally responsible to the leadership of the Commission and administratively responsible to the Governor of Aceh through the Aceh Regional Secretary.

7. The Commission has three mandates as stated in Article 3 *Qanun* No. 17 of 2013. First, strengthening peace by revealing the truth about human rights violations that occurred in the past. Second, helping achieve reconciliation between perpetrators of human rights violations, both individuals and institutions, and victims. And third, recommending comprehensive reparations for victims of human rights violations, in accordance with universal standards relating to victims' rights.

8. The Commission has an obligation to submit progress reports to the Governor and DPR of Aceh every six months, at the end of the year if there are special circumstances, and at the end of the term of office. Six-monthly and end-of-the year reports are submitted periodically and uploaded via the Commission's official website as a form of accountability. At the end of its term of office, the Commission is obliged to prepare a report about human rights violations including serious human rights violations, based on facts and evidence collected, including analysis of causal factors, background events, political and/or economic motivations, actions and actors, both state institutions and non-state, as well as the impact of violations.

9. This report on findings is a form of fulfilment of this obligation. The main objective of the report is to reveal the truth regarding incidents of human rights violations that occurred in Aceh from 4 December 1976 to 15 August 2005, as well as the findings that have been narrated and

analysed by the working team appointed by the Commission. This report also contains recommendations for future human rights protection, such as legal, political and administrative changes, implementation of reconciliation mechanisms, reparations for victims, legal action against perpetrators of human rights violations, and other actions. This report and recommendations were submitted to the Governor, DPRA, the national government and the public for appropriate follow-up, on 23 December 2023.<sup>iii</sup>

10. In the early stages of the Commission's work, facilities and funding were very limited. In response to these conditions, the Commission collaborated with several civil society organizations to support its work during the preparation phase, including for facilities and personnel in order to carry out truth-seeking work. From its inauguration until June 2017, the Commission office was located in Balee Syarifah Murlina which belongs to the Banda Aceh Legal Aid Institute (LBH). Since June 2017 the Commission has had its office in one of the official residences of the Transportation Service, on a leasehold basis.

## B. Truth-seeking

11. In carrying out its mandate, the Commission conducted its truth-seeking function as a non-judicial mechanism to uncover facts and explore what happened during the conflict in Aceh. The Commission recognised the voices of victims as the main source of information in uncovering facts and events. Victims are the parties most affected by the conflict and to date have not received satisfactory recognition, attention and resolution from the government. For this reason, the Commission's work focused on the voices of victims as part of its effort to fulfil victims' rights as well as to build the foundation for recommendations for government policies to ensure that these violations never happen again in the future.

12. The Commission, together with all its components and working procedures, developed a measured and integrated mechanism for truth-seeking with regard to human rights violations in Aceh during the armed conflict between GAM and the Indonesian Government. The Commission worked impartially, collecting victim testimonies from all sides of the conflict. The facts and information obtained from truth-seeking were used to promote the fulfilment of victims' rights. To investigate the forms, patterns, motives and root causes of violent human rights violations that occurred in Aceh, the Commission prepared tools and procedures for taking

statements from victims voluntarily. The Commission also held public hearings, as a form of respect and recognition of victims' experiences by giving them the opportunity to share their experience in public. In addition, the Commission carried out investigations to obtain in-depth information on several important cases.

13. The implementation of the truth-seeking function was supported by various regulations and technical guidelines established by the Commission. The Chair of the Working Group for Truth-Seeking formed a Fact Finding and Integrative Analysis Working Unit (*Satker*), which operated across working groups to ensure an integrated approach. The Commission collected information and facts by conducting statement-taking, hearings, investigations, and by calling for submissions, as well as managing data and documentation for integrative analysis.

**14. Statement-taking** was conducted through a series of processes consisting of listening, recording and documenting the statement-giver's testimony about the violence that occurred. Statements were taken openly or privately regarding incidents of violence that have been experienced, seen, heard or witnessed directly which can be qualified as human rights violations. The statement-giver was an individual, either a victim or witness, or the victim's family who knew about the violence experienced by the victim. Taking a statement was the initial stage in the truth-seeking mechanism of the Commission. Through taking statements, the Commission collected primary information needed in the process of uncovering the truth.

**15. Hearings** as part of truth-telling were carried out openly when possible, based on the Commission's decision. The Commission created stages and mechanisms for the hearings in a comprehensive manner in order to reveal the experiences and aspirations of victims, as well as discover the motives and connections between acts and incidents of human rights violations reported by testimony givers.

**16. Investigations** were conducted through a series of actions aimed at obtaining clarity and depth of certain data and information. The Commission used data obtained from investigations to: (1) create a picture of human rights violations that occurred in terms of place, time, pattern and motive regarding violent incidents that occurred during the conflict; (2) analyse the causal factors and events behind violations as well as the impacts resulting from the violence experienced by the victim; (3) formulate recommendations and lessons that can be taken from findings

regarding violence. Data collection was carried out through in-depth interviews, reviewing archives and publications, and processing submission reports from other parties. The investigation team consisted of members of the Working Group and competent external parties. The Commission carried out three thematic investigations, on: (1) Sexual Violence; (2) Forced Disappearances; and (3) Indonesian Military Tactical and Strategic Unit (*Sattis*) Posts in Aceh.

**17. Submissions** allowed the delivery of information in written, audiovisual or oral form from individuals, government or non-government institutions. These submissions were based on Aceh TRC Regulation No. 11/P-KKRA/IX/2018 on Procedures for Submissions. The Commission processed data from submissions as secondary data necessary for truth-seeking, reparations and reconciliation. Civil Society Organizations that provided submissions to the Commission were: (1) Asia Justice and Rights (AJAR) and Social Economic Development (*Pengembangan Aktivitas Sosial Ekonomi* or PASKA) Aceh, on the torture in *Rumoh Geudong*, Pidie; (2) Women Volunteers for Humanity (*Relawan Perempuan untuk Kemanusiaan* or RPuK), on sexual violence that occurred during the conflict in North Aceh Regency; (3) Commission for the Disappeared and Victims of Violence (*Komisi untuk Orang Hilang dan Korban Tindak Kekerasan* or KontraS), on forced disappearances and human rights violations in the context of natural resource conflict.

**18. Data and documentation management and integrative analysis** were a series of activities to process collected primary and secondary data, and carry out a thorough analysis of all data and information collected. The Commission analysed and combined information from databases, investigation results, archives, submissions, and other relevant data and information. Integrative analysis was carried out to identify acts and incidents of violence, identify victims and perpetrators, as well as the impacts. Based on the results of this analysis, the Commission identified motives, forms and patterns of human rights violations. The results of the analysis inform the findings in this report.

## C. Methods and Techniques for Statement-taking

19. The Commission began its truth-seeking at the beginning of 2017. The Commission's limitations in the early stages greatly influenced the breadth of its scope of work. It had to work in stages to reach the areas

targeted for taking statements. In the initial stage, the Commission selected five regencies/cities. As the Commission's performance strengthened, the regional reach increased to include 17 regencies/cities. The selection of areas, especially in the initial stages, was based on initial findings regarding the high number of cases of violence during the conflict identified by the Commission from submissions from civil society organizations. Furthermore, findings related to cases of violence that occurred also became the basis for additional areas for truth-seeking. The increase in areas was also carried out on recommendations from regional officials at the district and sub-district levels, after consultations with the Commission.

20. In an effort to uncover the truth while processing data from taking statements, the Commission used an event-based methodology. This methodology based the analysis on "acts" (*tindakan*) of violence, with a data structure based on the identification of "who did what to whom" (*pelaku melakukan tindakan tertentu kepada korban*). This methodology is commonly utilised in analysing violence that violates civil and political rights, and has been used by various government and non-state institutions to identify forms of human rights violations. For this reason, the Commission decided to use this methodology with some adjustments to make it relevant to the Aceh context.

### C.1 Preparations for Statement-taking

21. The process of statement-taking began with developing technical guidelines and instructions for taking statements and the flow of collecting statements. The Commission developed a statement form and procedures for filling it out, and prepared training and guidance modules for officers taking statements covering information about the Commission, basic understanding of human rights and human rights violations, understanding of gender, remedies for human rights violations using a transitional justice approach, and mechanisms for truth-seeking. The Commission recruited statement-takers and data-input officers in phases.

22. The Commission also conducted an assessment of the statement-taking areas and held a pilot process of statement-taking during the training process. This was coordinated by the Commissioner with assistance from Working Group members and Secretariat staff. The recruitment process for data input officers was managed by the Data and Documentation

Working Group through administrative selection, data processing skills testing and interviews.

23. The Commission held trainings for statement-takers on 24-25 September 2018, in two statement-taking areas, namely Lhokseumawe and Meulaboh. The training in Lhokseumawe City included participants from Aceh Tamiang, East Aceh & Langsa, North Aceh, Bireuen, Central Aceh, and Bener Meriah Regencies. In the West region, training was centred in Meulaboh City which included participants from Pidie Jaya, Pidie, Aceh Besar, Aceh Jaya, South Aceh, West Aceh, Nagan Raya Regencies. The trainings were attended by 12 regional coordinators and 83 statement-taking officers, consisting of 41 women and 42 men. Regional coordinators and officers who took statements generally came from the target area, so they had adequate knowledge of the context of their respective areas.

## C.2 Implementation of Statement-taking

24. Statement-taking began by reviewing submissions of reports from civil society organizations. The results of the Truth-seeking Working Group's review provided basic information for Regional Coordinators to identify potential persons who might provide testimonies. During this stage, the Commission gathered data on the identity of victims and asked for their willingness to have their statements taken. This information was then registered in the Commission's database system which subsequently generated a statement-taking form. The statement-takers, equipped with these forms and technical training on how to take statements, conducted interviews and recorded the victim's testimonies. The officers then recorded the interview into a statement-taking form, including voice recordings, interview transcripts and other relevant material such as supporting documents.

25. The information recorded from the statement-giver was follows:

- a) The identity of the person giving the statement, including their status as victim or witness, and the relationship between the person giving the statement and the victim in the event (self, victim's family, relative of the victim, or other relationship).
- b) Chronology of events experienced or witnessed, including the place and time of the violent incident; who was involved, including victims, perpetrators and witnesses; and the forms of violence that occurred.

- c) The identity of the parties involved in the incident, namely, the identity of the victim when experiencing the violent incident including age, gender, marital and employment status, place of residence, political or organisational affiliation; also, the identity of the perpetrator, identity or characteristics that indicate a unit or organisation, the perpetrator's relationship with other units, organizations or actors.
- d) Identification of collective perpetrators and collective victims.
- e) Identification of witnesses or other parties with knowledge of the violent incident.
- f) Information relating to impact when the incident occurred and when the statement was taken, as well as an assessment of the immediate needs of victims.
- g) Information relating to the victim's views on reconciliation.
- h) Information relating to the victim's heirs.
- i) Observation sheet filled out by statement-takers regarding the victim's situation and condition.
- j) Minutes form.
- k) Consent form.

### C.3 Special Measures for Statement-taking with Victims of Sexual Violence

26. The Commission took confidential statements from victims of sexual violence. The Commission was aware that disclosing cases of sexual violence required special measures, expertise and techniques. The statement-takers involved in this process received training on sexual violence and recovery techniques for victims. The training instructors were experts and also commissioners of the National Commission on Violence Against Women (*Komnas Perempuan*). *Komnas Perempuan* was also involved in developing a statement-taking instrument specifically for sexual violence.

27. In taking statements about sexual violence, the Commission also used a group approach for victims of the same incident. The Commission adapted a body-mapping method to allow survivors to identify attacks on their bodies and their impacts. This method was developed by civil society organizations working in post-conflict areas in several countries in Asia, and was a modification of tools used for identifying cases of sexual violence

against women in the 1980s. Through this method, the Commission was able to explore incidents of sexual violence, understanding the context and motives for the violence experienced by victims. At the end of the process, the Commission facilitated a healing session using psychological and religious approaches.

## C.4 Public Hearings

28. Public hearings aimed to openly reveal the truth by inviting victims and witnesses to testify voluntarily before the Commission in front of the public. In addition to listening to testimonies and obtaining information about events, the hearings also provided recognition by the Commission regarding the truth of what victims' experienced. The hearings also provided opportunities for victims to share their views with the public and take steps on their journey of personal healing, at the same time as providing an opportunity for the public to learn about the conflict and its impacts.

29. Before the hearings, the Commission prepared the ground to ensure victims experienced a smooth process. This preparation included building victims' understanding of the importance of their testimonies for the public, assisting in the preparation of the testimony, and ensuring the mental readiness of the those testifying. After the hearings took place, the Commission also held a healing and appreciation session for those who testified. At this stage, the Commission also evaluated the implementation of the hearings, ensuring the safety of those testifying after they returned to their respective homes. In the hearings, the Commission listened to testimonies from victims and witnesses, and presentations from experts who spoke about the context, root-causes and impact of the violence. At the end of the hearings, the Commission made observations based on the victims' testimonies and the experts' presentations.

30. The hearings were organized both on thematic patterns and regional focus. The thematic hearings were based on consideration of the many cases of human rights violations that occurred with similar patterns. Meanwhile, location-based hearings were organized in regions with a high number of cases, both in terms of numbers and forms of violence. The implementation of the hearings was organized in parallel with significant human rights days such as Anti-Violence Against Women Day, International Human Rights Day, or other human rights-related commemorations.

31. During the 2016-2021 period, the Commission held three hearings consisting of two thematic hearings and one location-based hearing. Initially, the Commission planned five hearings but this could not be realised due to limited funds and the COVID-19 pandemic which forced all public activities to be cancelled.

32. The first hearing was held on 28-29 November 2018 at the Anjong Mon Mata Pendopo Complex, Banda Aceh, with an audience of more than 300 people. The hearing focused on torture during the conflict. A total of 14 torture survivors from Aceh Besar, Pidie, North Aceh and Bener Meriah districts gave their testimonies. The Commission also heard presentations from three experts regarding the context, root causes and scope of the conflict. In this hearing, the Commission found that there had been acts of torture and other cruel, inhuman or degrading treatment or punishment against those who testified and their families, and that the victims experienced prolonged trauma, suffered physical injuries and lost property and opportunities to work.

33. In the second, location-based, hearing, the Commission chose North Aceh Regency because of the high number of cases of human rights violations and violence in this region. The hearing was held on 16-17 July 2019 in Lhokseumawe City. Sixteen victims and their families from North Aceh Regency and Lhokseumawe City testified at this hearing. Those who testified were victims of torture, family members of victims of unlawful killing, enforced disappearance, and victims of sexual violence, as well as of destruction and confiscation of property. The third hearing was held on 19-20 November 2019 at the DPRA (Aceh Parliament) Building, Banda Aceh. This hearing was organized around the theme of forced disappearance, and the Commission heard testimonies from 20 victims' families and witnesses from 17 areas.

## C.5 Locus and Number of Statements Collected

34. In 2017, the Commission began taking statements in five regions, namely Aceh Besar, Pidie, Bener Meriah, North Aceh and South Aceh districts. In October 2018, the Commission expanded its work to seven new regions including Pidie Jaya, Bireuen, Central Aceh, East Aceh, Aceh Tamiang, Aceh Jaya and West Aceh Regencies. In 2021, statement-taking was carried out in 17 districts/cities, 138 sub-districts and 775 villages. This consisted of South Aceh Regency with 12 sub-districts and 43 villages; East

Aceh Regency with seven sub-districts and 29 villages; Central Aceh Regency with 11 sub-districts and 62 villages; West Aceh Regency with four sub-districts and 27 villages; Aceh Besar Regency with 17 sub-districts and 156 villages; Pidie Regency with 18 sub-districts and 114 villages; North Aceh Regency with 18 sub-districts and 102 villages; Bireuen Regency with nine sub-districts and 32 villages; Southwest Aceh Regency with two sub-districts and two villages; Aceh Jaya Regency with four sub-districts and 28 villages; Nagan Raya Regency with four sub-districts and ten villages; Aceh Tamiang Regency with seven sub-districts and 32 villages; Bener Meriah Regency with seven sub-districts and 66 villages; Pidie Jaya Regency with seven sub-districts and 37 villages; Banda Aceh City with five sub-districts and seven villages; Lhokseumawe City with four sub-districts and 21 villages; and Langsa City with two sub-districts and seven villages.

35. The Commission issued 5,794 statement forms, of which 598 forms could not be completed for various reasons, for example the form was damaged or witnesses refusing to give a statement. The number of statements collected and verified by the Commission was 5,195, consisting of 3,279 men and 1,916 women.

**Table 3. Regions and number of statements taken in 2017 – March 2021**

Region			Number of victims/ statement-givers		
Regency/City	Number of sub-districts	Number of villages	Men	Women	Total
West Aceh Regency	4	27	291	78	369
Southwest Aceh Regency	2	2	2	0	2
Aceh Besar Regency	17	156	542	314	856
Aceh Jaya Regency	4	28	348	111	459
South Aceh Regency	12	43	91	89	180
Aceh Tamiang Regency	7	32	153	75	228
Central Aceh Regency	11	62	130	107	237
East Aceh Regency	7	29	230	93	323

North Aceh Regency	18	102	437	269	706
Bener Mariah Regency	7	66	141	161	302
Bireuen Regency	9	32	257	97	354
Nagan Raya Regency	4	10	2	11	13
Pidie Regency	18	114	326	282	608
Pidie Jaya Regency	7	37	190	184	374
Banda Aceh City	5	7	5	3	8
Langsa City	2	7	74	17	91
Lhokseumawe City	4	21	60	25	85
Total	138	775	3279	1916	5195

36. It should be noted that of the 5,195 statements recorded and compiled by the Commission, only 4,765 statements could be used in this report. This is because the Commission was unable to complete the process of verifying the statements, data input and cleaning in accordance with the time limit set for analysis. However, the data input process continues to be carried out by the Commission in parallel with the writing of this report. A total of 431 statements that were not included in the analysis of findings in this report will be analysed in the future.

## C.6 Management and Protection of Data Collected

37. The statements that have been collected and verified along with supporting documents are included in the Commission's database. Each statement form is accompanied by a verbatim interview transcript made by the statement-taker. The database built by the Commission is an open source database application called OpenEvsys which was developed by HURIDOCS (Human Rights Information and Documentation Systems), a non-profit organization focused on developing instruments for documenting human rights violations. This application was developed using an event-based methodology and has been used by many human rights institutions around the world to document and analyse incidents of human rights violations. The Commission made several adjustments to the elements available in OpenEvsys to make them more relevant to the needs and context of Aceh. These modifications include the addition of impact elements and urgent reparations needs. Next, the data was processed and

then presented as a valid, accurate and reliable source of information. This information source was used in the process of preparing reports and making policies by the Commission and stakeholders.

## C.7 Filing and Classification of Statement-taking Forms

38. After the input process into the database, the forms and supporting documents were submitted to the archives team for storage. Filing of statement-taking forms was done digitally and non-digitally (hard copies). Filing of physical documents was carried out by archivists by storing them based on the classification of the Commission's work area and sorted based on the issued number of the statement-taking form. Each form was entered into a folder marked with its respective form code. Each storage cabinet was labelled with information about the documents stored inside. This process of classifying and recording document information was created to make it easier to search if needed at any time.

39. Meanwhile, digital archiving was carried out by digitising all physical documents from the statement-taking process which were then combined with other digital documents. Digital documents were stored on a hard disk and uploaded to the Commission's database.

## D. Report Writing

40. The Commission processed, studied and analysed all data and information recorded, collected and managed from statement-taking, hearings, investigations and submissions to identify forms and elements of violations. It also identified patterns and links between actions. In addition, the Commission invited experts to carry out further analysis regarding the context, roots of the conflict, legal studies, and the impact of violence that occurred during the conflict. This analysis then became the basis for formulating findings aimed to provide a sharp, clear explanation that recognised the dignity of the victim for the purpose of revealing the truth.

41. The Commission formed a Writing and Editorial Team to produce narratives related to patterns of findings, key case studies and victim testimonies, as well as to describe the impact and recommendations. The writing and editing process went slower than planned, hampered also by the COVID-19 pandemic. When the Commissioner's mandate for the

2016-2021 period ended, the report writing process was continued by the Commissioners appointed for the 2022-2027 period.

42. This report focuses on four forms of violence, namely torture, sexual violence, unlawful killing and enforced disappearance. The Commission chose to use the term “violence” (*kekerasan*) to describe all forms of human rights violations, serious human rights violations and other serious crimes. The word “violence” was considered easier to understand, and is part of the vocabulary used by the Acehnese people when describing events they witnessed or experienced.

43. The Commission notes that before the formation of the Commission there had been many published reports and research on the Aceh conflict. This report is in line with the results of the Commission’s initial review of documents submitted by civil society, showing the aforementioned four prominent forms of violence. On that basis, the Commission decided to focus its work on gathering information on these four forms of violence. This focus was also a factor in determining the areas for taking statements, determining the thematic hearings and investigations.

## D.1 Data Limitations

44. Although the truth-telling data currently held by the Commission is the largest and most complete source of information on torture, sexual violence, unlawful killing and enforced disappearances committed by both security forces and GAM during the conflict, the data available for writing this report has various limitations. These limitations influenced the scope of the report regarding matters contained or not contained in the collection of data obtained from statements reviewed as the primary source of this report.

45. As explained above, statements were taken from victims or witnesses in 17 districts and cities in Aceh. Some victim groups were overrepresented in the data set, while other groups were severely underrepresented. Thus the data set may reflect some biases, including gender representation. In addition, there were differences in the number of statements taken in each area; some regions had a high number of statements while in other regions participation was lower. It is important to not assume that these numbers reflect the intensity of violent incidents documented by the Commission. The high number of statements taken in an area may not reflect the intensity of violence that actually occurred in that area. However, the presentation

of this data can provide an overview of the depth and seriousness of the acts of violence that occurred. In addition, the large amount of aggregate data ensured the discovery of general patterns.

46. Several factors, such as financial constraints, human resources, and social conditions of the community, meant that not all districts or cities in Aceh were reached. There were also limitations of the statement-taking team which prevented them from taking statements in several planned areas. In some cases, victims or witnesses who live outside the district and city were unable to travel to the places where testimonies were being taken. There were also religious and cultural norms that inhibit victim's willingness to talk about certain experiences, for example sexual violence or experiences that could be considered "shameful" to themselves or their families. It should be noted that the statement-taking team made maximum efforts to overcome obstacles, including ensuring the same gender of statement-takers interviewing victims. The Commission also had to consider how to conduct statement-taking in the context of Aceh that is in line with Islamic Sharia Law.

47. Other factors affected the capacity for victims to provide testimonies. The reasons for this were varied and included declining health or disabilities which physically prevented them from participating, having family or work responsibilities which meant they did not have time to provide testimony at the time planned by the Commission. In some cases, there were also language barriers. Most interviews were conducted in Acehnese and Indonesian (the two most commonly used languages in Aceh), but the statement-taking team's ability to conduct interviews in other local languages was very limited.

48. Furthermore, as the security and political situation in Aceh was still fragile, the Commission also considered who was able and willing to provide statements. Although the statement-taking process was designed to make those testifying feel safe by building trust about the Commission's relevance and objectives, many victims and their families still felt unable to provide testimonies safely, or did not want to take the risk of giving statements.

49. The passage of time was another obstacle. The further back in time an event occurred, the more victims or witnesses were missing, and thus the less information was available. Surviving victims or witnesses were older or had health conditions that made it impossible to give statements. Even if someone was able to give a statement, the narrative or chronology of

events were not complete due to difficulty remembering, while the statement-taker faced challenges finding other witnesses to complete the chronology of events. However, in some cases, a shared or collective memory was helpful. This could be seen, for example, in general patterns of events and actions over time. Although statement-taking was generally carried out individually, the memories and accounts on the timing of events as recalled by victims and survivors show patterns consistent with the conflict periodization, with the exception of the *Daerah Operasi Militer* or Military Operations Area (DOM period) or other phases of the conflict further back in time.

50. As a result of the Commission's data processing, a bias may be seen in the lower number of violent events (*peristiwa kekerasan*) documented for the DOM period compared with the numbers documented for the so-called Operation Code (Operation *Sandi*) and Martial Law and Civil Emergency periods. If the passage of time and the reduction in available witnesses is not taken into account, then the Commission's data would give the false impression that the DOM period had fewer violent incidents than the more recent two periods. Therefore, the lower number of events recorded for the DOM period in the Commission's data should be interpreted as a result of fewer victims and witnesses still alive and willing to provide statements. (See Chapter 2, History of the Aceh Conflict, for details of the different phases or periods of the conflict).

51. The final obstacle was related to the COVID-19 pandemic which hampered the process of taking statements in the field, and resulted in delays in the analysis and writing process of the Commission's report.

## D.2 Data Shortcomings

52. The Commission noted three shortcomings in the data handling process that resulted in further bias in the data presentation of this report. First was related to the method of documenting violent acts. As mentioned above, only 4,765 of the 5,195 completed statements were entered into the Commission's database. This means that the total number of statements aimed to provide an accurate representation and comparison of larger data was not completely achieved. Time and logistical constraints meant that the team did not have the capacity to complete the data input within the available timeframe.

53. Second was the inconsistent use of database applications, errors in coding, and errors in categorising types of actions. The database application used by the Commission should be able to identify events, sort types of violent acts, and display data related to places and actors. However, adding code to the database was not complete enough, affecting the accuracy and coverage of data that could be analysed quantitatively. There were also inconsistent definitions of terms and vocabulary in the database which affected consistency in data identification.

54. A further impact of inconsistent coding was that the data analysis process was interrupted. In the narrative of violent incidents, it was detected that there was a connection between several events, both based on action and location. However, this connection was lost because the data was separated based on code categorization. For example, in the location of the torture category, the data only displayed one location from one statement when in fact the victim experienced repeated acts of torture in several locations in different incidents. The Commission attempted to correct this weakness by reconsolidating data and compiling narrative extraction from statement-givers. However, the possibility of losing connections between actions or events in the analysis process was still possible. Likewise, presenting a quantitative analysis that describes all locations and their relationships could not be completely achieved.

55. Third is the loss of connection between actions. An example was the choice to separate the category of sexual violence from other acts, which caused information related to sexual violence committed among other acts of violence to be not presented completely. As a result, there was a bias in the representation of women in data for other categories of violent acts such as torture.

56. These weaknesses affected the presentation and quantitative interpretation of this report. The quantitative data presented on several forms of violence cannot yet be presented comprehensively and does not represent the actual number of victims or the actual prevalence of crimes committed against them. Again, a sufficiently large amount of overall aggregate data was expected to reduce the representativeness problem. However, generalisation of violent event categories based on districts or cities must be interpreted more carefully. For districts or cities where the number of statements taken was still limited, such as in Southwest Aceh District, Nagan Raya, and Banda Aceh City, regional-based findings cannot be made. Statistically, an adequate random sample is greater than 30.

57. However, this report was not based simply on an analysis of quantitative data. The Commission conducted a qualitative analysis and presented direct victim statements in this report to describe the depth and the impact of crimes that occurred during the conflict in Aceh. The Commission also presented a special section on prominent and interrelated incidents of violence, to examine patterns of violence that occurred. In this way, the Commission continued to prioritise the voices of victims, survivors and witnesses to highlight the human experience of suffering, as well as their resilience and survival through decades of conflict.

### D.3 Opportunities

58. Despite the weaknesses and biases outlined above, the data collected by the Commission is the largest and most complete data on the forms of violence that occurred during the conflict in Aceh. The data reported here also uses a participatory approach. Apart from statements from victims, survivors, witnesses and submissions from civil society organizations, data and information were obtained from various stakeholders involved in upholding human rights in Indonesia. Therefore, the data held by the Commission makes a substantial and lasting contribution to the search for truth and knowledge about the violence that occurred during the conflict, as well as its ongoing impact on victims and survivors. The Commission worked hard to build trust with the community so that survivors and witnesses felt safe enough to provide testimonies to the Commission. The important information contained in this data set will also serve many purposes beyond the Commission's findings report.

59. This report attempts to capture the long-forgotten voices of victims of violence and human rights violations. The experiences and aspirations of victims become the moral foundation for building a peaceful, just and non-violent Aceh. This report can also be an example of how a nation can bravely, honestly and with integrity, walk alongside victims, facing a dark past, for the sake of a better future.



Former highest leader of the Free Aceh Movement (GAM), Hasan Tiro (center), waves his hand upon arrival at Sultan Iskandar Muda Airport, Nanggroe Aceh Darussalam (NAD), Saturday (11/10/2008).

Photo: © BRR/Arif Ariadi



## A. Turbulent Land of Riches

1. A World Bank report concluded that 30 years of conflict in Aceh resulted in stunted economic growth, weak government and poor public services, relegating Aceh to provinces with the highest poverty rates in Indonesia.<sup>1</sup> Looking at its historical, structural and cultural timeline, Aceh had been a wealthy region in the pre-colonial era thanks to agriculture and maritime trade. Aceh's natural potential supported its agricultural sector, producing commodities such as copra, pepper, cloves and betel nut—spices sought the world over. Meanwhile, Aceh's strategic position as a gateway to the Malacca Strait made it ideal as a maritime trade hub, which allowed merchants to establish a vast international economic distribution network. Even during the colonial era, Aceh merchants were able to expand and create markets in Malaysia and Singapore, their closest neighbours.

2. In the decade before the 1979-1989 military operation era, Aceh's economy still grew at 10 percent per year on average, higher than the national average in the same period, making it a region with a low poverty rate. Many Acehnese families worked as merchants or public servants, as well as being land or farm owners. They relied on the trade of commodities such as copra, pepper, cloves and betel nut. However, after the discovery of oil and gas resources in Aceh in the early 1970s there was a shift from the agrarian to industrial approach within the economic technocrats of Aceh.

---

<sup>1</sup> World Bank, *The Impact of Conflict, Tsunami, and Reconstruction towards Poverty in Aceh, Poverty Analysis in Aceh 2008*. Jakarta: World Bank, 2008, p. 9.

Foreign investment by Mobil Oil (later followed by Exxon) started oil and gas exploration on the east coast of Aceh. Only a few Acehnese, less than 1 percent, were able to participate in that oil and gas project.<sup>iv</sup>

3. Reflecting on Aceh's economic history, the Commission assesses that Aceh had been economically self-reliant before Jakarta designated it as a Military Operations Area (*Daerah Operasi Militer*, DOM). When Mobil Oil and Pertamina's oil and gas production started operating, most of the workers were brought in from outside Aceh. The fact that a handful of people sought to take control of oil and gas production stirred unrest and led to the imposition of military operations in Aceh. Jakarta reacted to the declaration of the Free Aceh Movement (GAM) in 1976 by dispatching more troops and launching a military operation. Farmers and traders who were previously productive had their mobility restricted with the imposition of DOM.

4. During the DOM period, the economic growth of Aceh fell to 2.5 percent. The official poverty data published periodically by Statistics Indonesia (BPS) after the peace deal (2005 onwards) demonstrated two things.<sup>2</sup> First, poverty was higher in areas where the military operations were more intense compared to areas that were not the main target of operations. A survey conducted not long after the peace deal showed that the area with the lowest poverty level was Southwest Aceh, at 19.9 percent or 1.5 times the national average. Meanwhile, the highest poverty rate was found in Pidie Jaya, at 26.1 percent or around twice the national average. The Commission's analysis of victim statements shows that poverty in Nagan Raya and Pidie Jaya correlates with the level of violence and atrocities that took place in those areas during the conflict.

5. Second, the Commission assesses that Aceh's economic contraction was directly proportional to the obstacles that stunted its economic development during the conflict. Low investment in Aceh, at only 7 percent of the national average throughout 1980 to 2004, was due to the government's failure in providing security in areas impacted by the conflict. The rampant violence and armed clashes discouraged investment as potential investors considered security risks. Investment in Aceh in 2004, for example, was far lower than in other provinces in Indonesia. The

<sup>2</sup> Statistics of Aceh Province, *Number of Poverty According to Regency/City of Aceh Province 2005-2019*, (<https://aceh.bps.go.id/statictable/2020/02/04/210/jumlah-penduduk-miskin-menurut-kabupaten-kota-di-provinsi-aceh-tahun-2005-2019.html>, accessed 23 June 2023)

circulation of money in Aceh increased significantly after the 2004 tsunami due to the massive flow of reconstruction funds into the province, which reached 14 percent of the GDP in 2006. However, this was still far below investment in other provinces.

6. The longstanding armed conflict in Aceh, which started even before Aceh joined Indonesia, impacted the Acehnese people not only in terms of economic damage but it also took so many lives, caused trauma, insecurity, and left indelible wounds in Acehnese society. Victims were generally civilians who were not directly linked to the conflict. However, as elaborated in this report, it was mainly Acehnese civilians who bore the brunt of acts of resistance and efforts to quash, subjugate and exert control in their area.

7. Losing family members and not knowing their whereabouts crushed the sense of dignity of Acehnese families. Forced disappearances and killings that denied people from locating the bodies of their family members left deep trauma. Many Acehnese families had to live with a situation where their men were disappeared and their women were sexually assaulted, in efforts to destroy the dignity of the Acehnese people.<sup>3</sup> An Acehnese proverb says “*mate aneuk meupat jeurat, mate adat pat tamita?*” (when a child dies we must know their grave, but when a culture dies where to find its remains?) Although the proverb speaks to the importance of cultural norms, it also highlights the significance of knowing where one’s child is buried. A burial place is a site of respect and is fundamental in expressing one’s longing and performing prayers for the deceased.

8. Another impact was the damage to the social and cultural fabric of Aceh. In the life of the Acehnese, social and cultural structures have an important role in building civilization.<sup>4</sup> This sense of order brings together the people of Aceh and creates harmony, enabling them to interact with the outside world and honour outsiders who come to visit. The prolonged conflict gradually undermined that order. Communities that used to be solid and harmonious became segmented, ethnically and geographically.

<sup>3</sup> Views of an expert, Otto Syamsuddin Ishak (Commissioner of Komnas HAM 2012-2017.) at the *Dengar Kesaksian* event held by the Aceh TRC on 19-20 November 2019 at the Aceh House of Representative.

<sup>4</sup> Dr. Teuku Muttaqin Mansur, M.H., *Philosophical Meaning of Bak Poteumeureuhom*, (<https://geutheeinstitute.com/2018/03/22/makna-filosofis-adat-bak-poteumeureuhom/>, accessed 23 June 2021).

Growing suspicions between groups created social tensions, leading to prejudice and persecution toward others. The conflict also displaced people, forcing them to be constantly on the move to find security, resulting in unrest between people. As a result, the people were deprived of their cultural roots and lost the opportunity to nurture healthy social relationships as they did not have enough time to adapt to new social situations.

9. In this chapter, the Commission will expound on the conflict periods in Aceh, starting from colonial times, to illustrate how the decisions and policies of the political elite and those in power have taken a toll on the Acehnese people and caused their suffering. The Commission believes that an open dialogue about history and conflict can pave the way for people to find peace.

## B. Aceh and the Colonial Wars

10. Aceh is located at the western-most tip of the *Nusantara* archipelago. Before joining Indonesia, the area now known as Aceh Province was an Islamic monarchy under the sovereignty of the Aceh Darussalam Sultanate. This sultanate reigned over the Malacca Strait and most of the Sumatra mainland from the 15<sup>th</sup> century until the end of the 19<sup>th</sup> century. Aceh's strategic location along the downwind trade route helped the Aceh Sultanate grow rapidly as a key political power, controlling trade in the region. Taxes and controls imposed by the sultan over Malacca Strait traffic was a factor in the ebb and flow of relations between Aceh and their European and Middle Eastern trade partners.

11. The arrival of the Portuguese, who tried to capture the trade dominion of the sultanate in the early 16<sup>th</sup> century, marked them as Aceh's first foreign adversary. With the help of the Ottomans (1506) and England (1819), Aceh was able to ward off the Portuguese invasion in the Malacca Strait.<sup>5</sup> This success allowed Sultan Iskandar Muda (1607-1636) to maintain his reign in several territories along the Malacca Strait, such as Negeri Pahang, Perak, Kedah and Sem. To this day this period is regarded as the

---

<sup>5</sup> Anthony Reid, *War, peace and the burden of history in Aceh*, *Asian Ethnicity*, 5:3, hlm. 301-314, 2004, (DOI: 10.1080/1463136042000259761).

golden era of Aceh. For the next two centuries, this dynasty continued in power although gradually regressed due to many other factors.

12. Aceh has never been one to submit to other powers, including Batavia and the trade under its control.<sup>6</sup> Aceh had maintained its independence and oriented its trade toward areas under British control such as Penang (1786) and Singapore (1819). In fact, it was for this reason that Aceh and the British made a treaty in 1819 whereby Aceh agreed not to form an alliance with other countries without British approval in exchange for its strengthening the military of the Aceh Sultanate.

13. The Dutch and British treaty regarding the division of colonial territories in 1824 ultimately rendered the treaty between Aceh and Britain invalid. However, this did not necessarily mean that the Dutch could simply disregard Aceh's independence. Although the political power of the Sultan of Aceh at that time was concentrated in the port city of Bandar Aceh, the unilateral treaty between the European nations was rejected outright by the sultan and the *uleebalang* (nobility who controlled certain areas and were administratively subject to the sultan). Evidence shows that even up until 1871, the Dutch allowed Aceh to be actively engaged in trade under British control as a way to prevent the Sultanate of Aceh from rebelling.<sup>7</sup> Only on 26 March 1873 did the Dutch declare war with Aceh. The first Dutch aggression, besides failing to capture the palace, also resulted in the death of General Kohler, the commander of the expedition.

14. Aceh too declared war and opened relations with the Ottoman Empire (now Turkiye), the United States and France to seek support to fight the Dutch. The Dutch Government then sent 13,000 soldiers, adding more reinforcements until they succeeded in occupying the Sultanate of Aceh, then assuming that the Acehnese resistance had abated. But the people of Aceh continued to fight the Dutch, preventing the colonial power from establishing a stable government. The Dutch were only able to control Banda Aceh, while Aceh Besar and Pidie remained the centre of Acehnese guerrilla resistance.<sup>8</sup>

15. In 1879, descendants of the Aceh Sultanate established a new royal capital in Keumala and appointed Muhammad Daud as sultan, the grandson

.....  
<sup>6</sup> Anthony Reid, *Colonial Transformation: A Bitter Legacy, in Verandah of violence: the background to the Aceh problem* (Singapore: Singapore University Press, 2006), p. 96.

<sup>7</sup> Reid, Op.Cit., p. 97.

<sup>8</sup> Ibid., p. 99.

of the previous leader. The establishment of the new capital of this kingdom encouraged other regional rulers to join and provide important support to Muhammad Daud to continue fighting the Dutch. This sultanate also received extraordinary support from the great *ulama* (Islamic religious leader), Teungku Sheikh Shaman di Tiro or Teungku Chik di Tiro, who, with his *Hikayat Perang Sabil* lore (Legend of the Sabil War), was able to bring in fighters and finances from all over Aceh to join the fight against the Dutch.

16. The *ulama* succeeded in portraying the war against the Dutch as a holy war to motivate Acehnese guerrillas to martyrdom, creating a terrible scourge for colonial soldiers. The *ulama*, a key social group that previously only dealt with religion, turned into an anti-colonial political force that made things very difficult for the Dutch. Nearly four decades later, Dutch efforts to subdue Aceh failed. The pacification of Aceh became the longest and most costly war in the history of Dutch colonialism. Although they slowly succeeded in recruiting Acehnese aristocrats as their collaborators, the Dutch still struggled to attract sympathy from the people.

17. The Aceh-Dutch War persisted for more than 30 years, shaping many heroes who would forever grace Acehnese history. Names such as Teungku Chik di Tiro, Teuku Umar, Cut Nyak Dhien, Cut Meutia, one after another continued to fan the flames of resistance against colonialism. As a result, between 1873 and 1917, the Dutch were only able to control the area of Kutaraja (now Banda Aceh) while other areas continued resisting. The Bakong Rebellion in 1927 on the West Coast of Aceh which resulted in the deaths of hundreds of people on both sides, was one such example. The war continued until 1930 even though Teungku Chik di Tiro and seven of his sons were killed between 1910-1912. This included Teungku Mahyuddin, the grandfather of Hasan Tiro, who later set off the Aceh independence movement during the New Order Government.

18. In 1909, the Dutch government entrusted 102 *uleebalang* to become rulers in their territory. This policy was advised by Snouck Hurgronje asserting that the Aceh nobility could become loyal supporters if the Dutch could honour and respect their dignity and sovereignty.<sup>9</sup> Since appointing the *uleebalang* to head a number of residencies, the Dutch asked these local noblemen to work together with the Batavia Government to suppress the

---

<sup>9</sup> Reid, Op.Cit. *Colonial Transformation: A Bitter Legacy, in Verandah of violence: the background to the Aceh problem* (Singapore: Singapore University Press, 2006), p.101.

resistance of the Acehnese people, many of whom were led by influential *ulama* who were disappointed with the behaviour of the *uleebalang* class.<sup>10</sup>

19. Dutch control and influence, which continued to strengthen due to the collaboration with the *uleebalang* class, encouraged the colonial government to promote modern religious schools in Java, Minangkabau, Mecca, and Egypt to noble families in the early 19<sup>th</sup> century. This was one of the ways the Dutch tried to separate the Acehnese people from local religious school education which taught hatred toward colonialism and oppression. The Dutch also supported modern Islamic schools in Aceh established by *uleebalang* families who graduated from outside Aceh to introduce modern Islamic education, shrinking the space for traditional religious schools.

20. Seeing this phenomenon, Teungku Daud Beureueh felt challenged. He established local religious schools that were more egalitarian and based on Acehnese cultural roots.<sup>11</sup> Using his charisma and expertise in preaching, he formed a community called *Jamaah Diniyah* in 1930 and collected donations from his congregation to establish several schools in Pidie, oriented toward producing young Acehnese revolutionaries in the future, one of whom was Hasan Tiro. Daud Beureueh's work began to reap results. His influence in Pidie and the North Coast of Aceh grew. He succeeded in inviting progressive *ulama* to form the All-Aceh *Ulama* Association (PUSA). His influence among local *ulama* also resulted in him being elected president of the organization. Under Daud Beureueh, PUSA became a progressive organization and embraced the Indonesian nationalist movement in 1940.<sup>12</sup>

21. The emergence of this new nationalist movement coincided with the arrival of Japan that was about to invade Asia. Some in Acehnese educated circles saw this as an opportunity to build communication with the Japanese and welcome them to Aceh, with the strategic goal of expelling the Dutch. After the Dutch withdrew, Aceh's relations with Japan immediately deteriorated due to the arrest of Daud Beureueh and the killing of some PUSA leaders. The educated elite who initially accepted Japan now connected with the larger nationalist movement that envisioned the establishment of a new republic in the archipelago that was to be free from colonialism. Together with Daud Beureueh and traditional teachers, these

<sup>10</sup> Anthony Reid, *War, peace and the burden of history in Aceh*. Op. Cit. p. 302.

<sup>11</sup> Reid, *Colonial Transformation*, Op. Cit. p. 104.

<sup>12</sup> *Ibid.* p.106.

republicans advocated that the Indonesian war for independence was part of the continuation of the holy war that had been waged by Teungku Chik di Tiro.

22. Dominated by PUSA activists, Aceh youth organized themselves into *laskar* (warrior) groups to take part in Indonesia's holy war of independence. In 1946, these *laskar* groups took action by attacking pro-Dutch *uleebalang* from Lamlo to Pidie. Their actions resulted in 25 *uleebalang* killed, several captured, including Pidie leader (*Residen*) Teungku Nyak Arif. Furthermore, charismatic PUSA figures and leaders were elected as heads of government in several regions. The independence movement was a profound social revolution that took over the archipelago. The people of Aceh succeeded in overthrowing the despised oppression and then handing over authority to the relatively modern *ulama* for the remainder of 1940s without any intervention or assistance from people outside Aceh.<sup>13</sup>

### C. Joining Indonesia, Disaffected and Rebellious (DI/TII Darul Islam/ Tentara Islam Indonesia/ Indonesian Islamic Army and GAM)

23. Soon after Indonesia declared independence in 1945, Aceh decided to join the new republic as one of its provinces. However, as time went by many felt that this decision to be part of Indonesia was not mutually beneficial. Acehnese leaders hoped that the central government, at the time in-exile in Yogyakarta, would make Aceh a province. The then Deputy Prime Minister Sjafruddin Prawiranegara, acting as the representative of the central government, responded to that aspiration by disbanding the military regions in Aceh, Langkat, Tanah Karo, and Tapanuli/East Sumatra, later merging those former military regions into two new provinces, Aceh and Tapanuli/East Sumatra, in December 1949.<sup>14</sup> Under this new arrangement, that took effect on 1 January 1950, the governors of both military regions were to be promoted as Governor of Aceh and Governor of Tapanuli/East Sumatra.

.....  
<sup>13</sup> Ibid. p. 107.

<sup>14</sup> Nazzarudin Sjamsudin, *Pemberontakan Kaum Republik: Kasus Darul Islam Aceh (Rebellion by the Republicans: The Case of Darul Islam in Aceh)* Jakarta: *Pustaka Utama Grafiti*, 1990. p. 35.

24. Unfortunately, although Sjafruddin asserted that he received approval from Mohammad Hatta, that decision was opposed by the Indonesian politicians in Yogyakarta. This opposition was shown by not sending any official envoy during the inauguration of Aceh Governor Teungku Daud Beureueh on 30 January 1950.<sup>15</sup> This stance of the Indonesian Government was supported by the North Sumatra Governor, S.M. Amin, who asserted that the formation of the Aceh Province was unconstitutional and contrary to the historical division of land in Sumatra in the colonial era. However, the real reason for S.M. Amin's support for the Yogyakarta Government was him wanting to ensure that his party (*Masyumi*) did not lose votes due to Aceh in it becoming a new province, as well as to safeguard a key source of revenue for North Sumatra from export-import taxes of oil and plantation commodities at the East Aceh port.

25. In the midst of this challenge from North Sumatra and the Yogyakarta Government, on 15 February 1950, together with the renowned and highly respected *ulama* Hasballah Indrapuri, Teungku Daud Beureueh founded the Ifta Council of Aceh (*Majelis Ifta Daerah Aceh*). This council functioned as advisor to the regional government on religious affairs. At a conference in Kutaraja, Acehnese leaders debated whether their region deserved to become its own province, because history had shown that Aceh was able to gain power over other Sumatran regions and had a strongly religious culture that was different from other places in Sumatra. Participants of the Kutaraja conference felt that it was the Dutch colonial government and the Indonesian Government that undermined the Acehnese, causing them to lose control over their own lands, falling into the sphere of influence of East Sumatra. The founding of this council was seen by the North Sumatra Government as Aceh's effort to secede from the Republic of Indonesia.

26. Misinterpretations from North Sumatran leadership and the national leadership in Yogyakarta prompted the Halim Government to dispatch the Minister of Home Affairs, Mr. Susanto Tirtoprodjo, to Aceh to gather as much information as possible about the formation of Aceh as its own province. Susanto said that the Yogyakarta Government would not be able to make a decision before having adequate information about these aspirations.

.....  
<sup>15</sup> Ibid., p. 36.

27. In May 1950, the Federative Republic of Indonesia (*Republik Indonesia Serikat*, RIS) and the Republic of Indonesia reached an agreement to form the Unitary State of the Republic of Indonesia (*Negara Kesatuan Republik Indonesia*). This agreement prompted Soekarno to dissolve Aceh Province and merge it into North Sumatra Province. Soekarno then formed the Committee for the Establishment of North Sumatra Province (P4SU), to which an Acehnese, Teuku Daudjseh, was appointed a member. Later Daud Beureueh was also appointed as coordinator of this committee.<sup>16</sup> Sukarno also disbanded the renowned Division X of TNI (*Tentara Nasional Indonesia*, Indonesian National Military) in Aceh. On 23 January 1951, the provincial status of Aceh was entirely revoked by the Natsir Cabinet. This further fanned the resentment of the Acehnese elite of the Indonesian Government.

28. Teungku Daud Beureueh, the then Governor of Aceh, became distraught as he felt that Jakarta had betrayed Aceh's struggle and contribution to the Republic. Daud Beureueh reached out to meet with Soekarno but was dismayed as they were unable to find common ground. On 21 September 1953, after the *ulama* congress in Titeue, Pidie, Beureueh proclaimed war against the central government and declared Aceh to be part of the Indonesian Islamic State (*Negara Islam Indonesia*, NII), following in the footsteps of Kartosuwiryo in West Java. Armed resistance began. Together with Beureueh, TNI troops from Aceh also joined to form the Indonesian Islamic Army (*Tentara Islam Indonesia*, TII). The day after the proclamation, they controlled most of the Pidie area, and held out in Garot.

29. Daud Beureueh's proclamation of war was not immediately met with Jakarta sending its troops in response, especially so during the Wilopo Government (under the *Masyumi* and PNI, *Partai Nasionalis Indonesia*, coalition government) which emphasised dialogue over military force. For that reason, Wilopo sent Hatta to Aceh to meet Daud Beureueh. As a precautionary measure, 300 Brimob (police mobile brigade) personnel were deployed to Aceh to conduct training and optimise the role of Regiment I (consisting of three organic battalions) and two Aceh Brimob companies to maintain security at the local level.<sup>17</sup>

30. The fall of the Wilopo Cabinet and the formation of the Ali Cabinet with a PNI background led to a harsher policy towards resolving the Aceh

---

<sup>16</sup> *Ibid.*, p. 41.

<sup>17</sup> *Ibid.*, p.126.

conflict. This government deployed four battalions, a *panzer* (tank) unit, several Brimob companies, and the Air Force at Bieuren and Kutaraja Airports to assist Regiment I Aceh which had previously carried out smaller, more limited military operations.<sup>18</sup> Unfortunately, the Ali Government policies were interpreted differently by the Indonesian military which carried out harsh military actions, concerned as they were to achieve success in contrast to their operations against the PRRI/Permesta rebellion in South Sulawesi. The harsh military response was also in retaliation against NII, which continued to carry out attacks on convoys and posts and bases of the Indonesian security forces.

31. This military action from outside of Aceh also resulted in fatal acts of violence against the people of Aceh. Between October 1953 and January 1954, it was reported that the Indonesian security forces arrested and detained at least 4,046 civilians, including prominent PUSA activists, and withdrew several local military commanders to Jakarta.<sup>19</sup> Indonesian security forces from West Sumatra reportedly killed civilians and set fire to their property to discourage them from supporting Darul Islam and the Darul Islam Army. This was also part of a strategy to keep armed groups away from settlements.<sup>20</sup> Although the Indonesian security forces denied these accusations,<sup>21</sup> killings and the burning of villages sparked protests by Aceh youth groups from various regions as well as opposition politicians. The Ali Cabinet became increasingly unpopular. The young people and opposition politicians demanded the formation of a fact-finding team and bringing the perpetrators to justice. These demands were never met by the government.

32. The massacre of civilians by Indonesian security forces under the Ali Government encouraged the succeeding Djuanda Cabinet to pursue mediation to resolve the rebellion in Aceh. By sending *ulama* and military commanders to Aceh for dialogue, this government sought a ceasefire agreement and a peaceful resolution to the conflict. As a result, both parties agreed to pronounce the Lamteh Pledge, a ceasefire agreement on 8 April 1957. The ceasefire, which lasted until 1959, paved the way for Prime Minister Djuanda to visit Aceh and meet with Hasan Saleh (a DI/TII

.....  
<sup>18</sup> Ibid

<sup>19</sup> Ibid., p. 128.

<sup>20</sup> Ibid., p. 144.

<sup>21</sup> Ibid., p. 147.

Commander) and Hasan Ali (Prime Minister of NII Aceh) to discuss their demands that Aceh be made a province under the Republic of Indonesia. Djuanda rejected this demand because Indonesia had become a unitary state. Even so, Hasan Saleh, Hasan Ali, and Djuanda agreed to pursue peaceful ways to resolve the Aceh conflict.

33. Djuanda's rejection prompted Daud Beureueh to ask Hasan Ali to revoke the ceasefire and resume a large-scale guerrilla war. However, one by one Beureueh's associates abandoned him. Toward the end of his rebellion, Beureueh joined the United Republic of Indonesia (*Republik Persatuan Indonesia*), together with PRRI and Permesta. At the same time, in 1961 the State of Aceh/NII name was changed to the Islamic Republic of Aceh (*Republik Islam Aceh*, RIA). RIA's power was in decline, especially as Colonel Mohammad Jasin became Commander of the Aceh Military Region replacing Sjamaun Gaharu. Colonel Jasin had success in using a different approach to communicate with Daud Beureueh, paying him high respect and persistently urging him to come down from the mountains. Their correspondence continued from 1961. At one point, Jasin was bold enough to meet Beureueh in person at his base in the Pidie mountains, for a one-on-one dialogue.

34. With Jasin's persuasion and determined efforts, Beureueh finally relented. With his loyal troops led by Teungku Ilyas Leube, he agreed to come down from the mountains on 9 May 1962. The Aceh region returned to peace, and politically the province obtained the status of a Special Region. However, Aceh did not prosper despite its abundance of oil and gas resources, such as those discovered in the Arun area in 1970. This ultimately led to more unrest in Aceh.

35. Fourteen years after Beureueh emerged from the mountains, Hasan Tiro led another wave of rebellion through the Free Aceh Movement (GAM). Beginning with his return to Aceh, which went undetected by the Indonesian government in 1973-1975, he began meeting with the *ulama*, Aceh leaders, intellectuals, government employees, and Darul Islam veterans, who remained militant followers of Daud Beureueh, to discuss Aceh's independence.<sup>22</sup> Tiro succeeded in securing support from those he met

.....  
<sup>22</sup> William Nessen, *Sentiment Made Visible: The Rise and Reasons of Aceh's National Liberation Movement*, in *Verandah of violence: the background to the Aceh problem*, edited by Anthony Reid. Singapore: Singapore University Press, 2016. p. 184.

and then proclaimed GAM on 4 December 1976 in Tiro, Pidie.<sup>23</sup> Unlike DI/TII who rebelled against Jakarta but still supported the idea of Indonesia, its territory, and only demanding an Islamic Indonesia, GAM wanted to secede from Indonesia and everything that had anything to do with Indonesia.

36. GAM saw Aceh's identity and history as different from that of Indonesia in general, and this distinction became the fundamental ideology of the Free Aceh Movement supporters. This proclamation was fully supported by Daud Beureueh and his group, and because of his support for GAM, Beureueh was arrested and taken to Jakarta to be put under house arrest.<sup>24</sup>

37. The Soeharto military government responded to the GAM proclamation by adding even more troops and running even more massive and brutal security operations compared to those during the Old Order era.<sup>v</sup> Chaos prevailed in Aceh. Hasan Tiro fled to Malaysia (1979) and on to Sweden, leading the rebellion from there. Meanwhile, in Aceh, the military wing was led by Daud Paneuk until 1983, then succeeded by Keuchik Umar until his death during an ambush by Indonesian troops in 1992. After the death of the two military commanders, GAM military leadership was passed on to Abdul Syafii until he was killed in a battle in 2002. After the GAM proclamation, fatal incidents that claimed lives and destroyed property continued in Aceh. However, the population still supported the idea of Aceh's independence as evidenced by the increasing number of GAM members between 1986-1990, reaching 1,000 people.

## D. Military Operations Area

38. In 1989, Aceh was designated as a Military Operations Area (DOM), dubbed with the code name *Operasi Jaring Merah* (Operation Red Net).

---

<sup>23</sup> Initially this organization was declared the Aceh-Sumatra National Liberation Front (ASNLF) by Hasan di Tiro, a businessman from the family of the great Acehnese *ulama* descent, Teungku Chik di Tiro, who was also a Dutch anti-colonial fighter. Between 1976-1979 GAM was driven by only a few educated people in Aceh (academics, doctors, engineers or entrepreneurs). At the end of 1979, GAM's strength was almost wiped out by counterinsurgency operations by the Indonesian government. However, in less than a decade, they already had hundreds of members who were militarily trained thanks to training in Libya. See, Kirsten E. Schulze, *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*, East-West Center Washington, 2004. pp. 4 and 6.

<sup>24</sup> *Ibid*, p. 185.

This designation lasted ten years (1989-1998).<sup>25</sup> An armed movement emerged, referred to as the “Security Disturbers Movement” (*Gerakan Pangacau Keamanan*, GPK) by the Indonesian Government. This movement came to fore after seizing 21 firearms and killing 20 ABRI soldiers who were conducting ABRI Enters the Village (ABRI *Masuk Desa*) activity in 1991. Initially, these armed groups only operated in North Aceh, later expanding to East Aceh and Pidie. Facing this situation, the then Aceh Governor Ibrahim Hasan asked President Soeharto to send ABRI troops. “I invite the best sons of this nation from Jakarta to help restore peace in Aceh,” said Ibrahim at that time. Ibrahim also urged the Acehnese people to help ABRI with their task. “Feed them rice when they are hungry and give them coconut water when they are thirsty. Like hosting a *meukeurija rayeuk* (big celebration), there surely is risk of broken dishes and glass in the dozens. Let that not be a problem,” said the former rector of Syiah Kuala University.

39. Before the DOM was established, the Jakarta Government claimed that they had attempted a cultural approach first, engaging with religious leaders. However, this effort was deemed inadequate to address the security situation at that time, and the Jakarta Government ultimately decided on a military approach to restore security in Aceh. At that time, Ibrahim Hasan held consultations with various parties, among them the Regional Leadership Council (Muspida), *ulama*, leaders of the Golkar party, as well as other Aceh figures such as Ali Hasjmy, Noer Nikmat (in Medan), as well as former DI/TII activists such as Hasan Saleh, who had been a DI/TII War Commander, and Hasan Ali who was formerly the DI/TII Prime Minister, regent, as well as security officers from Kodim and Korem. As a result of these consultations, on the urging of Major General (Ret.) H.R. Pramono (then Commander of Bukit Barisan First Military Command), Ibrahim Hasan was summoned to Jakarta to report to President Soeharto.

40. When he met Soeharto, Ibrahim related how GPK actions were violent, and that they were the remnants of the GPK of 1976. In the first meeting, Soeharto emphasised that a cultural and social approach should be prioritised. Ibrahim Hasan passed this on to Muspida, religious and

<sup>25</sup> Interview with Prof. Dr. Ibrahim Hasan, “Yang Ganas itu GPK Generasi Kedua”, *Tempo*. Edition 23/03—8/August/1998 and quoted in Nashrudin Marzuki and Adi Warsidi, *Fakta Bicara: Mengungkap Pelanggaran HAM di Aceh 1989—2005*. Banda Aceh: *Koalisi NGO HAM* (Human Rights NGO Coalition) Aceh, 2011.

community leaders. One of the cultural approaches was to engage the Indonesian *Ulama* Council, then headed by Ali Hasjmy. Despite his personal visits to the danger zones, this approach was deemed a failure. The central government then opted for the military approach. Major General (Ret.) H.R. Pramono as Commander of Bukit Barisan First Military Region then put Operation Jaring Merah in effect across Aceh.<sup>26</sup>

41. Since Aceh was designated a Military Operations Area, there was no clear information regarding the security situation in Aceh. Both before and after it was designated as a DOM, not many people in Aceh or Indonesia understood the implications of this status. Only Acehnese living in the Pidie and North Aceh might have felt the direct effect, experiencing how brutally the security forces treated them. These two areas were cited the most in reports of cases of human rights violations after the DOM was revoked in 1998.

42. In the late 1980s, the activities of the armed movement in Aceh strengthened.<sup>27</sup> They were GAM members who had received military training in Libya. This armed group started operating in North Aceh, then expanded to East Aceh and Pidie. The Indonesian government then decided to respond with military action to this situation, which justified increasing the number of military personnel deployed from 6,000 to 12,000.<sup>28</sup>

43. In the initial stages, the military operation in Aceh designated the Military Resort Command (Korem) 011/Lilawangsa as the Implementing Operations Command (Koops). Operation areas included sector A/Pidie, sector B/North Aceh, sector C/East Aceh, and sector D/Central Aceh. The regional divisions during the DOM were categorised by as “GPK-prone areas”, which included Pidie Regency (covering present day Pidie and Pidie Jaya), North Aceh Regency (covering present day North Aceh Regency, Lhokseumawe City, and Bireuen Regency), and East Aceh Regency (covering present day East Aceh Regency, Langsa City and Aceh Tamiang Regency).

<sup>26</sup> Syamsuddin Haris, et al., *Indonesia in the Brink of Divide?* Jakarta: Erlangga, 1999, p. 58.

<sup>27</sup> Sebastian Koto, *Decision Making in Aceh Conflict (1989–1998)* (Surabaya: Papyrus, 2004), p. 26.

<sup>28</sup> On approaches done by Indonesian government in Aceh during the beginning of DOM, read Bambang Sujatmoko, et al., “Killing Fields in Aceh”, *Gatra*, 8 August 1998, p. 31; Asteria Herbani, *Aceh as a Military Operation Area (1989–1998)*. Universitas Negeri Yogyakarta, 2014; Sebastian Koto, 2004, p. 6.

44. Various military operations were carried out, such as one coded *Lila Putih*, from August 1988 to March 1989; *Sadar*, from March 1989 to January 1990 targeting Tiro Sub-district, Pidie Regency; *Siwah*, from February 1990 to May 1990; and *Jaring Merah I* to VII, from July 1990 to 1996. The military operations continued under *Jaring Merah VIII* and *Jaring Merah IX* until 31 March 1999.

45. The Pase-4 Team Assignment Report in the GPK Aceh Eradication Operation for the period of November 1994 to November 1995, which was discovered by local human rights organizations, specifies several Kopassus (Special Forces) operation targets in Aceh.<sup>29</sup> The Army's elite unit categorised the insurgents into three groups, namely guerrillas in the forest, clandestine and popular supporters/sympathisers. The document also explains that the main tasks of the operation include: (1) searching for and destroying GPK leaders and members, dead or alive, and seizing their weapons, (2) dismantling the GPK clandestine network in cities and villages, and (3) dismantling the marijuana syndicate as a GPK source of funds. The Pase-4 Team prioritised targeting clandestine groups in villages, by combining intelligence operations and combat operations. Raids and house searches were tactics of combat operations.

46. Statements made to the Commission asserted that raids of civilian houses were often accompanied by arbitrary arrests and detention by joint forces, Brimob, or Kopassus. When raiding and searching civilian houses, the Indonesian military also destroyed and confiscated their property, such as money, gold and other objects. On some occasions, searched houses were set on fire. From testimonies obtained by the Commission, most of the victims were not GAM sympathisers or members. Thus, during the DOM, military operation targets widened compared to the previous period.

47. The Pase-4 Team Assignment Report shows that the Indonesian military also targeted civilian GAM members or sympathisers. The document shows the anatomy of the operation, including targets, implementation and results, the names of victims of arrests and shootings as well as items confiscated from the houses of villagers. This document also included a list of names of military personnel who were promoted because they were considered successful in carrying out operations.

<sup>29</sup> Dyah Rahmany P., *Rumoh Geudong, The Scar of The Acehnese*. Jakarta: LSPP, 2004, p. 15.

48. The Commission has not found the exact number of civilian casualties during the DOM period, but according to an Amnesty International report at least 10,000 to 30,000 people died as a result of the conflict, most of whom were civilians.<sup>30</sup> In a report published by the same organization several years earlier, it was recorded that more than 50 people were tried and sentenced to 13 to 20 years in prison on subversion charges.<sup>31</sup> In addition, records from 1999 published by Forum *Peduli* HAM Aceh, a civil society organization, cited a death toll of 1,321, with 1,958 people missing, 3,430 people tortured, 128 cases of rape and 597 cases of house burning during the DOM period.<sup>32</sup> A Komnas HAM investigation conducted in July-August 1998 concluded that there had been 781 cases of extrajudicial killings, 163 cases of enforced disappearances, and 102 cases of rape.<sup>33</sup> Similar acts of violence were also committed by GAM members, although in much smaller numbers, especially against those accused of being collaborators or informants for the Indonesian government (locally known as *cuak*).<sup>34</sup> Meanwhile, the Fact Finding Team for cases of violence in Aceh formed by the House of Representatives published a report in October 1998, which stated that during the DOM period there had been 420 cases of enforced disappearances and 320 cases of extrajudicial killings.<sup>35</sup>

49. The Commission finds that there are facts that support allegations that the Indonesian security forces have taken certain measures to deny or cover up traces of violence that occurred during the DOM period. For example, when Komnas HAM issued a report about mass graves in Bukit Sentang and Bukit Tengkorak, North Aceh, which allegedly involved Indonesian military officers, the ABRI commander at that time, Wiranto, stated that the human skeletons found were those of members of the communist party (PKI) from years prior.<sup>36</sup> Another alleged case of evidence destruction was the burning of *Rumoh Geudong* on 20 August 1998, two

.....  
<sup>30</sup> Amnesty International, *Time to Face the Past, Justice for Past Abuse in Indonesia's Aceh Province*, 2013, p. 9.

<sup>31</sup> Nashrudin Marzuki and Adi Warsidi, *The Loud Fact: Revealing Human Rights Violations in Aceh 1989-2005*. Banda Aceh: Koalisi NGO HAM Aceh, 2011, pp. 40-41.

<sup>32</sup> Fikar Eda, et al., *Aceh Objects: Ten Years of Aceh Under Military Pressure*. Jakarta: Pustaka Sinar Harapan, 1999, p.15.

<sup>33</sup> *Executive Summary Independent Commission to Investigate Acts of Violence in Aceh*, Komnas HAM. Jakarta 1999, p. 25.

<sup>34</sup> Amnesty International, Op. Cit. pp. 14-15 and 18-19.

<sup>35</sup> KontraS, *Aceh, at Peace with Justice? Revealing Past Violence*. 2006.

<sup>36</sup> *Ibid*.

weeks after the DOM status was revoked and several hours after the Komnas HAM team visited *Rumoh Geudong*.

50. Referring to expert statements, the Commission finds that the military doctrine and practices carried out in Aceh were among the underlying factors of the New Order's use of power in their discharge of anti-insurgent operations against GAM.<sup>vi</sup> These military doctrines and practices were carried out in two ways. First, the institutionalisation of terror as a method of dealing with national security threats. Second, systematic mobilisation and coercing of civilian populations to assist in counterinsurgency operations as spies.<sup>37</sup>

51. The institutionalisation of terror emerged in the form of extrajudicial killings, burning of houses of suspected GAM supporters, house-to-house searches and attacks at night, arbitrary arrests, repeated torture of people in detention, rape of women who were believed to have ties to GAM, and public executions.<sup>38</sup>

52. Civilians were mobilised in this anti-insurgency operation as *Pagar Betis* (literally, fence of legs) during attacks on suspected GAM areas. Communities were also forced to spy on people and to hunt down and kill anyone suspected of being related to or supporting GAM. Around 1991, when the Commander of 011/Lilawangsa was Colonel Inf. Syarwan Hamid, TNI recruited civilians as TPOs or TBOs (*Tenaga Pembantu/Bantuan Operasional*, Operations Assistant Personnel). They became known locally as *cuak*. In several areas in the three regencies of Pidie, East Aceh, North Aceh where the DOM was implemented, TNI tried to recruit civilians as Ratih (*Rakyat Terlatih*, Trained People), who performed the same tasks as TPO but in larger numbers. Ratih were formally legalised by Law No. 20 of 1982 concerning Basic Provisions for the Defense and Security of the Republic of Indonesia. In Central Aceh Regency, TNI recruited TPO from the Javanese ethnic group. These former TPOs, after the DOM was revoked and the military operations were ceased, later became leaders of militias in Central Aceh.

53. The military operation ended after the collapse of the New Order regime. On 7 August 1998, Aceh's DOM status was revoked by President

<sup>37</sup> Daniel Hutagalung, *Understanding Aceh in Konteks: Analysis on Martial Law Status in Aceh 2003-2004*. (<https://www.researchgate.net/publication/242251754>, accessed 23 June 2021).

<sup>38</sup> *Ibid.*, pp. 7-8.

B.J. Habibie. However, the spectre of violence and trauma still haunts the people of Aceh. To make things worse, various policies adopted post-DOM in fact prolonged the chain of violence experienced by the people of Aceh.

## E. Operation Sandi (“Code”)

54. Operation *Sandi* (“Code”) spanned from 1998 to 2003, since the DOM was revoked until Martial Law was imposed in 2003. The Commission refers to this period as the Operation *Sandi* period to encapsulate the many security operations under various code names. The violence that occurred in this period indicates that despite much progress in post-*Reformasi* security enforcement regulations, the violent practices by the military continued.

55. Changes in the national political landscape in 1998 after the collapse of the New Order regime, known as *Reformasi*,<sup>vii</sup> promoted democratic reforms of the law and political system in Indonesia. In this period, with greater space for public information openness, civilians had more freedom to speak out about violent events that occurred under the New Order era, including in Aceh. A student movement demanding the repeal of the DOM emerged.<sup>39</sup> Various civil actions took place in universities, at the Aceh Parliament building, and the Aceh Governor’s office. These protests also demanded the establishment of a National Human Rights Commission office in Aceh and urged investigations into cases of human rights abuses in Aceh.<sup>40</sup>

56. The calls to repeal the DOM in Aceh compelled the Indonesian Government to make policy changes. On 7 August 1998, the Minister of Defense and Security/Armed Forces Commander, at that time General Wiranto, acknowledged the negative impacts of the DOM in Aceh. Wiranto also apologised and promised to revoke the DOM status which had been in place since 1989. This statement marked the revocation of DOM status in Aceh.

<sup>39</sup> Otto Syamsuddin Ishak, *Aceh Post-Conflict: Contestation of 3 Types of Nationalism*. Banda Aceh: Bandar Publishing, 2013.

<sup>40</sup> “Pressing for DOM Abomination, Students Strike”, *Serambi Indonesia*. Edition Wednesday, 10 June 1998.

“Today, as the leader of ABRI and with the blessing of the President, I have decided that I will completely hand over the security of Aceh to the people of Aceh themselves, namely to the ulama, community leaders, and all levels of society, including the ABRI units under the Regional Police and the Aceh Military Regional Command itself. To the Commander of Military Region I, Major General TNI Ismet Yusaeri, I give one month to withdraw all troops who are not organic to Aceh back to their respective bases.”<sup>41</sup>

57. GAM saw this political openness as an opportunity to consolidate pro-independence forces in Aceh and build an open resistance. GAM carried out campaigns and recruitment of new members through lectures in public places, including at the *meunasah* or local mosques, as well as launching attacks targeting the members of the Indonesian security forces. Hasan Tiro’s speeches were circulated to villages. GAM military training was carried out in the open or recorded for the public to see. There were also cases of Indonesian military members’ deserting as they defected to GAM.<sup>42</sup> This meant that the revocation of the DOM and the withdrawal of troops from Aceh did not necessarily create a stable situation for Aceh’s security.

58. This demand was mobilised by Aceh intellectuals organized under SIRA (Aceh Referendum Information Centre), which was founded in Banda Aceh on 4 February 1999. On 8 November 1999 in Banda Aceh, SIRA succeeded to bring together approximately one million Acehnese people (some sources say two million) from various districts to demand a referendum on Aceh’s independence. GAM’s influence also grew stronger among Acehnese society following this mobilisation by SIRA.

59. Despite international pressure to engage in dialogue as a solution to the conflict in Aceh, the Indonesian government remained ambiguous by

.....  
<sup>41</sup> “DOM Aceh is Revoked”, *Kompas*. Edition 8 August 1998.

<sup>42</sup> One example is the case that ensnared First Sergeant (Sertu) Asral, a TNI member who served at Koramil 09/Samadua Headquarters, Kodim 0107/South Aceh. He deserted to GAM carrying one M 16 A-1 long-barreled weapon, two magazines filled with ammunition, one walky-talky, and a pair of TNI camouflage shirts on 9 November 1999. In 2009, Asral was arrested by Pomdam IM and members of the Kodim intelligence unit 0107/South Aceh at his home in Kota Baru Village, Samadua District, South Aceh Regency. He was charged with Article 87 in conjunction with Article 88 concerning deserters who hand over weapons to the enemy and Article 148 of the Military Criminal Code (KUHPM) concerning deserters who carry away weapons entrusted to them. The panel of judges at Military Court (Dilmil) I-01 Banda Aceh acquitted Asral (Decision Put / 186 - K/PM. I - 01 /AD/XII/2009).

resuming military operations in Aceh. As in the New Order era, the central government responded to demands for a referendum by increasing troop mobilisation, sweeping, and attacking areas believed to be armed group strongholds. These operations were still characterised by various forms of violence similar to past operations. The military operations often targeted school buildings for burning. Apart from the recurrent cases of mass killings, there were plenty of unexplained shootings during this Operation *Sandi* period.

60. In 1999, the Army Strategic Reserve (Kostrad) Commander Ryamizard Ryacudu publicly said that the separatist movement in Aceh deserved to be militarily eradicated. As a result, gross human rights violations took place even after the DOM was revoked, replaced by a series of military operations dubbed with special codes, identified in this report as Operation *Sandi*.

61. Chronologically, the first military operation after the DOM was lifted was the 1999 *Wibawa* (Wisdom) Task Force Operation. The operation, declared on 2 January 1999, initially took effect in the northern and eastern regions of Aceh, led by Police Lieutenant Colonel Iskandar Hasan (North Aceh Police Chief) with his deputy Colonel Infantry Johnny Wahab (Commander of Lilawangsa Military District). A characteristic of Operation *Wibawa* was its indifference to non-military violence, whereas the military violence was more systematic and well-organized, dispatching around 5,000 Mass Riot Suppression Forces (PPRM) personnel. Operation *Wibawa* was then succeeded by Operation *Sadar Rencong* (Aware *Rencong*, a traditional Acehnese knife, OSR). During this period, security operations were gradually taken over by the police after the TNI repositioned itself as a defence institution against external attacks. The leader of OSR I, Aceh Regional Police Chief Brigadier General Bachrumsyah Kasman, said, “We are taking a humane approach, a cultural approach, and a humanitarian approach”, characterising the operation under his leadership. However, facts on the ground spoke otherwise. Violence continued. Operation OSR I was followed by OSR II and III which were carried out in February 2000. The Commander of the Information Task Force for Operation OSR II was Lieutenant Colonel (Pol) Sayed Husaeni. The person in command in the OSR III operation was Colonel (Pol) Drs. Yusuf Muharram and the Head of the OSR III Information Sub-Task Force was Colonel (Pol) Drs. Syafri DM, SH.

62. After the DOM revocation, much of the leadership of the operations were handed over to high-ranking, Aceh-born police or military officers. This was notably a key characteristic of Operation *Sandi*. On 5 February

2002, the Indonesian Government formed the Iskandar Muda Military Command in Nanggroe Aceh Darussalam Province with Brigadier General Djali Yusuf as commander, an Aceh native.

63. Operation *Cinta Meunasah* (Love Local Mosques, OCM) was held after OSR III, with the aim of regaining the sympathy of the Acehnese. However, ironically, this operation did not bring people closer to local mosques, instead causing these mosques in Aceh to lose their followers due to the constant fear and terror. This policy claimed many victims and resulted in civilians having to flee to other areas. The Commander of the Operation *Cinta Meunasah* Task Force was Police Chief Commissioner Suyitno.

**Table 4. Military operations and their specific codes**

Operation Name	Operation Period
Operation Wibawa	January 1999 - May 1999
Sadar <i>Rencong</i> I	May 1999 - January 2000
Sadar <i>Rencong</i> II	February - May 2000
<i>Cinta Meunasah</i> I	June - September 2000
<i>Cinta Meunasah</i> II	September 2000 - February 2001
Law and Order Restoration I	February - August 2001
Law and Order Restoration II	September 2001 - February 2002
Law and Order Restoration III	February - November 2002

64. The last operation during the Operation *Sandi* period was the Law and Order Restoration Operation, which was based on Presidential Instruction No. 4/April 2001 signed by President Abdurrahman Wahid. There were six comprehensive steps to resolve Aceh's problems, including political, economic, social, legal and public order, security, and information and communication fields. Various groups consider this Presidential Instruction as nothing more than a limited military operation that escalated violence in Aceh.

65. The intensity of violence, terror, arson, kidnapping, murder and other forms of crime continued to increase and led to mass forced displacement in remote areas. The Commission received information stating that 534,335 people, or 132,621 families were displaced or left their villages. Between 1999 and 2000, people sought refuge in refugee camps, but in 2001 and 2002 some people fled to their relatives' homes seeking safety. In the early

2000s, thousands of Acehese residents submitted identity documents to the office of the United Nations High Commissioner for Refugees (UNHCR). In 2002, 633 asylum seekers applied to UNHCR. In October 2003, the number of asylum seekers from Aceh increased to 3,757. In 2002, there were at least 7,000 Acehese refugees in Malaysia.<sup>43</sup>

66. During the Operation *Sandi* period, there were also many killings targeting Acehese leadership. These included the killings of the Chancellor of Ar-Raniry State Islamic Institute (IAIN) Prof. Dr. Safwan Idris, Chancellor of Syiah Kuala University Prof. Dr. Dayan Dawood, former deputy governor of Aceh Teuku Djohan. In this period, human rights defenders were also targeted with violence. For example, the killing of human rights activist Jafar Siddiq Hamzah by unknown perpetrators. Expert analysis for the Commission stated that these killings aimed to establish institutionalised terror in society and extended to politicians, academics and human rights defenders.

67. In this situation, the desire of the Acehese people for self-determination strengthened leading to the emergence of various popular resistance organizations driven by students and academics, such as KARMA, Farmidia, SMUR, FPDRA, SPURA, PERAK, and HANTAM.<sup>viii</sup> These organizations promoted various issues. For example, HANTAM pushed for anti-militarism by holding a peaceful rally on 6 May 2002, demanding a cease-fire between the Republic of Indonesia and GAM. During the rally, HANTAM carried four flags, namely the GAM, Indonesian, Referendum and UN flags. The rally ended with an arrest of all the organizers and participants in the HANTAM action. This action was meaningful in raising the idea that UN intervention was necessary to mediate the Aceh conflict.

68. Throughout this period, the Indonesian government implemented an economic recovery policy and welfare approach for Aceh. The government started by providing amnesty to GAM political prisoners, financial assistance to orphans and widows of conflict victims, and employment opportunities to the children of former GAM members. The Indonesian government also gave special status to Aceh in the fields of religion, culture, and education through Law No. 44 of 1999 concerning the Implementation of the Special Status for the Special Region of Aceh Province. In 2001, by ratifying Law No. 18 of 2001 concerning Special Autonomy for the Special Region of

---

<sup>43</sup> Antje Msissbach, *Long Distance Diaspora Aceh Politics, An Illustration on Separatist Conflict in Indonesia*. Yogyakarta: Penerbit Ombak, 2012.

Aceh Province as Nanggroe Aceh Darussalam Province, the Indonesian government granted special autonomy status to Aceh in the hope that it would promote peace. The Indonesian government also issued three Presidential Instructions regarding the Aceh issue, namely Presidential Instruction No. 4 of 2001 concerning Comprehensive Steps in Resolving the Aceh Issue; Presidential Instruction No. 7 of 2001 concerning Comprehensive Steps in Resolving the Aceh Issue; and Presidential Instruction No. 1 of 2002 concerning Increasing Comprehensive Steps in the Context of Accelerating the Resolution of the Aceh Issue. These three presidential instructions aimed to provide guidelines for resolving the Aceh conflict. However, these policies failed to stop violence and the conflict continued throughout nearly all of Aceh.

69. Amid security operations, the Indonesian government also sought to explore opportunities for peaceful resolution to the Aceh conflict by engaging in dialogues with GAM. During the period of President Abdurrahman Wahid (Gus Dur), the Secretary of State Bondan Gunawan met with GAM Commander Teungku Abdullah Syafie on 16 March 2000 to discuss a peaceful resolution to the conflict. This dialogue continued, facilitated by the Henry Dunant Center for Humanitarian Dialogue (HDC).<sup>ix</sup> On 12 May 2000, the first peace treaty between the Republic of Indonesia and GAM was agreed. This agreement, better known as the Joint Understanding on Humanitarian Pause for Aceh or more commonly referred to as “Humanitarian Pause” was signed by Hassan Wirajuda, representing the Republic of Indonesia and Dr. Zaini Abdullah, representing GAM. The Humanitarian Pause (2 June 2000–15 January 2001) was followed by the Moratorium on Violence (15 January–15 February 2001), and later by the Peace Through Dialogue, until the Cessation of Hostilities Agreement or CoHA in Geneva was reached (9 December–May 2003).

70. Negotiations continued in the middle of ongoing security operations. The tripartite Joint Security Committee (KKB) which comprised Indonesia, GAM, and the Henry Dunant Center as the mediator, was formed. This committee, better known as the Joint Security Committee (JSC) was led by Thanongsuk Tuvinum, a high-ranking officer from Thailand. The CoHA then ran into a dead end following the failed follow up negotiations in Tokyo, Japan. The CoHA automatically ended with the imposition of Military Martial Law on 19 May 2003 by President Megawati Soekarnoputri. Sadly, these efforts reportedly became deadlocked because Indonesian and

GAM troops continually launched military actions, escalating violence in Aceh and ultimately providing a pretext for the imposition of Martial Law.

## F. Martial Law and Civil Emergency (DM/DS)

71. In May 2003, after the CoHA Humanitarian Pause was declared a failure and discontinued, the GAM negotiators were arrested and imprisoned. President Megawati then announced martial law (*Darurat Militer*, DM) on 19 May 2003. The late Aceh journalist Fakhurradzie Gade noted that at 00.00 Western Indonesian Time, 19 May 2003, it was a tense night in Aceh shortly after the Coordinating Minister for Political, Legal, and Security Affairs Susilo Bambang Yudhoyono announced the start of martial law. As a consequence, President Megawati Soekarnoputri authorised sending 30,000 TNI and 12,000 police personnel to Aceh. This was Indonesia's largest deployment of military and security troops since the start of Operation *Seroja* (Lotus Flower) in East Timor on 7 December 1975.<sup>44</sup>

72. The decision to impose martial law in Aceh was based on the perception of increasing danger requiring a new military approach. As the supreme central authority of martial law, Megawati established a Martial Law Authority at the central level (PDMP) and Regional Martial Law Authority (PDMD). In discharging her duties as PDMP, Megawati formed the Central Martial Law Executive Body (PHPDMP) consisting of coordinating ministers, ministers, TNI commander, the Chief of Indonesia National Police, the head of the State Intelligence Agency (BIN), the Attorney General and the Chiefs of Staff of Forces.

73. At the regional level, Megawati appointed the Commander of the Iskandar Muda Regional Military Command, Major General Endang Suwarya, as the Regional Martial Law Authority (PDMD). The Commander of Iskandar Muda Military Region then used the command structure as the main implementing structure for martial law starting with making the Regional Military Chief of Staff (Kasdam), Iskandar Muda the Deputy PDMD and Assistant Commander of the Implementing Task Force. Meanwhile, to discharge his duties, PDMD was also assisted by the Governor, the Regional Chief of Police and the Head of the Aceh Attorney General's Office.

<sup>44</sup> Fakhurradzie Gade, *SBY and The Story of Imposing Martial Law in Aceh*. (<https://www.acehtrend.com/2019/05/16/sby-dan-kisah-penerapan-darurat-militer-di-aceh/>, accessed 23 June 2023).

74. The first day of Martial Law was marked by the burning of school buildings in several districts/cities throughout Aceh. TNI Major General Endang Suwarya, who was also in charge of Martial Law, accused GAM of being the perpetrator. Similar actions continued sporadically over the following months. A year after the imposition of martial law, TNI claimed to have killed 2,439 GAM personnel. In addition, 2,003 GAM members were arrested and 1,559 surrendered. On the TNI side, 147 people were killed and 422 injured.<sup>45</sup> During the martial law period, dozens of activists were arrested and forcibly disappeared. Many had to leave Aceh. Among those arrested was Muhammad Nazar from SIRA. In the fugitive list issued compiled by the Regional Martial Law authorities there were names of human rights and humanitarian workers in Aceh, including Tarmizi (LBH Banda Aceh), Suraiya Kamaruzzaman (Flower Aceh), Asiah (Kontras Aceh) and Kautsar Muhammad Yus.

75. The US also condemned the way martial law was implemented, as US Secretary of State Paul Wolfowitz expressed in his meeting with Indonesian Minister of Defense Matori Abdul Jalil in Singapore on 30 May 2003. The two met at a symposium on defence issues in Asia organized by the London-based International Institute for Strategic Studies. However, President Megawati did not respond to Wolfowitz's criticism. In fact, to expedite her military operations Megawati extended martial law until mid-November 2003 beyond the first phase. Ahead of the general elections in July 2004, Megawati signed a decree on 18 May 2004 to end martial law in Aceh, followed by a Presidential Decree regarding the Aceh Civil Emergency on 19 May 2004.

76. Even though the status had changed to Civil Emergency, the security situation in Aceh did not change. Aceh was still closed off to the outside world. Hundreds of lives were taken, mostly civilians. Spokesperson for the Regional Civil Emergency Authority (PDSO), Police Commissioner Sayed Husaini, stated that during the four months of implementation of the Civil Emergency at least 182 civilians fell victim with a total of 67 killed, 56 injured and 59 missing. Additionally, 26 TNI members were killed and 78 were injured. In addition, ten police personnel were killed and 45 injured. On the GAM side, 475 were killed, 242 captured and 484 people surrendered.<sup>46</sup> Meanwhile, the Public Information Service of the TNI

<sup>45</sup> Marzuki and Adi Warsidi, *Op.Cit.*, p. 31.

<sup>46</sup> Detik.com, "4 Months of Civil Emergency in Aceh, 182 Civilians Fell Victim", (<https://news.detik.com/berita/210375/4-bulan-darurat-sipil-di-aceh-182-sipil-jadi-korban>).

Headquarters admitted that from the beginning of the emergency period to September 2004, 662 civilians were killed, 140 were seriously injured and 227 received minor injuries.<sup>47</sup>

77. At the end of 2004, a tsunami struck Aceh, killing 150,000 to 170,000 people. Armed conflict stopped as a result. Aceh saw a drastic increase in international attention with humanitarian assistance to help recover from the devastation. Even so, the Civil Emergency status was only terminated in May 2005. Aceh was then assigned Civil Order status through Presidential Regulation Number 38 of 2005 concerning the Retraction of Dangerous Situation, Status known as Civil Emergency in Nanggroe Aceh Darussalam Province. The Aceh tsunami prompted an agreement on the peaceful resolution to the conflict. The Helsinki Memorandum of Understanding (Helsinki MoU) was signed between the Indonesian government and GAM on 15 August 2005.<sup>48</sup> This MoU signalled the aim of the Indonesian government and GAM to implement the agreements it contained to end violence.

78. The first step to peace was taken by implementing the MoU point on the disarmament of combatants, demobilisation of the Indonesian military and the reintegration of former combatants into civil society.<sup>49</sup> The Indonesian government also implemented the point in the agreement on the promulgation of the Aceh Government Law No. 11 of 2006, which stipulated, among others, efforts to fulfil the rights of victims of human rights violations and accountability for past human rights crimes, including establishing a Human Rights Court and a Truth and Reconciliation Commission for Aceh. The two also agreed to reform the government and general election system in Aceh to better reflect the sovereignty of the Acehnese people. After the Helsinki MoU, Aceh rebuilt itself as a special autonomous region based on “Islamic Sharia” – as regulated in Law No. 11 of 2006 concerning the Aceh Government.

.....  
<sup>47</sup> Marzuki and Adi Warsidi, *Op. Cit.*

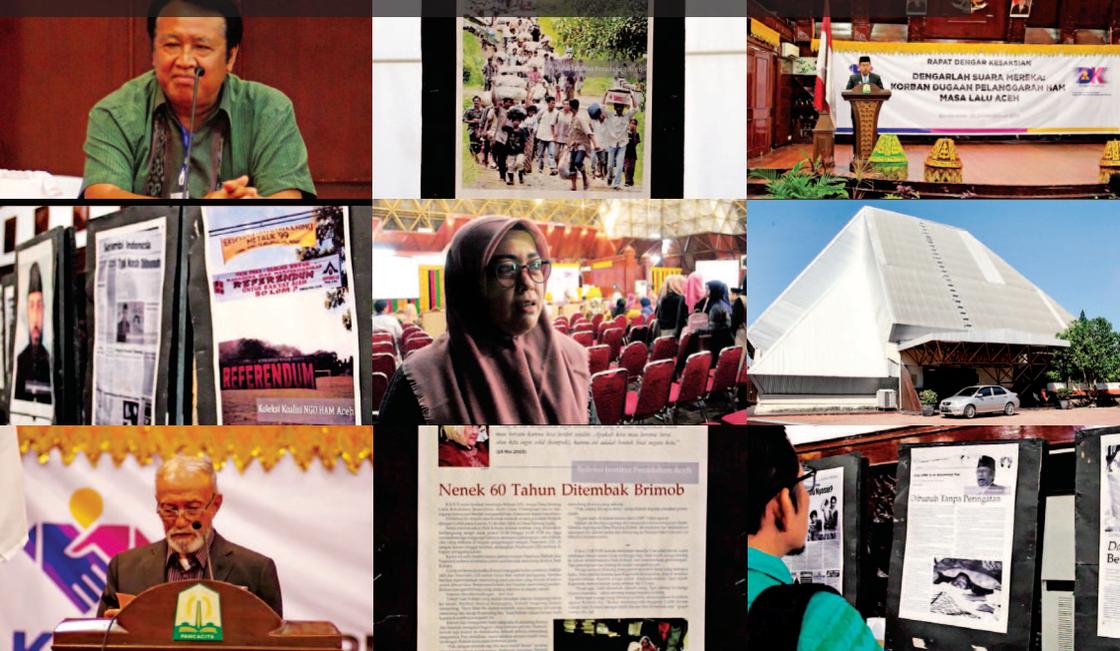
<sup>48</sup> In fact, efforts to continue peace negotiations were initiated by the new government in Indonesia under President Susilo Bambang Yudhoyono and Vice President Jusuf Kalla, who were the main initiators. When he was the Coordinating Minister for Political, Legal and Security Affairs (Menkopolhukam), Susilo Bambang Yudhoyono actually did not agree with the Martial Law policy in Aceh which was decided by the President at that time, Megawati. See International Commission of Jurists, *Aceh: A New Chance for Peace*, 2005, pp 4-6.

<sup>49</sup> Also known as the DDR programme (disarmament, demobilisation, and reintegration), a general approach to push for peacebuilding in a region post conflict.



The Aceh Truth and Reconciliation Commission held the first Public Hearing for victims of human rights violations during the conflict from 1976 to 2005. Fourteen victims and three expert witnesses gave their testimonies during the hearing, which took place in Banda Aceh on November 28–29, 2018.

Photo: © Aceh Truth and Reconciliation Commission



# Legal and Human Rights Framework

## A. Introduction

1. This legal framework is prepared with reference to various Indonesian statutory laws and regulations, international human rights instruments, international humanitarian law, international criminal law and various other relevant norms and rules. These references provide a legal basis for accountability for human rights violations that have occurred within the scope of the Commission's mandate and report.
2. International human rights law provides a set of principles on states' human rights obligations, including states' obligations to provide effective remedies for victims of human rights violations. International humanitarian law is also relevant as the basis for this legal framework, considering the context of violence and human rights violations in Aceh that took place in two dimensions, i.e., in peacetime and in times of armed conflict. The consensus of various human rights and humanitarian organizations<sup>1</sup> is that the armed conflict in Aceh between the Government of Indonesia and the

<sup>1</sup> Amnesty International, *Time to Face the Past: Justice for Past Abuses in Indonesia's Aceh Province*, April 2013, p. 10 (<https://www.amnesty.org/en/documents/asa21/001/2013/en/>); Human Rights Watch, *Aceh Under Martial Law: Can These Men Be Trusted to Prosecute This War?*, October 2003, p. 2 (<https://www.hrw.org/news/2003/10/15/indonesia-human-rights-abusers-involved-aceh-conflict>); Amnesty International, *Indonesia/Aceh: Safety of civilians must be the priority*, 18 May 2003 (<https://www.amnesty.org/en/documents/asa21/019/2003/en/>); International Commission of the Red Cross (ICRC), *Indonesia: ICRC operations in Nanggroe Aceh Darussalam (NAD) province*. 1 July 2004 (<https://www.icrc.org/en/doc/resources/documents/update/62ghus.htm>); Irfan Hutagalung, "Applicability of Common Article 3 and Other Humanitarian Law in Aceh Conflict", unpublished, 2005.

Free Aceh Movement (GAM) was a non-international armed conflict based on the 1949 Geneva Conventions.<sup>2</sup>

3. The human rights violations that occurred in Aceh as outlined elsewhere in this report indicate that they were gross violations of human rights and crimes that can qualify as atrocity crimes or the most serious crimes under international criminal law. These categories of crimes under Indonesian criminal law qualify as “gross human rights violations”, and therefore this legal framework also employs an international criminal law approach.

## B. The Commission’s Mandate and Report

4. The Commission was established pursuant to *Qanun* No. 17 of 2013 concerning the Aceh Truth and Reconciliation Commission (*Qanun* on Aceh TRC), which is pursuant to Law No. 11 of 2006 concerning the Government of Aceh.<sup>3</sup> The Commission’s establishment is also mandated by and is a key part of the Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement, also known as the 2005 Helsinki Accord.<sup>4</sup>

5. The Commission was established to: (1) strengthen peace by revealing the truth about past human rights violations; (2) help achieve reconciliation between perpetrators of human rights violations, both individuals and institutions, and victims; and (3) recommend comprehensive reparations for victims of human rights violations, in accordance with universal standards concerning the rights of victims.<sup>5</sup>

6. Based on these objectives the Commission’s tasks include: (1) establishing mechanisms for truth-seeking, reparations and reconciliation; (2) collecting information from national and international governmental and non-governmental organizations, on the initiative of such organizations or at the request of the Commission within the scope of its competence; (3) conducting investigations to achieve its objectives, including obtaining

<sup>2</sup> Under international humanitarian law, non-international armed conflict is distinguished from situations of international armed conflict involving two or more states.

<sup>3</sup> Law No. 11 of 2006 concerning the Government of Aceh (Law on the Government of Aceh), Articles 229 and 230.

<sup>4</sup> Memorandum of Understanding Between The Government of Republic of Indonesia and The Free Aceh Movement, Helsinki, August 15, 2005, Point 2 (2.3.).

<sup>5</sup> *Qanun* No. 17 of 2013, , Article 3.

reports, documents, or evidence from authorities and government agencies; and (4) receiving statements and other evidence from victims, representatives, heirs and relatives of victims.<sup>6</sup>

7. The Commission emphasises, as in other truth commissions, that while healing and reconciliation are important, justice for victims is also a priority and mandate of the Commission. Justice must include truth-telling, acknowledgment of human rights violations, recognition of victims, reparations, and rebuilding public trust and building solidarity and social cohesion.<sup>7</sup> Recognition of human rights violations for victims who are also rights holder citizens is the general goal that is closely related to justice. Reparation programmes must be tied to the achievement of justice. It is therefore important to emphasise that reparations have two main objectives related to justice, namely, to provide means and measures to recognise victims and contribute to the full recovery of their dignity.<sup>8</sup>

8. An important part of the Commission's mandate is to prepare a report on human rights violations and gross human rights violations based on collected evidence and facts, including analysis of the causal factors and underlying events, political or economic motivations, actions of both state and non-state actors, and their impacts. The Commission also has the duty to present its report to the national government, the Aceh government, the Aceh House of Representatives, human rights institutions and the public.<sup>9</sup>

9. In line with the objectives and duties of the Commission, truth-telling is an important mandate of the Commission. The Aceh TRC *Qanun* defines truth-telling as including the Commission's actions to seek and find incidents of human rights violations that are not gross violations during the Aceh conflict to promote reconciliation between victims and perpetrators, which include collecting information and documents, investigation, taking statements, and producing publications.<sup>x</sup> The objectives of truth-telling include: (a) promoting policy changes and reform to institutions that have committed violations in the past; (b) obtaining accurate information about human rights violations and alleged gross human rights violations, based

.....  
<sup>6</sup> Aceh TRC *Qanun*, Article 8.

<sup>7</sup> Yasmin Sooka, "Dealing with the past and transitional justice: building peace through accountability", *International Review of the Red Cross*, 88:862, June 2006, p. 317.

<sup>8</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), *Rule of Law Tools for Post-Conflict States: Reparations Programmes*. 2008, p. 30.

<sup>9</sup> Aceh TRC *Qanun*, Article 8 letter h and i, Article 16 para. (1).

on collected evidence and facts, including analyses of causal factors, underlying events, political and/or economic motivations, actions of both state and non-state actors and their impacts; (c) fulfilling the victims' right to truth and justice; and (d) rectifying the history of Aceh.<sup>10</sup>

10. The scope of truth-telling is the disclosure of human rights violations that occurred in Aceh and outside Aceh insofar as they are related to the Aceh conflict, which includes two periods: (1) the first period of 4 December 1976–15 August 2005; and (2) the second period prior to 4 December 1976. Priority of disclosure has been given to human rights violations related to the most basic human rights, i.e., economic, social and cultural rights, as well as civil and political rights.<sup>11</sup>

11. “Truth” is defined as truth as found by the Commission about human rights violation events related to victims, perpetrators, places and times. The scope also includes the causal factors and underlying events, political and economic motivations, actions of both state and non-state actors and their impacts.<sup>12</sup> Article 20 of the Aceh TRC *Qanun* clearly mandates that one of the purposes of truth-telling is “to obtain accurate information about human rights violations and alleged gross human rights violations”. This objective is affirmed by Article 8 letter h of Aceh TRC *Qanun* that the task of the Commission includes “reporting findings on human rights violations and alleged gross human rights violations”, as well as Article 16 paragraph (1) of the Aceh TRC *Qanun* which stipulates that “Aceh TRC must produce a report on human rights violations and gross human rights violations”.

12. The Commission's report is an important part of the accountability process for human rights violations in Aceh, providing a basis for recognition of violations, fulfilment of victims' rights, as well as other forms of accountability. Findings on human rights violations and allegations of gross human rights violations that include information about victims, perpetrators, places, and times, as well as the underlying causes and events, political and economic motivations, actions of both state and non-state actors, and their impacts are an accurate historical record of past violations in Aceh. The Commission's report, compiled through a process of truth-telling about human rights violations that occurred, and identifying those responsible

<sup>10</sup> Aceh TRC *Qanun*, Chapter V; Aceh TRC *Qanun*, Article 1 para. (30), Article 20.

<sup>11</sup> Aceh TRC *Qanun*, Article 19.

<sup>12</sup> Aceh TRC *Qanun*, Article 1 para. (19), Article 20.

and the formal and official recognition of human rights violations, will affirm the dignity of victims.

13. The Commission's report plays an important role in achieving the Commission's objectives, namely strengthening peace through truth-telling about past human rights violations, achieving reconciliation between individual and institutional perpetrators of human rights violations and victims, and comprehensive reparations for victims of human rights violations in accordance with universal standards regarding victims' rights.

## C. Commission's Interpretation: Human Rights Violations, Gross Human Rights Violations and Atrocity Crimes

14. The Aceh TRC *Qanun* uses the terms "human rights violations that are gross"<sup>13</sup> and "gross human rights violations".<sup>14</sup> The Aceh TRC *Qanun* has also provided a definition of "human rights violations", as well as "gross human rights violations", crimes against humanity, genocide, and war crimes.<sup>15</sup> This report considers that it is important to clarify and set the definition and use of the term based on human rights framework and law, humanitarian law, international criminal law and Indonesian statutory laws.

### C.1 Human Rights Violations and Gross Human Rights Violations

15. Indonesian statutory laws, as well as the Aceh TRC *Qanun*, define human rights violations as any act of a person or group of people including state officials, whether intentional or unintentional or due to negligence, limiting, and/or depriving a person or group of people of their human rights as guaranteed by Law Number 39 of 1999 concerning Human Rights and other laws and regulations related to human rights guarantees, and not

.....  
<sup>13</sup> Aceh TRC *Qanun*, Article 1 para. (15).

<sup>14</sup> Aceh TRC *Qanun*, Article 1 para. (28), Article 8 letter h, Article 16 para. (1), Article 20, Article 30, Article 48.

<sup>15</sup> Aceh TRC *Qanun* Article 1 para. (15).

getting, or fearing that they will not get, a fair and correct legal remedy, based on applicable legal mechanisms.<sup>16</sup>

16. “Gross human rights violations” are generally understood according to the legal definition based on Law Number 26 of 2000 concerning Human Rights Courts, which refers to two crime categories: genocide and crimes against humanity. In the Aceh TRC *Qanun*, gross human rights violation is defined as crimes against humanity, genocide and war crimes.<sup>17</sup> The Aceh TRC *Qanun* adds “war crimes” as part of gross human rights violations.

17. Whereas the term “*pelanggaran HAM berat*” is a direct translation of the term “gross violation of human rights”. The term “gross” in various instruments and international judicial bodies is often used interchangeably and cumulatively with the terms “grave”, “flagrant”, “massive”, “systematic” and “serious”<sup>18</sup> to indicate the gravity of the human rights violations.<sup>19</sup> For example, the use of the terms “gross violation” and “serious violation” in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law of 2005.

18. Other international human rights documents also use the term “gross violation of human rights”. For example, paragraph 30 of the Vienna Declaration and Programme of Action 1993, which sets out examples of acts that amount to “gross and systemic violations”. These include torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary killings, enforced disappearances, arbitrary imprisonment, all forms of racism, racial discrimination and apartheid, poverty, hunger and denial of economic, social and cultural rights and discrimination against women.

19. The Council of Europe Guidelines on Eradicating Impunity for Serious Human Rights Violations 2011 also provides a list of “serious human rights violations”, including extrajudicial killings, negligence leading to serious risk to life or health, torture and other cruel, inhuman, or degrading

<sup>16</sup> Law No. 39 of 1999 concerning Human Rights, Article 1 para. (6).

<sup>17</sup> Aceh TRC *Qanun*, Article 15.

<sup>18</sup> Roger-Claude Liwanga, “The Meaning of Gross Violation of Human Rights: A Focus on International Tribunals’ Decisions over the DRC Conflicts”, 44 *Denv. J. International Law and Policy*. 67, 2015, p. 69.

<sup>19</sup> *Ibid.*, p. 13.

treatment or punishment, enforced disappearance, kidnapping, slavery, forced labour, human trafficking, rape or sexual crimes, and intentional destruction of homes and property.<sup>20</sup>

20. UN Human Rights Committee Resolution No. 77 of 1993 on Forced Evictions also uses the term “gross violation of human rights”, stating that “the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing.”<sup>21</sup> Forced evictions are gross violations of a range of internationally recognised human rights, including the rights to adequate housing, food, water, health, education, employment, human security, freedom from cruel, inhuman and degrading punishment and treatment, and freedom of movement.<sup>22</sup>

21. In general, “gross violation of human rights” is the systematic violation of certain human rights norms that are more serious in nature, such as apartheid, racial discrimination, killing, slavery, genocide, and so on.<sup>23</sup> The term “gross” is a benchmark for violations and indicates the level of severity or the seriousness of the human rights violation.<sup>24</sup>

22. These human rights violations constitute a violation of international laws which transgress peremptory norms with a severe intensity. A violation can be assessed by at least five elements: (1) qualitative, which refers to the form and nature of the violation; (2) quantitative, which refers to, among others, the count of violations and the number of victims; (3) temporal, which refers to a consistent pattern of violations over a period of time; (4) planning, which refers to the planned nature of violations; and (5) the failure of the state/government to take the necessary measures to prevent and punish such violations.<sup>25</sup>

23. Other characteristics of “gross violation of human rights” include: (1) lack of a specific list of violations that constitute “gross violation of human rights”, but the term covers various forms of human rights violations and

---

<sup>20</sup> Council of Europe Directorate General of Human Rights and Rule of Law, *Eradicating impunity for serious human rights violations: Guidelines and reference texts*, Strasbourg, March 30, 2011, p. 23.

<sup>21</sup> UN Committee on Human Rights, Forced Evictions, 10 March 1993, E/CN.4/RES/1993/77, p. 2.

<sup>22</sup> Ibid. (<https://www.ohchr.org/en/issues/housing/pages/forcedevictions.aspx>, accessed November 20, 2021).

<sup>23</sup> Victor H. Conde, *Handbook of International Human Rights Terminology, Second Edition*. University of Nebraska Press, 2004, p. 103.

<sup>24</sup> Theo van Boven, Op. Cit. para. 8.

<sup>25</sup> Liwanga, Op.Cit., p. 81.

includes certain crimes in international criminal law; and (2) “gross violation of human rights” includes violations of civil and political rights as well as economic, social and cultural rights.<sup>26</sup>

## C.2 Atrocity Crimes and the Most Serious Crimes

24. The term “atrocity crimes” refers to three types of international crimes in international criminal law: genocide, crimes against humanity and war crimes.<sup>27</sup> Atrocity crimes are also the most serious crimes, as formulated in the 1998 Rome Statute for the International Criminal Court (ICC), namely: (1) the crime of genocide; (2) crimes against humanity; (3) war crimes; and (4) crime of aggression.<sup>28</sup>

25. Indonesia’s criminal code also recognises and regulates atrocity crimes and the most serious crimes, however, limited only to two crimes, as stipulated in Law No. 26 of 2000: genocide and crimes against humanity, which are defined as “gross violations of human rights”. As mentioned above, the Aceh TRC *Qanun* also added war crimes to the scope of gross human rights violations.

26. Types of crimes that constitute gross human rights violations as previously defined in the Elucidation to Article 104 (1) of Law No. 39 of 1999, includes acts such as mass killings, arbitrary or extrajudicial killing, torture, enforced disappearance, enslavement and systematic discrimination.<sup>29</sup>

27. The two gross human rights violations categories, namely genocide and crimes against humanity, are legally defined in Law No. 26 of 2000. Article 8 of Law No. 26 of 2000 defines genocide as any act committed with the intention of destroying or exterminating, in whole or in part, a nation,

---

<sup>26</sup> *Ibid.*, p. 71.

<sup>27</sup> These three forms of crime and their definitions can be referred to various international instruments, including the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Conventions and their 1977 Additional Protocols, and the 1998 Rome Statute of the International Criminal Court. See UN, *Framework of Analysis for Atrocity Crimes, Tools for Analysis*, 2014, p. 1.

<sup>28</sup> Rome Statute of 1998, Article 5, Article 6, Article 7. Previous definitions of genocide, crimes against humanity, and war crimes were also formulated in the Statute for the ad hoc International Criminal Tribunal for the Former Yugoslavia (ICTY) and the Statute for the ad hoc International Criminal Tribunal for Rwanda (ICTR).

<sup>29</sup> The term gross human rights violations also appeared in Government Regulation in Lieu of Law No. 1 of 1999 concerning Human Rights Courts, which was later annulled by the DPR and replaced by Law No. 26 of 2000.

race, ethnic group, religious group, by: (a) killing members of the group; (b) inflicting severe physical or mental suffering on members of the group; (c) creating conditions of life for the group that would result in its physical destruction in whole or in part; (d) imposing measures aimed at preventing births within the group; or (e) forcibly transferring children from one group to another.

28. Meanwhile, Article 9 of Law No. 26 of 2000 defines crimes against humanity as any acts committed as part of a widespread or systematic attack directed against a civilian population in the form of: (a) killing; (b) extermination; (c) slavery; (d) forced expulsion or transfer of population; (e) deprivation of liberty or other arbitrary deprivation of physical liberty in violation of the fundamental provisions of international law; (f) torture; (g) rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or other equivalent forms of sexual violence; (h) persecution of a particular group or association based on political affiliation, race, nationality, ethnicity, culture, religion, sex or any other reason that has been universally recognised as prohibited under international law; (i) enforced disappearance; or (j) the crime of apartheid.

29. The elucidation of Article 7 of Law No. 26 of 2000 explains that genocide and crimes against humanity were adopted from the 1998 Rome Statute. However, there are a number of differences in the formulation in Law No. 26 of 2000 with the 1998 Rome Statute, namely: (i) the form of underlying acts in letter h of Article 9 of Law No. 26 of 2000 uses the term “*penganiayaan*” (torture) whereas the 1998 Rome Statute uses the term “persecution”; and (ii) the exclusion of “other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health”, as formulated in Article 7 letter k of the 1998 Rome Statute.

## D. International and National Legal Framework for Killing, Enforced Disappearance, Sexual Violence, Torture, and Arbitrary Arrest and Detention

30. This report dissects the legal framework for four major human rights violations found in the truth-seeking process of the Aceh TRC. In every human rights violation, arbitrary arrest and detention is a recurring pattern that precedes or takes place during the human rights violation.

## D.1 Unlawful and Extrajudicial Killings

31. International human rights law and Indonesian statutory laws guarantee the right to life.<sup>30</sup> The right to life is a “peremptory norm” of international law and cannot be suspended or derogated even in situations of “public emergency threatening the life of a nation.”<sup>31</sup> The right to life is also part of customary international law that is binding on all nations.<sup>32</sup>

32. Any form of unlawful killing is<sup>33</sup> prohibited.<sup>34</sup> Unlawful killing is the intentional killing without due process through a decision or order from the state apparatus or carried out with the acquiescence or involvement of the state apparatus.<sup>35</sup> Unlawful killing is also broadly interpreted to include extrajudicial killings by state apparatus or non-state actors for which the state later fails to conduct an effective and independent investigation or where there is absence of prosecution.

33. In situations of internal armed conflict (non-international armed conflict), such as the conflict that took place in Aceh, unlawful killing was also committed by non-state actors who were active participants in the conflict. Perpetrators include state actors, especially security forces and armed militia groups affiliated (formed, supported, and agreed) with the state, and non-state actors such as members of GAM.

34. In situations of armed conflict where killings are potentially carried out by both sides of the conflict, i.e., both the Indonesian security forces and GAM as an organized armed group, international humanitarian law supersedes international human rights law. Any organized armed group – GAM in the context of Aceh – is considered to be a “party” to an armed

.....  
<sup>30</sup> Universal Declaration of Human Rights (UDHR), Article 3; ICCPR, Article 6 para. (1); 1945 Constitution, Article 28A, Article 28I para. (1); Law No. 39 of 1999, Article 4, Article 9.

<sup>31</sup> ICCPR, Article 4 para. (2).

<sup>32</sup> See UN General Comment No. 24 of the Human Rights Committee on “reservations” made at ratification of the International Covenant on Civil and Political Rights (ICCPR) or its Optional Protocols, or with respect to “declarations” under Article 41 of the ICCPR, UN doc. CCPR/C/21/Rev.1/Add.6 (1994), para. 10; General Comment No. 29 of the CCPR on emergencies (Art. 4), UN Doc. CCPR/C/21/Rev.1/Add.11 (2001), para. 11.

<sup>33</sup> Another term often used to describe a type of *unlawful killing* is “*extrajudicial, summary or arbitrary executions*.”

<sup>34</sup> Penal Code, Article 340;

<sup>35</sup> For example, this term is available in the general mandate of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions (<https://www.ohchr.org/EN/Issues/Executions/Pages/SRExecutionsIndex.aspx>).

conflict that has an obligation under international law (both humanitarian and human rights laws) irrespective of formal recognition by the opposing party.

35. International criminal law and the Indonesian penal code also prohibit unlawful killings. The Indonesian Criminal Code (KUHP) prohibits various forms of killing and other acts resulting in death, such as the provisions of Article 340 on the prohibition of premeditated murder. International criminal law and national KUHP also prohibit killing in certain categories and contexts. These include killing with the intent to partially or wholly destroy a national, ethnic, racial, or religious group as the crime of genocide,<sup>36</sup> killing committed as part of a widespread or systematic attack on a civilian population as a crime against humanity,<sup>37</sup> and killing committed in the context of gross violations of the Geneva Conventions of 12 August 1949 and common article 3 of the four Geneva Conventions of 12 August 1949.<sup>38</sup> The Rome Statute of 1998 and Law No. 26 of 2000 do not distinguish their application in the context of peace or war and armed conflict. Thus, killing that falls within the jurisdiction of the International Criminal Court (ICC) or the Human Rights Court is applicable under any circumstances.

## D.2 Torture

36. International human rights law and Indonesian legislation recognise and guarantee the right to be free from torture and other cruel, inhuman and degrading treatment or punishment.<sup>39</sup> The right to be free from torture is one of the human rights that is non-derogable under any circumstances.<sup>40</sup> Thus, torture and other cruel, inhuman and degrading treatment or punishment are prohibited.<sup>41</sup>

<sup>36</sup> Rome Statute, Article 6; Law No. 26 of 2000, Article 8.

<sup>37</sup> Rome Statute, Article 7; Law No. 26 of 2000, Article 9.

<sup>38</sup> Rome Statute, Article 8 paragraph (2.a.1)

<sup>39</sup> Universal Declaration of Human Rights (UDHR), Article 5; ICCPR, Article 7; Convention Against Torture and Other Cruel Inhuman or Degrading Treatment (CAT), Article 4; 1945 Constitution, Article 28I para. (1), 28G para. (2); Law No. 39 of 1999, Articles 4, 33 (1); Law No. 5 of 1998 concerning the Ratification of the CAT; Criminal Code, Articles 351, 353, 354, 355, 356 para. (3), 421 and 422; Code of Criminal Procedure, Articles 512, 117; Law No. 2 of 2002 concerning the Indonesian Police, Explanation; Law No. 23 of 2002 concerning Child Protection, as amended into Law No. 35 of 2014, Law No. 11 of 2012 concerning the Juvenile Justice System.

<sup>40</sup> UDHR, Article 5; ICCPR, Article 7, Article 4; 1945 Constitution, Article 28I paragraph (1).

<sup>41</sup> UDHR, Article 5; ICCPR, Article 7; CAT, Article 4; 1945 Constitution, Article 28I para. (1), 28G para. (2); Law No. 39 of 1999, Articles 4, 33; Law No. 5 of 1998 concerning the Ratification of the CAT; Penal Code, Articles 351, 353, 354, 355, 356(3), 421 and 422; Criminal Procedure

37. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT) defines torture, which is any act committed intentionally so as to cause great pain or suffering, physical or psychological, to a person to extract a confession or information from that person, or from a third person, by punishing them for an act which has been committed or alleged to have been committed by that person or a third person, or threatening or coercing that person or a third person, or for any reason based on any form of discrimination, when such pain or suffering is caused by, at the instigation of, with the consent, or knowledge of a public official.<sup>42</sup>

38. Similarly, states shall prevent and prohibit all other forms of cruel, inhuman and degrading treatment or punishment. The CAT does not specify in detail the definition of other cruel, inhuman and degrading treatment or punishment. States are free to adopt or establish regulations, for example to criminalise “other cruel, inhuman or degrading treatment or punishment” as separate crimes. However, States retain the obligation to take measures to prevent such acts.<sup>43</sup>

39. Torture in armed conflict is also prohibited under international humanitarian law, including in the four Geneva Conventions of 1949 and their implementing rules.<sup>44</sup> The laws govern the treatment of people who do not, or no longer take part in hostilities, including the wounded, prisoners and civilians. All four conventions prohibit punishment in the form of torture and other forms of mistreatment.

40. In international law, sexual violence can include a wide range of crimes, such as rape, sexual slavery, forced prostitution, forced pregnancy, and

.....  
Code, Articles 52, 512, 117, Law No. 2 of 2002 concerning the Indonesian Police, Explanation; Law No. 23 of 2002 concerning Child Protection, as amended into Law No. 35 of 2014, Law No. 11 of 2012 concerning the Juvenile Justice System.

<sup>42</sup> CAT, Article 1.

<sup>43</sup> *Ibid.*, Article 16. The meaning of other cruel, inhuman, and degrading treatment or punishment is developed in other UN documents and court rulings. This prohibition also relates to provisions on standards of protection of persons in places of detention such as the UN Code of Conduct for Law Enforcement Officials, UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (The Bangkok Rules), UN Rules for The Protection of Juveniles Deprived of Their Liberty (Havana Rules), and UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

<sup>44</sup> In 1977, two protocols were attached to the Geneva Treaty to extend the protection and scope of these treaties. Protocol I (jointly ratified by 153 States) covers international conflicts. Protocol II (jointly ratified by 145 States) covers non-international conflicts.

forced sterilisation. Sexual violence is used as a way of exercising power and domination over the victim. Sexual violence has various names, depending on the situation and form of violence. Sexual violence can be referred to as torture, cruel, inhuman or degrading punishment, rape and others. Depending on the circumstances, sexual violence may constitute a crime against humanity or a war crime, or a method of committing genocide. In times of armed conflict, sexual violence is considered a war crime, a violation of laws and customs of war, or a grave violation of the Geneva Conventions.

41. Many acts of sexual violence, such as rape, sexual slavery, or forced marriage can be considered torture if they meet the international definition of torture. Less serious acts of sexual violence can also amount to cruel, inhumane, and degrading treatment. An act of sexual violence is considered torture if it meets all three criteria that constitute the definition of torture. Sexual violence qualifies as torture when it leads to severe suffering; done intentionally toward a purpose (not due to an accident or negligence), such as to obtain information or confession, to punish, intimidate, coerce, for various reasons, on the basis of discrimination of any kind; performed by a public official or others acting in an official capacity, or at the instigation of or with their permission or consent.<sup>45</sup>

### D.3 Sexual Violence

42. International human rights law, international criminal law, international humanitarian law, and Indonesian statutory laws prohibit acts that amount to sexual violence.

43. Violence refers to behaviour that is contrary to statutory laws, including threats or concrete actions, that cause damage to property, bodily harm, or result in death of a person. Violence is defined as “any act that results in physical, psychological, sexual suffering and/or neglect, including threats to commit unlawful acts, coercion, or deprivation of liberty”. Violence is an act characterised by inhuman attitude or behaviour that can harm

.....  
<sup>45</sup> The placement of sexual violence or rape as part of torture was recognised by the United Nations for the first time when it announced findings of evidence of sexual violence and rape against women in Bosnia during the Bosnian war in the early 1990s. These findings were previously reported individually by Mrs. A through her legal representative to the UN Committee Against Torture regarding atrocities committed by the State of Bosnia and Herzegovina. In the ruling issued by the UN Committee Against Torture in August 2019, the Committee also called on Bosnia to pay compensation as well as provide medical and psychosocial assistance to the victims.

others who are victims of such violence and can even cause death. Violence can also be understood as acts of aggression or violations that can take many forms such as torture, beatings, rape, terror and other acts that will cause or are intended to harm others physically as well as psychologically. While sexual violence is any form of behaviour of sexual nature, committed by one or several persons that is undesired and unwanted by the person subjected to it, that causes negative consequences, such as shame, offense, humiliation, anger, loss of self-esteem, and feeling a loss of chastity.

44. Sexual violence occurs both in situations of peace and conflict, as is the experience in many countries. In the 1990s, armed conflicts in countries such as Kuwait, the former Yugoslavia and Rwanda, subjected women to mass physical, sexual and psychological violence. A study by the Indonesian Commission on Violence Against Women (Komnas *Perempuan*) on violence against women in conflict zones found that women's bodies and sexuality are used as tools to subdue or weaken the resistance of adversaries or as a tool of conquest.

45. In conflict situations, women often become victims of deliberate means of torture targeting their sexual and reproductive organs. Komnas *Perempuan* documentation<sup>46</sup> in conflict zones in Indonesia, such as in Aceh and Maluku provinces, shows that much torture against women was directed at victims' breasts and vaginas. Women victims were stripped naked in public or forced into sexual intercourse in front of crowds or their family members. When there are armed clashes or open assault against a particular community, pregnant women are often subjected to very particular attacks because of their pregnancy. In conflict situations, it is also common to find cases of sexual slavery as sexual attacks that are systematic are intended to weaken resistance or to exterminate a particular ethnic group. In Indonesia, sexual slavery took place during the Japanese occupation. Victims were kidnapped or forcibly taken from their communities and required to provide sexual services to Japanese soldiers. Victims could not resist coercion due to their status as prisoners or slaves with no rights under the control of armed soldiers. Women victims of Japanese sexual slavery are known in Japanese as *Jugun Ianfu* ("Comfort Women"). Sexual slavery was

.....  
<sup>46</sup> See Komnas *Perempuan* research reports on conflicts in Poso, Ambon, and Aceh ([https://drive.google.com/file/d/1f2JBekRjuspMfpJKwBwnUJhdv4dq\\_n\\_bb/view](https://drive.google.com/file/d/1f2JBekRjuspMfpJKwBwnUJhdv4dq_n_bb/view); <https://drive.google.com/file/d/1ZHgA4Zny0BcVGBBphJLsldF-FUyjl4m/view>; <https://drive.google.com/file/d/1eVzHCzVx7HEfeAY8VUiAANndMO9rl7Za/view>).

also found in East Timor during its imposition as a “Military Operation Area” under Indonesian rule between 1975-1999.

46. In armed conflict women often become victims of rape and forced sex work, two of the most prominent patterns of sexual violence. Unfortunately, such cases are very rarely exposed, let alone dealt with by international courts. An anthropologist at the University of Chile, Santiago looked at two interrelated factors where military violence targets women in an armed conflict. First, violence against women is experienced as daily terror. Second, women are systematically identified where perpetrators seek information about their names, residences, family relationships, activities and so on, placing them as enemies of the state. Women are systematically tracked, monitored, terrorised and even imprisoned. Military often commit sexual harassment, torture and rape.

47. Violation of women’s rights in situations of armed conflict is a violation of basic principles of human rights law and international humanitarian law and requires an effective response. Offenses in this category including killing, systematic rape, sexual slavery and forced pregnancy.<sup>47</sup> Sexual violence also includes any form of violence, physical or psychological, aimed at assaulting a person’s sexual characteristics, such as forcing a person to strip naked in public and mutilate one’s genitals, or other forms of sexual humiliation and sexual abuse.<sup>48</sup>

48. International humanitarian law prohibits all forms of rape and sexual violence, including the prohibition on attacks on women’s honour.<sup>49</sup> Humanitarian law states that women must be protected and afforded special respect, from all attacks on their honour, in particular from acts of rape, forced prostitution, or any other form of sexual assault.<sup>50</sup> This protection also includes the protection of the dignity or honour and rights of the family.<sup>51</sup>

49. Sexual slavery and sexual violence in times of conflict, under certain conditions, can be categorised as violations of customary international law

.....  
<sup>47</sup> United Nations, The Vienna Declaration and Programme of Action, para. 38.

<sup>48</sup> United Nations, Contemporary Forms of Slavery Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict, Final Report, submitted by Gay J. McDougall, Special Rapporteur on Contemporary Forms of Slavery, (New York: United Nations, 1998), E/CN.4/Sub.2/1998/13, para. 21, 22.

<sup>49</sup> *Ibid.*, para. 16, 33.

<sup>50</sup> Geneva Convention IV, Article 27, Article 76 para. (1) Additional Protocol I.

<sup>51</sup> Additional Regulations of the Hague Convention IV, Article 46.

of *jus cogens* (compelling law) norms. Various international crimes that constitute violations of *jus cogens* norms include slavery, crimes against humanity, genocide, war crimes and torture.<sup>52</sup> In addition, forms of sexual violence such as rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilisation, or any other serious form of sexual violence can be categorised as crimes against humanity, crimes of genocide and war crimes.<sup>53</sup>

50. The 1998 Rome Statute provides for the prohibition of forms of sexual violence as part of one of the underlying crimes of crimes against humanity. Article 7, paragraph 1 (g) of the Rome Statute of 1988 states that rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilisation, or any other form of sexual violence comparable gravity constitutes crimes against humanity if committed as part of a widespread or systematic attack on a civilian population, with knowledge of the attack.

51. Article 7 (e) paragraph 2 of the 1998 Rome Statute also stipulates that “torture” means the intentional infliction of great pain or suffering, physical or psychological, on a person detained or under the control of the accused, except where the torture does not include pain or suffering arising only from, inherent in or as a result of lawful sanctions.

52. Article 8 point e (vi) of the 1998 Rome Statute states that “committing rape, sexual slavery, forced prostitution, forced pregnancy, as defined in Article 7, paragraph 2 (f), forced sterilisation, and any other form of sexual violence is also a serious violation of Article 3 common to the four Geneva Conventions” constitute other serious violations of the laws and customs that prevail in armed conflict not of an international nature, within the established framework of international law.

53. In addition to the Rome Statute, sexual violence as underlying crimes against humanity has been regulated in other instruments. For example, Article 5 of the Statute establishing the International Criminal Tribunal for the former Yugoslavia (ICTY) considers rape as a crime against humanity. The full text of Article 5 of ICTY Statute is as follows:

“The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and

<sup>52</sup> United Nations, Contemporary Forms of Slavery Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict, Final Report. Op. Cit. para. 37.

<sup>53</sup> Ibid., para. 38-66.

directed against any civilian population: a. murderer; b. extermination; c. enslavement; d. deportation; e. imprisonment; f. torture; g. rape; h. persecution on political, racial and religious reasons; i. other inhumane acts.”

54. Article 3(g) of the Statute of the International Criminal Tribunal for Rwanda (ICTR) also includes rape as a crime against humanity. Likewise, the Rome Statute also affirms rape as a crime against humanity in Article 7.1 (g). The Rome Statute provides more fully by describing “(r)ape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity” as crimes against humanity. Ad hoc courts have recognised these and other acts of sexual violence in the category of “other inhumane acts” of crimes against humanity.

55. The practice in various international criminal courts rulings also indicates the development of precedent for cases related to sexual violence. For example, the International Criminal Tribunal for Former Yugoslavia (ICTY) ruling in the Furundzija case, which affirmed that sexual violence according to the rules of international criminal law constitutes not only rape, but also any serious sexual assault that is not limited to actual penetration. This includes all attacks of a sexual nature committed against the physical and moral integrity of a person in ways that involve coercion, threats of violence or intimidation so as to degrade and offend the dignity of the victim. Meanwhile, in the case of Akayesu, the ICTR ruled that sexual violence, which includes rape, is any act of a sexual nature committed against a person who is under duress. Sexual violence is not limited to physical assault but can also include acts that do not involve penetration or even physical contact.

56. Acts of sexual violence as torture based on several conventions and court considerations emphasise that an act of sexual violence can be categorised as torture if the act is deliberately committed by a public official or someone in an official capacity with the approval of the authorities with the aim of obtaining something from the victim, such as information, so that it is committed and causes severe distress.

57. Regulation of sexual violence is still minimal in Indonesian statutory laws, despite this form of violence growing rapidly and occurring in various contexts. The use of sexual violence as a means of punishing or obtaining information is also found in cases and events perpetrated by the state through its apparatus and by non-state actors in conflict situations and in peace time<sup>xi</sup>

58. The term sexual violence is not found in the Indonesian Criminal Code, which was created by the Dutch government during colonial times and adopted by the Indonesian government after independence through Law No. 1 of 1946. However, from the many crimes regulated in the Second Volume of the Criminal Code, two crimes that can be recognised as sexual violence are rape and indecent acts. Even so, the limitations used are very narrow and both are categorised as crimes against morality. From the perspective of victims' advocates, categorising sexual violence as a crime against decency not only reduces the degree of the crime, but also creates the view that sexual violence is solely a matter of morality.

59. The narrow definition of rape is evident in the formulation of Article 285 of the Criminal Code which states that, "Any person who by force or under threat of violence forces a woman to have sexual intercourse with him outside marriage, shall be subject to punishment for committing rape with a maximum imprisonment of twelve years". The word "rape" is also only used in Article 285, while other articles related to rape (Articles 286 to 288 of the Criminal Code) use the word "intercourse".<sup>54</sup>

60. After *Reformasi*, laws have been issued that regulate sexual violence within a specific context. For example, the Law on the Elimination of Trafficking in Persons includes articles on sexual exploitation, the Child Protection Law focuses on sexual exploitation of children, and the Law on the Elimination of Domestic Violence has articles on marital rape and forced prostitution (although it is not explicitly defined as rape and forced prostitution). However, the existence of these specialised laws has thus far failed to address the fundamental problem concerning access of victims of sexual violence to justice. This is because a specialised law applies to a specific context, while at the same time the provisions in the Criminal Code and Criminal Procedure Code also apply.

61. As in the 1998 Rome Statute, Indonesian law also stipulates that sexual violence such as rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilisation, or other equivalent forms of sexual violence are also forms of predicate crimes in crimes against humanity.<sup>55</sup>

.....  
<sup>54</sup> Whereas rape should be understood as, "... the insertion, under conditions of force, coercion or duress, of any object, including but not limited to a penis, into a victim's vagina or anus; or the insertion, under conditions of force, coercion or duress, of a penis into the mouth of the victim." See United Nations, *Contemporary Forms of Slavery Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict, Final Report*" Op. Cit. para. 24.

<sup>55</sup> Law No. 26 of 2000, Article 9 letter 9; Rome Statute, Article 9 para. (1.g).

## D.4 Enforced Disappearance

62. International human rights law, international humanitarian law, international criminal law, and Indonesian law prohibit the crime of enforced disappearance and oblige states to take measures to prevent and punish perpetrators. The definition of enforced disappearance, referring to Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), is:

“... arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

63. Under this definition, the main elements of the crime of enforced disappearance are: (1) an act that is against the will of the victim; (2) an arrest, detention, kidnapping, or other forms of deprivation of liberty; (3) carried out by state or non-state actors (groups acting with the authority, support or approval of the state); (4) there is denial about the deprivation of liberty or concealment of the state or whereabouts of the missing person; and (5) placing the victim outside the protection of the law.

64. The CPED and the Rome Statute recognise and determine that the crime of enforced disappearance constitutes a crime against humanity.<sup>56</sup> However, there are two characteristic differences between the definition of enforced disappearance in the 1998 Rome Statute and the CPED that are relevant to past human rights violations in Aceh or during armed conflict, where the legal basis and consequences are governed by applicable international law. First, the scope of the element of the legal subject who committed the act as well as the element of the person deprived of their liberty are ultimately outside the protection of the law. The 1998 Rome Statute that specifically stipulates human rights violations in the context of armed conflicts of both an international and non-international nature (war crimes and crimes of aggression) and special situations (genocide and crimes against humanity) is an instrument that takes precedence over international human rights conventions that apply in a more general context.

<sup>56</sup> CPED, Article 5; Rome Statute, Article 7 para. (1) letter i.

65. Secondly, concerning the legal subject who commits enforced disappearance, the 1998 Rome Statute governs non-state actors, i.e., “a political organization”, while the CPED does not. In addition, the Rome Statute includes a subjective element of the offender’s deliberate attempt to “remove [victims] from the protection of the law” as a condition for the act to be punishable as the crime of enforced disappearance. Meanwhile, the CPED stipulates that the existence of missing persons outside the protection of the law is an objective element as a definite result of other elements. Thus it is not a condition that needs to be proven in convicting perpetrators of enforced disappearance. In the context of enforced disappearances, as part of crimes against humanity, the provisions of the Rome Statute prevail over the CPED.

66. In Indonesian legislation, Article 33 Paragraph (2) of Law No. 39 of 1999 stipulates that, “Every person shall have the right to be free from enforced disappearance and deprivation of life.” The explanation of the article defines enforced disappearance as “an act committed by any person who causes a person’s whereabouts and conditions to be unknown.” Another provision in national law that prohibits enforced disappearance and makes it a criminal offence is Article 9 letter i of Law No. 26 of 2000, as one form of crime that constitutes crimes against humanity. The article defines enforced disappearance as:

“... arrest, detention, or abduction of a person by or with the power, support or consent of the state or organization’s policies, followed by a refusal to recognise such deprivation of liberty or to provide information about the fate or whereabouts of that person, with a view to remove legal protections over a long period of time.”

67. The CPED recognises that the practice of enforced disappearance is included under non-derogable rights, including in situations of internal political instability, emergencies and situations of war or armed conflict. States are obliged to protect everyone from enforced disappearance. If there is a case of enforced disappearance, the state is obliged to make efforts to resolve the case by investigating, prosecuting and punishing perpetrators, including ensuring the fulfilment of victims’ rights to truth, justice, reparations and ensuring guarantees of non-recurrence.<sup>57</sup>

68. The crime of enforced disappearance has a continuous nature, which can be interpreted as a continuing refusal to “provide information about

<sup>57</sup> CPED, Article 24 para. (4) (5).

the fate or whereabouts of a disappeared person” so that the crime of enforced disappearance takes place or continues. Therefore, the meaning of continuing crime provides the basis for the state obligation, without time limits, to take all and necessary steps and other obligations as mandated in the CPED.

69. Enforced disappearance has specific characteristics, which necessitate investigations to seek information about the fate of victims as well as truth-telling, including through truth-telling mechanisms and/or through judicial mechanisms such as human rights courts. Every victim has the right to know the truth regarding the situation of enforced disappearance, the progress and outcome of the investigation process and the fate of missing persons. The state must take measures to find, locate and release missing persons and, in the case of deceased victims, to locate, honour and return their bodies or remains.<sup>58</sup>

70. The state obligation to take reasonable steps to find, locate, and release missing persons and, in the case of deceased victims, to locate, honour, and return their bodies or remains is an essential part of fulfilling the right to know the truth. The CPED affirms the rights of victims or their families to know the truth about the conditions or circumstances of enforced disappearance and the fate of the disappeared persons, the development and results of investigations.<sup>59</sup> This is in line with the continuing nature of the crime of enforced disappearance that creates permanent suffering for the families of the disappeared victims. The fulfilment of the right to truth, which is done in various ways to find, investigate, locate, and clarify the whereabouts and fate of those forcibly disappeared, can be an effective way to end such suffering.<sup>60</sup>

71. In this context, it is important to emphasise the definition of victims of enforced disappearance. Referring to Article 24 of the CPED, a victim is “the disappeared person or any individual who has suffered harm as the direct result of an enforced disappearance.” The phrase “any individual” also includes family and relatives who have suffered from the crime of enforced

.....  
<sup>58</sup> CPED, Article 24 para. (2) (3).

<sup>59</sup> CPED, Preamble, para 8, Article 24 par. (2).

<sup>60</sup> María Clara Galvis Patiño and Rainer Huhle, “The Rights of the Victims of Enforced Disappearance Do Not Have an Expiration Date”, *Opinio Juris*, July 7, 2020 (<http://opiniojuris.org/2020/07/07/the-rights-of-the-victims-of-enforced-disappearance-do-not-have-an-expiration-date/>, accessed December 14, 2021).

disappearance.<sup>61</sup> Thus the CPED recognises families of victims or individuals who have suffered harm as a direct result of enforced disappearance as victims of enforced disappearance. The scope of this definition is broader compared to the definition of victims in Indonesian law. Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning the Protection of Witnesses and Victims defines a victim as “any person who experiences physical, mental, and/or economic losses caused by a criminal act.” Although the definition of victims in Indonesian law is recognised as including family, it is still quite limited because it does not include relatives or close friends.

72. In addition to having the right to know the truth about cases of enforced disappearance, victims are also entitled to reparations and “prompt, fair and adequate compensation” under CPED Article 24 paragraph (4). The compensation must be proportionate to the seriousness of the human rights violations committed and the suffering experienced by victims. The remedy referred to under Article 24 paragraph (5) includes “material and moral damages” and, where appropriate, “other forms of reparation such as restitution; rehabilitation; satisfaction, including restoration of dignity and reputation; guarantee of non-repetition.” This aspect of reparation can also be interpreted broadly up to the restoration of personal independence, family life, citizenship, work or property, and the same place of residence as before the act of disappearance occurred. For families of the missing, this aspect of reparation also extends to social services, educational programs and psychological services.

73. Thus, the CPED recognises a set of victims’ rights, namely the right to know the truth, especially for situations of enforced disappearance, progress of legal processes, and the state’s obligation to search, locate and release forcibly disappeared persons as well as to find, respect and return the bodies of deceased victims. Families of the victims have the right to know the fate of their missing relatives.

## D.5 Arbitrary Arrest and Detention

74. International human rights law and Indonesian legislation recognise the right to liberty and security of persons and prohibit arbitrary arrest and

.....  
<sup>61</sup> See also the definition of Victim in UN General Resolution No. 60/147, Basic Principles and Guidelines on the Right to A Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law 2005.

detention. No one shall be deprived of their liberty without valid reasons in accordance with procedure and according to the rule of law.<sup>62</sup>

75. The prohibition against arbitrary arrest and detention both in peace time and during conflict has been recognised.<sup>63</sup> In situations of non-international armed conflict, referring to General Comment No. 29 to Article 4 of the ICCPR (relating to the state of emergency), the United Nations Human Rights Committee states that States Parties shall not make the state of emergency a basis for violating humanitarian law or peremptory norms of international law, for example by taking hostages or committing collective punishment through arbitrary deprivation of liberty.<sup>64</sup> That continued detention in the absence of a legal basis is a violation of the principle of legality and constitutes arbitrary detention.<sup>65</sup>

76. Arbitrary arrest and detention involve other factors such as the aim of eliminating persons arrested or detained and carried out by state officials or other parties endowed with authority, support and approval from the state and followed by denial, concealment of information and the whereabouts of missing persons so as to cause such missing persons to be outside the legal protection shall qualify as the crime of enforced disappearance.<sup>66</sup>

77. International and national criminal laws also recognise imprisonment and other severe deprivation of physical liberty in violation of fundamental rules of international law as crimes against humanity if committed systematically or widely and directed at civilian populations.<sup>67</sup>

78. Acts of arbitrary arrest and detention are often initial acts that then continue and coincide with other acts such as torture, other cruel, inhuman, and degrading treatment or punishment, enforced disappearances, killings, and other forms of violence including sexual violence that take place in places of detention. In this context, there will be more than one act of human rights violations or multiple crimes that violate various international laws and national laws. Detention/imprisonment and other severe forms of

.....  
<sup>62</sup> UDHR, Article 3; ICCPR, Article 9 para. (1); Law No. 39 of 1999, Article 34; Code of Criminal Procedure, Articles 16—31.

<sup>63</sup> ICRC, Customary International Humanitarian Law Database, Rule 99 (deprivation of liberty).

<sup>64</sup> UN Human Rights Committee, ICCPR General Comment No. 29, Article 4: Derogations during a State of Emergency, 31 August 2001, ICCPR/C/21/Rev.1/Add.11, para 11.

<sup>65</sup> ICRC, Customary International Humanitarian Law Database, Rule 99 (*Deprivation of Liberty*).

<sup>66</sup> See the explanation of Enforced Disappearance, above.

<sup>67</sup> Rome Statute of 1998, Article 7 para. (1)e; Law No. 26 of 2000, Article 9 letter e.

deprivation of physical liberty in violation of the basic rules of international law committed systematically or widely and directed against a civilian population may qualify as a crime against humanity.

## E. State Obligations Under International and National Human Rights Laws

79. Various aspects of the legal and human rights framework and their analyses as described above provide an obligation for states to respect, protect and fulfil human rights in various situations, both in times of peace and conflict. In the event of human rights violations, including the occurrence of atrocity crimes and the most serious crimes, the state is obliged to provide effective remedies for victims through political, legal, judicial, administrative and other necessary measures.

80. Based on constitutional obligations, legal obligations and international human rights obligations, states must fulfil the rights of victims of human rights violations. These include the right to know the truth, the right to justice, the right to reparations, guarantees of non-recurrence and the satisfaction of victims. States have the duty to acknowledge and recognise victims, to memorialise human rights violations that occurred, to prosecute perpetrators and other duties in the framework of effective and fair settlement and remedy.

81. States have the duty to recognise the status of victims of human rights violations regardless of whether the perpetrators of violations can be identified or known, arrested, prosecuted or punished, and regardless of the family relationship between perpetrators and victims.<sup>68</sup> States must also recognise the status of victims, regardless of whether or not there is due process for gross human rights violations (for example, because the perpetrator was not found, prosecuted, or punished). Recognition of the status of these

---

<sup>68</sup> UN General Assembly, Basic Principles and Guidelines, Op.Cit., para 9. See also the Inter-American Commission on Human Rights (IACHR) which states that, “access to reparations for victims of crimes against humanity should not exclusively determine the criminal liability of perpetrators, or the release of their previous personal belongings, lawful or prohibited.” In the Indonesian context, there are quite a lot of examples where the fulfilment of victims’ rights is carried out even though the perpetrators have not been arrested and prosecuted, such as the victims of the conflict in Aceh with the provision of *Diyat*. *Diyat* is an Islamic form of compensation, which was provided to the widows of Aceh conflict after the peace process. See ICTJ Report “Considering Victims: the Aceh Peace Process from a Transitional Justice Perspective,” 2008.

victims can be achieved through investigation to reveal the truth as well as for the purpose of prosecuting and punishing the perpetrators.<sup>69</sup>

82. States are also obliged to implement a process of accountability for human rights violations, either through institutional accountability or ensuring accountability of individuals or persons who commit crimes that result in the occurrence of gross and serious human rights violations. In the context of serious human rights violations, which fall under the category of crimes, judicial remedies are required. The United Nations Human Rights Committee affirmed that disciplinary and administrative punishment cannot be considered an effective remedy. In cases of enforced disappearance, extra-judicial execution or torture, remedies must be pursued through judicial mechanisms.<sup>70</sup>

83. States are obliged to provide prompt, fair and adequate remedies for victims for the suffering and damages due to human rights violations.<sup>71</sup> Within the Aceh TRC legal mandate, remedies should be provided without delay, either at the occurrence of the violation or in response to the needs of the victim in the form of urgent reparations.<sup>72</sup> For more on accountability, read the Conclusions and Accountability chapter in this report.

---

<sup>69</sup> Some examples and precedents in the Indonesian context can be seen from the experience of giving *diyut* (compensation) to victims of conflict in Aceh. Although the case has not been investigated and the perpetrators have not been identified or prosecuted, victims can still get *diyut*. Likewise, the experience of providing SKKP (Certificate of Victims of Human Rights Violations) issued by Komnas HAM for cases that have been investigated. Victims can access medical and psychological assistance through the *Lembaga Perlindungan Saksi dan Korban* (Institute for the Protection of Witnesses and Victims, LPSK) although the prosecution process is still not ongoing.

<sup>70</sup> *Redress, Reparation: A Sourcebook for Victim of Torture and Other Violations of Human Rights and International Human Rights Law*, 2003, pp. 14—15.

<sup>71</sup> UN General Assembly, Basic Principles and Guidelines on the right to a Remedy and Reparation for Victims of Gross Violation of International Human Rights Law and Serious Violations of International Human Rights Law. (II and VI), (<https://www.ohchr.org/en/professionalinterest/pages/remedyandreparation.aspx>).

<sup>72</sup> Aceh TRC Regulation No. 12/P-KRA/V/2019 concerning Standard Procedures for Reparations.



A Statement Taker (*Pengambil Pernyataan / PP*) conducts an interview with a victim of the Aceh conflict from 1976 to 2005 in Aceh Jaya District in October 2018.

Photo: © Aceh Truth and Reconciliation Commission

## A. Presentation and Analysis of Findings

1. In accordance with the mandate of the *Qanun*, the Commission for the 2016-2021 working period collected statements from victims and witnesses for the period of conflict between 4 December 1976–15 August 2005. Between 2016-2021, the Commission took 5,195 victim and witness statements conducted openly and privately in 17 regencies/cities, 137 sub-districts and 747 villages, involving 14 regional coordinators and 89 statement-taking officers. Of the total number of statements recorded and compiled by the Commission, 4,765 statements have been processed, analysed and presented in this report, while another 431 statements are still being processed.
2. Based on statements processed by the Commission, it is certain that civilians were victims of violence mostly perpetrated by Indonesian security forces. The Commission also noted to a lesser extent violence committed against civilians by GAM. The Commission found that many victims experienced several acts of violence in one event or recurring acts of violence at different times. Victims were deprived of civil and political rights, especially the right to equal recognition and treatment before the law, the right to life, the right to be free from torture and cruel, inhuman and degrading treatment or punishment, the right to personal freedom and security, the right to freedom of movement, as well as the right to free assembly and association, and other rights. In addition, prominent violations of socio-cultural economic rights included the right to property ownership, the right to control sources of livelihood, the right to adequate housing and the right to decent work.
3. Although the Commission found many forms of violence experienced by victims, the findings in this report focus on four acts of violence, namely

torture, sexual violence, unlawful killing and enforced disappearance. The selection of the four acts of violence was based on the Commission's preliminary findings from various reports that have been published by government and non-state organizations related to the conflict in Aceh. In addition to these four measures, the Commission also found high levels of deprivation and destruction of civilian property, as well as arbitrary arrests and detentions. Chronologically, these two acts coincide or precede the four violations that are the focus of this report. Therefore, as part of explaining the pattern of violations, the Commission considered that it is necessary to include data related to acts of confiscation and destruction of property as well as arbitrary arrest and detention.

4. In the Commission's assessment, a pattern can be identified whereby all these actions are related and become serious acts targeting bodily integrity and humanity as part of the Indonesian security forces' efforts in suppressing resistance. The assessment is also supported by the Commission's findings from statements, hearings and investigations. The focus of the report on these four acts does not intend to deny other acts of violence experienced by victims who gave statements. On the contrary, the Commission considers that there needs to be a more in-depth study and analysis in the future of other acts of violence to see problems in the Aceh conflict more thoroughly.

5. The collected statements were processed and analysed in a database system called OpenEvsys using event-based methodology and a "who did what to whom" data model. This methodology and data model is a tool for identifying acts of violence, victims and perpetrators, their impact, and the links between actions. It is important to understand that such methodologies and data models distinguish between the number of statements and the number of victims, violent events that are part of a series of events, and forms of violence that took place in an event. Thus, in this report, the number of events and the number of actions will be greater than the number of victims because almost always one victim experienced more than one incident and act of violence. In some cases, it was even found that a victim experienced repeated events and acts of violence in different periods of conflict. The Commission considers that this data processing and analysis tool, with modifications as required by the Commission, is an adequate instrument for extracting factual findings from victims' statements.

6. The analysis of violent acts is divided into three periods of conflict, namely; the period of Military Operation Area (DOM) in force from May 1989 to August 1998; the period of imposition of various military operations

under different code names after the lifting of the DOM and before the imposition of Martial Law between August 1998 and May 2003; and the period of Martial Law (between May 2003 to May 2004), and Civil Emergency (between May 2004 to May 2005). The Commission specifically named the period between the lifting of the DOM and before the imposition of Martial Law as the *Sandi* period (“Code name”), to describe the many operations that used different operating code names. Although the conflict almost ceased when Aceh suffered a tsunami on 26 December 2004, the Commission noted that several violent events still occurred after that disaster. The Indonesian Government only lifted the Civil Emergency status in May 2005. The Commission also found acts of violence that occurred before the imposition of DOM, although the number was very small. These acts of violence were incorporated into the analysis of the DOM period.

7. The division of conflict periods was done to see the conflict in three different contexts, namely, a period of conflict arising from the policies of the New Order regime through the designation of Aceh as a military operation area; a period of conflict that occurred in the early days of *Reformasi*, a period marked by a process of political democratisation and openness of people’s aspirations which, nonetheless, failed to eliminate violence in Aceh; and a period of conflict at the time of the declarations of Martial Law and Civil Emergency which turned Aceh into a site of the largest deployment of military and police forces in Indonesian history.

8. The analysis of findings presented in this chapter is divided into two parts, namely general findings and detailed findings regarding acts of torture. In the general findings section, the Commission focuses on the big picture study of the various acts of violence that occurred in the three conflict periods, looking at the relationship between the patterns of violence and forms of violence that characterise each conflict period. The discussion in this section will show that acts of violence are interrelated, and victims experienced various acts of violence at once. Notable linkages between violent events will be presented specifically to show the connections between acts.

9. In the next section, the report focuses on mapping key trends in acts of torture, sexual violence, extrajudicial killings and enforced disappearances in the three conflict periods. These four acts are described specifically because they are the most prominent and consistently committed by the Indonesian security forces. Additionally, key patterns in the analysis are also presented: (1) the victim’s profile; (2) the location of the dominant events; (3) the method of violence used; and (4) the perpetrator’s profile.

In the discussion about the forms of acts, the report also presents statements from victims about what they experienced and witnessed.

## B. General Findings on Violence in the Conflict

“My hope is that in the future the government will care more about us victims of the conflict, give us our rights and bring to justice the soldiers who tortured us. I hope this peace continues. We are still traumatised and if war happens again, we might have to run into the jungle with guns to save ourselves. During the war, even though we were not GAM members we were still accused of being GAM members. When we stayed in the *gampong* (neighbourhood/sub-village) we were always subjected to torture by the TNI.”<sup>1</sup>

10. The above statement reflects the expectations of the victims recorded by the Commission. Almost all of them, in one sentence, demanded justice and peace from the government, reflecting their hopes as members of Acehese society for assurance that conflict never happens again. During conflicts, civilians are the most affected. They are subjected to violence by the military forces of both sides, and after the end of the conflict their voices are often not heard while they continue to struggle with trauma and other repercussions.

11. Examining the collected victim and witness statements, the Commission found that there was a great deal of extraordinary violence during the conflict. It should be understood that the data and information presented in this report are still limited considering the breadth and complexity of the decades-old conflict in Aceh. Information related to a violent event is often incomplete due to various factors. Even so, the Commission sees that these data can provide an adequate basis to establish patterns of violence that occurred during the conflict.

12. In the following presentation, it is evident that the violence committed was often inhumane. Almost all violent events were accompanied by repeated atrocities committed throughout different conflict periods. Many

---

<sup>1</sup> The research report and field documentation were submitted as part of the truth-seeking process to the Aceh TRC by the Aceh Socio-Economic Activity Centre (Paska), and Asia Justice and Rights (AJAR) in June 2019.

statements also demonstrate that many violent events were interrelated and had the same pattern.

13. Almost all violent incidents that occurred included arbitrary arrest and detention, accompanied by torture either at the place of arrest or at Indonesian security force posts, public facilities that were converted into military posts, or other government facilities. Arbitrary arrest and detention accompanied by torture were generally perpetrated on civilians to seek information on the whereabouts of GAM members, or for allegedly being part of the resistance movement. Arbitrary arrest, detention and torture were often followed by sexual violence, killing or enforced disappearance. In other cases, there were often forced abductions or summary executions of people targeted during operations. The Commission also found numerous acts of destruction and confiscation of civilian property committed by Indonesian security forces. This series of interrelated violence shows a pattern of Indonesian security forces aiming to destroy human dignity as part of a strategy to crush the resistance movement in Aceh.

### B.1 Distribution of Violence by Act and Conflict Period

14. Based on 4,765 processed statements, the Commission identified a total of 10,652 acts of violence, as shown in Diagram 1. The Commission found 1,792 acts of violence during the DOM period, 4,364 acts during Operation *Sandi*, and 4,496 acts during the Martial Law and Civil Emergency periods.

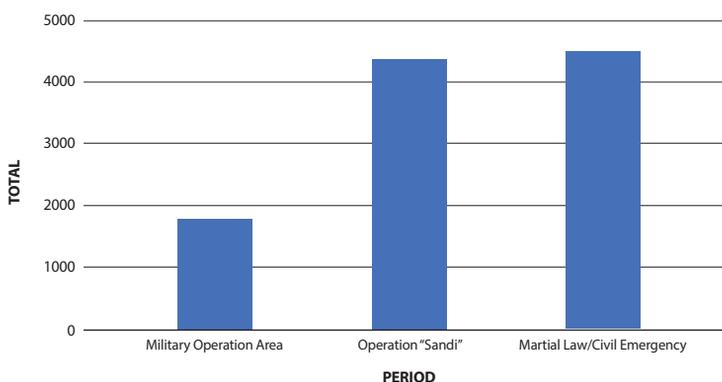


Diagram 1. Number of violent acts by conflict period

15. Of the 10,415 acts of violence (which were categorised) the Commission found six most prominent categories of violence; 3,273 acts of arbitrary arrest and detention, 4,249 acts of torture, 164 acts of sexual violence, 1,135 acts of unlawful killing, 371 acts of enforced disappearance and 1,223 acts of confiscation and destruction of property. The Commission also found 237 acts that still require further review to determine their category, and therefore these acts were not included in the report’s analysis.

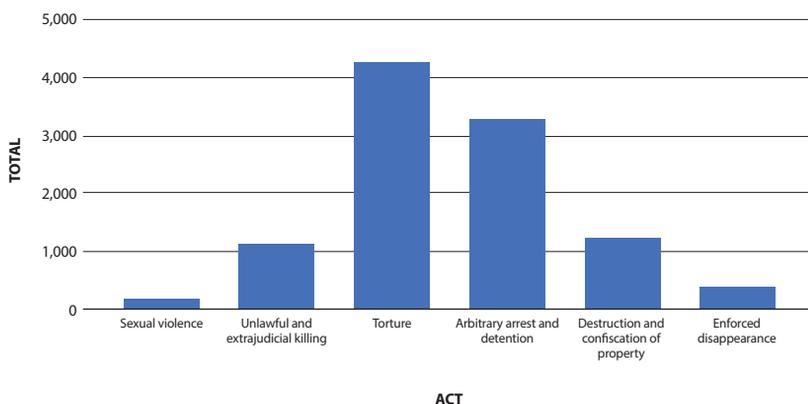


Diagram 2. Categories of acts of violence

16. The Commission specifically noted the low rate of reported sexual violence due to the difficulty of extracting information related to these acts. Despite establishing a method of statement taking specifically for sexual violence, the Commission has been unable to identify in depth this form of violence. The Commission believes that the number of sexual assault cases was much higher than those collected. At the same time, as will be explained in greater detail in Part D of this chapter on Findings of Patterns of Sexual Violence, the Commission found that acts of sexual violence were closely related to acts of torture.

17. The Commission looked at the distribution of acts of violence by period and type and found as many as 86 types of locations where violent events occurred, as shown in Diagram 3 below. The most common location for violent incidents was residences (homes). The second most common was military posts, followed by other locations associated with victims, such as workplaces. The fourth most common location was police stations.

Besides these four, the Commission also found locations such as local government facilities, public facilities and public places.

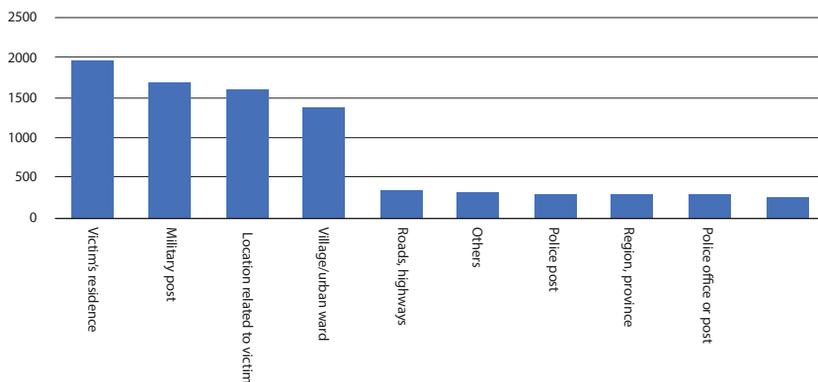


Diagram 3. Distribution of locations of violent incidents

18. In many incidents, the Commission found facts about victims being subjected to repeated violence, either while at residence or work, on their way to the security post and during their stay at the post. This repeated violence is perpetrated by the same perpetrators, although at different locations. In violence involving armed groups, the Commission found forests or deserted gardens to be the most common sites of violence.

19. The above diagram of the location of events is consistent with the Commission's records regarding the category of perpetrators of violence. From the total number of acts of violence, most of the perpetrators were Indonesian security forces (96 percent). In the period of Operation *Sandi* and the periods of Martial Law and Civil Emergency, police personnel were counted separately from the TNI following the policy of separating the police from the military in Indonesia.<sup>xii</sup> Other perpetrators include members of GAM and pro-Indonesian militias. This record confirms that acts of violence during the conflict were dominated by Indonesian security forces, of which 7,645 were members of the TNI, 1,524 were members of the National Police, 165 were members of the SGI (Joint Intelligence Unit of army and police) and other covert units, 14 were members of pro-Indonesian militias and 33 were members of other state apparatus.

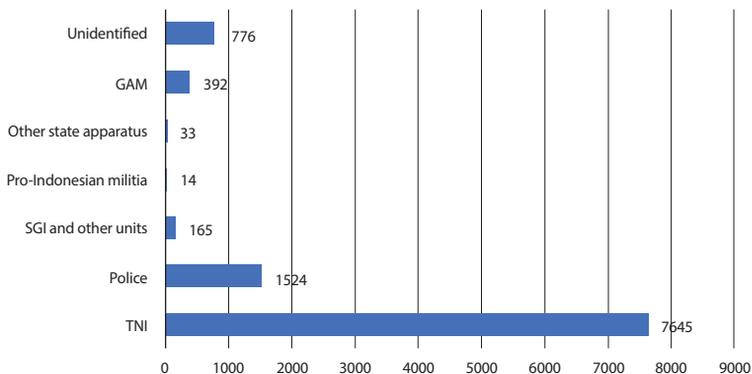


Diagram 4. Variations in perpetrators of violence

20. The Commission also identified 392 perpetrators of violence from GAM. Referring to victims' testimony to the Commission, perpetrators from GAM were predominantly from armed guerrilla units tasked with clearing spy networks supporting Indonesian security forces.

21. The Commission also recorded 776 perpetrators of violence against Acehnese whose identities are still unknown. It is strongly suspected that they were covert units of the warring parties.

## B.2 Major Human Rights Violations

22. The Commission considers all acts of violence described above to be major human rights violations and gross human rights violations. The Commission is of the view that these major human rights violations have elements of serious human rights crimes as stated in Law No. 26 of 2000 concerning the Human Rights Court, the Rome Statute, and International Humanitarian Law. The following is a general breakdown of major human rights violations that fall into the category of gross human rights violations.

### *Arbitrary Arrest and Detention*

23. The total number of arbitrary arrests and detentions from 1989 to 2005 was 3,271 cases, with a total of 5,179 victims, consisting of 391 women and 4,788 men. Most of these cases occurred in military posts (966 cases), followed by locations related to victims (849 cases), victims' houses (498 cases), administrative locations (472 cases), police posts (277 cases), public facilities (148 cases) and other government facilities (61 cases).

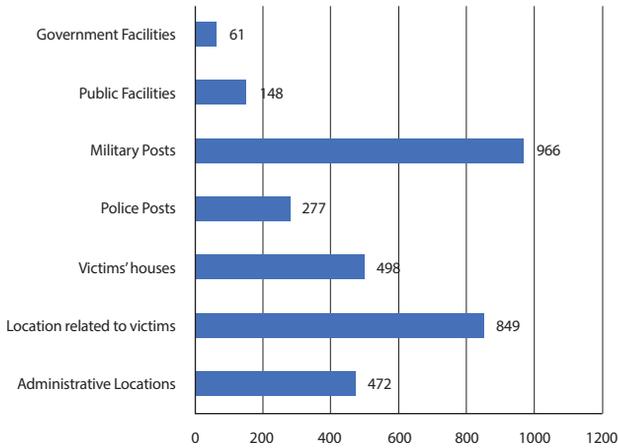


Diagram 5. Distribution of locations of arbitrary arrests and detentions

### *Torture*

24. As shown in Diagram 6 below, the Commission considers torture to be the second largest act with 4,249 cases, involving 1,210 victims. The Commission found 671 acts of torture were committed during the DOM period, followed by 1,652 acts occurred during Operation *Sandi*, and 1,926 acts during Martial Law and Civil Emergency periods.

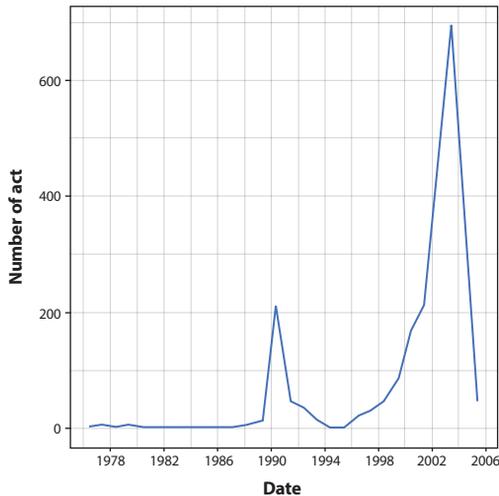


Diagram 6. Number of acts of torture based on the period of occurrence

25. The high incidence of torture shows that this form of violence was a common method of the Indonesian security forces and an almost constant act of violence. Torture is also a crime aimed at attacking the personal integrity of the victim with physical, psychological and gender-based or sexual attacks. Torture was generally accompanied by humiliation and degrading humanity. Victims were often subjected to repeated torture over different time periods, involving multiple perpetrators and locations, and accompanied by other types of violence.

### *Sexual Violence*

26. One hundred and sixty-five (165) reported acts of sexual violence in Aceh Province during the armed conflict between 1989 and 2004, 78 acts were committed against women and 87 acts against men. The Commission recorded 42 women and 51 men as sexually assaulted, and 17 women as raped. The Commission also found 12 women and 33 men were sexually abused. A total of five women and one man were victims of sexual slavery and forced marriage. The Commission also found that one woman and two men were victims of sexually linked killing-mutilation.

**Table 5. Types of sexual violence**

Type of sexual violence	Acts against women	Acts against men	Total acts
Sexual harassment	42	51	93
Rape	17	0	17
Sexual torture	12	33	45
Sexual slavery and forced marriage	6	1	7
Sexually-motivated killing-mutilation	1	2	3
<b>Total</b>	<b>78</b>	<b>87</b>	<b>165</b>

27. Most perpetrators accused the victims of being linked to GAM as the main reason for committing their crimes. However, the Commission found a wealth of evidence suggesting these acts were a way for perpetrators to impose their sexual domination during military operations, and military and civilian officials turned a blind eye to this reality.

## Extrajudicial Killings

28. The Commission recorded 1,135 events of extrajudicial killings with 2,257 victims. The Commission also found that killings during the DOM period were quite prominent, with the highest number of cases occurring during the Operation *Sandi* period and the Military Martial Law and Civil Emergency periods. The Commission noted that most of the victims were men, with 2,181, and 76 women. These acts generally took the form of extrajudicial killings after the victims were subjected to arbitrary arrest and detention, torture or forcible abduction. There was also a high number of summary killings when the victim was killed summarily at the scene of the incident, with punishment, partly, as the motive. In smaller numbers, there were forms of killings due to mistargeting, being caught in crossfire, and death due to loss of access to food sources.

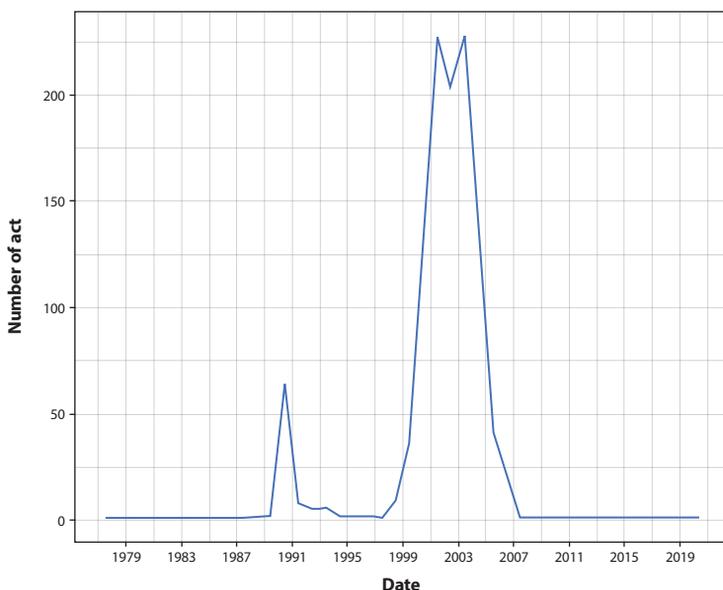


Diagram 7. Distribution of the number of killings by time

29. On the other hand, the Commission noted that killings were committed against civilians without necessarily being linked to accusations of being GAM members or being involved with GAM activities. The Commission noted that the killings also targeted human rights defenders or humanitarian volunteers working during the conflict. In smaller numbers, such killings

were also carried out by GAM members. Witnesses stated that killings by GAM were usually because victims were not willing to pay levies demanded by them.

### *Enforced Disappearance*

30. The Commission recorded 371 male and female victims of enforced disappearance. Only one victim was found, while the whereabouts of 370 other victims remain unknown. A total of 364 victims (98 percent) were male and seven victims (2 percent) were female, while the sex of three victims could not be identified. There was one case of enforced disappearance before the DOM period in 1977; 57 cases during the DOM period (15.88 percent); 198 cases during the Operation *Sandi* period (55.15 percent); and 103 cases during the Martial Law and Civil Emergency periods (28.69 percent). Data compiled by the Commission confirmed that most victims of enforced disappearances during the conflict period were civilians (75.21 percent).

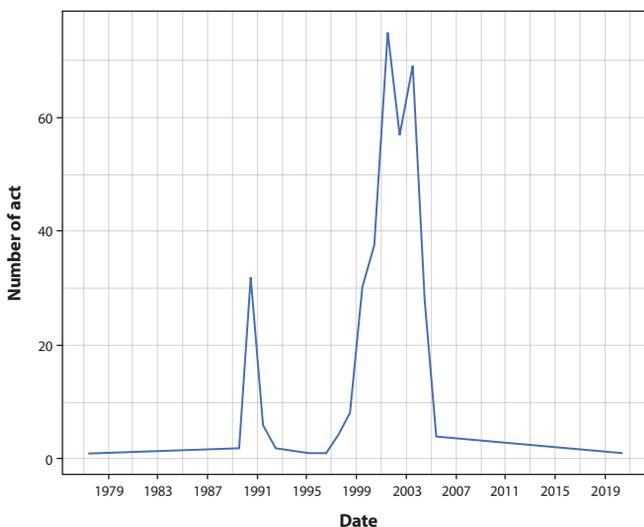


Diagram 8. Distribution of the number of enforced disappearances by time

31. All data related to enforced disappearances was collected through statements from witnesses, family members, friends or members of the public who had contact with victims. There are no findings of cases of survivors of enforced disappearance. Enforced disappearance is a crime

that is often committed in secret, rarely with witnesses. Thus, many statements recorded by the Commission do not have detailed information on the methods by which the victims were disappeared, who was involved in their disappearances or what happened to them, including whether the victims died. Therefore, the information recorded by the Commission is not representative of the actual number of victims of enforced disappearances.

32. The biggest impact of these enforced disappearances is the lack of information regarding the condition and whereabouts of victims. Families who reported that their loved ones had gone missing have no information about what happened to them. Victim’s families continue to live through the uncertainty about their family members who were forcibly disappeared. From statements recorded by the Commission, only one victim was found by family members. Another 359 victims had not been found, as of the publication of this report.

### *Destruction and Confiscation of Property*

33. In addition to targeting the body, civilian victims also experienced destruction and confiscation of property as acts of violence. Property damage and destruction by Indonesian security forces was mostly directed at the family homes and properties of targeted individuals who had not surrendered or been arrested. There were also cases of confiscation of property, including when authorities used people’s homes as temporary posts.

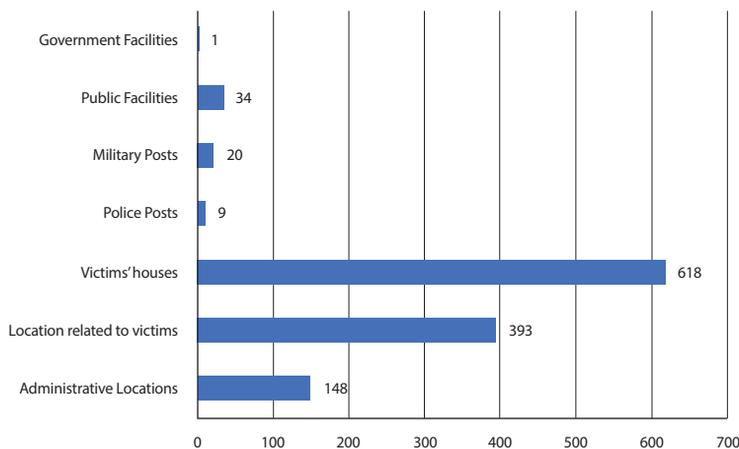


Diagram 9. Targets of destruction and confiscation of property during the conflict

There were 1,223 cases related to destruction and confiscation of property with 618 cases targeting victims' homes, 393 cases targeting other victim-related places, 34 cases of public facilities, 20 cases of military posts, nine cases of police posts, and one case of other government facilities. Meanwhile, a further 148 cases were reported as taking place in administrative regions.

### B.3 Victims

34. The Commission noted that at least 8,029 people became victims of major human rights violations described above, comprising 848 women and 7,181 men. As seen in Diagram 10, 1,776 men and 144 women were victims of the crime of arbitrary arrest and detention, while 1,085 men and 38 women were victims of extrajudicial killings. Findings also state that 3,021 men and 327 women were victims of torture, 87 men and 78 women were victims of sexual violence and/or rape. The Commission also recorded 359 men and ten women as victims of enforced disappearance, while 863 men and 251 women were victims of destruction and confiscation of property.

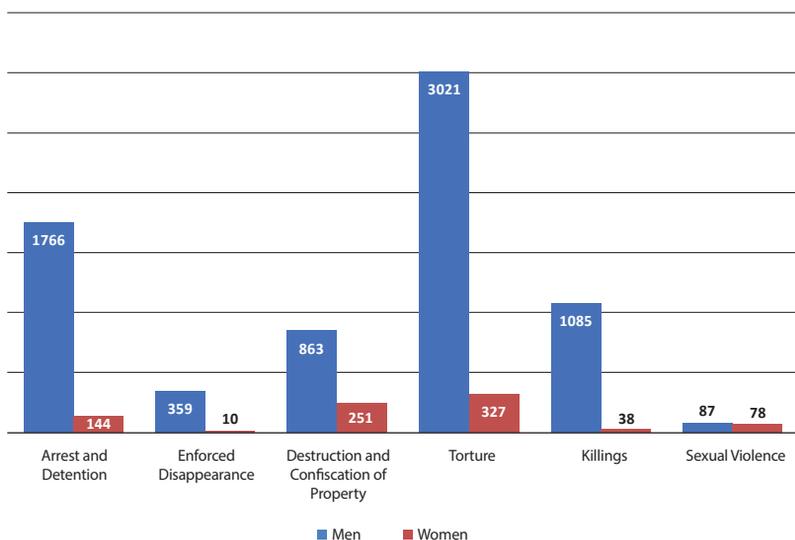


Diagram 10. Number of victims of human rights violations by gender during the conflict in Aceh

35. The Commission concluded that the victims of these violations were not random persons but were targets of the conflicting parties. The Commission concluded that the victims of the Indonesian security forces were immediate relatives of GAM leaders, figures, and members; GAM leaders, figures, and members; sympathisers or people who started to sympathise with GAM; journalists and humanitarian workers who regularly reported on TNI/police violence.

36. The Commission also noted that victims of human rights violations involving GAM members were also not random but were targeted for violence. The victims were members of militias or Operations Assistants of the Indonesian security forces; GAM defectors and villagers who did not support their cause; and internal migrants who were seen as potential supporters of Indonesian security forces, especially Javanese and North Sumatrans.

#### B.4 Perpetrators

37. The Commission found that perpetrators of violence during the conflict in Aceh were predominantly Indonesian security forces, pro-Indonesian militias and GAM. As shown in diagram 11, most of the perpetrators were Indonesian security forces with TNI involved in 7,645 cases, Indonesian police 1,524 cases, SGI (Military Intelligence) and other units 165 cases, other state apparatus 33 cases, and pro-Indonesian militias 14 cases. GAM was responsible for 392 cases. In 776 cases the perpetrators could not be identified.

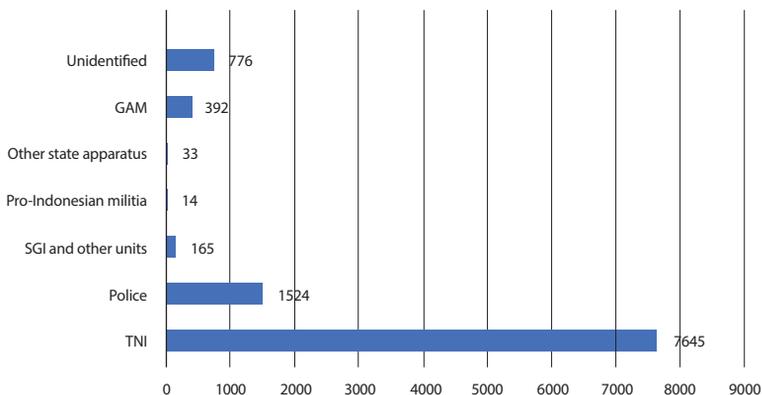


Diagram 11. Perpetrators of violence during the conflict in Aceh

38. Perpetrators of arbitrary detention were predominantly members of the TNI with a total of 2,398 cases, police with 588 cases, SGI with 82 cases, prison officers with 25 cases, the Military Police with 12 cases, militia members with five cases, and Disaster Alert Cadets (Tagana, *Taruna Siaga Bencana*) with two cases. The Commission also noted GAM as responsible for 105 cases of arbitrary arrest and detention. There were 55 cases of arbitrary detention in which the perpetrators were not identified (recorded as anonymous), while for the remaining 32 cases only the perpetrator's name is known.

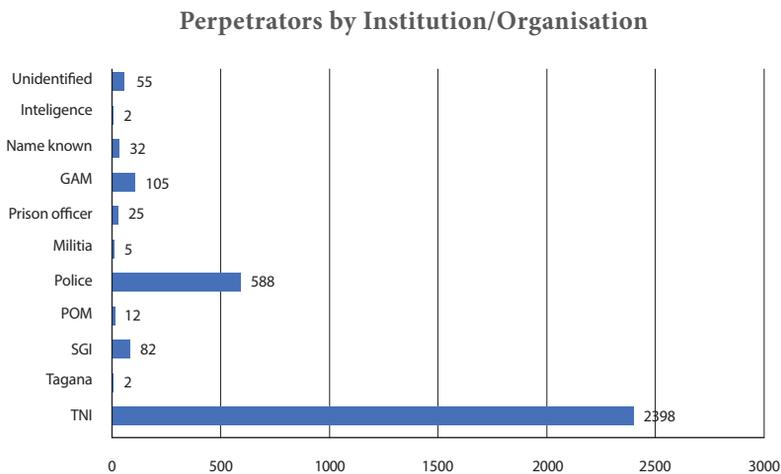


Diagram 12. Perpetrators of arbitrary arrest and detention

39. The Commission also found that perpetrators of torture were predominantly members of the TNI with a total of 3,355 cases, police 662 cases, GAM 109 cases, SGI 64 cases, Military Police five cases, intelligence agencies and Tagana one case each, and militia one case. The Commission also recorded 60 cases of torture in which only the names of the perpetrators was known, not their institutional affiliation, while in 54 cases the perpetrators were unknown (recorded as anonymous).

**Perpetrators by Institution/Organisation**

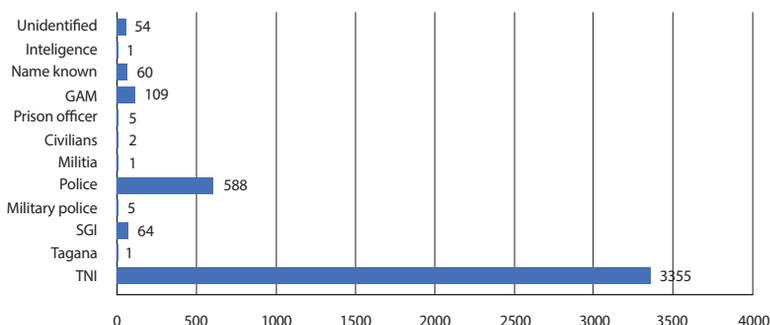


Diagram 13. Perpetrators of torture

40. Perpetrators of sexual violence during the period of military operations in Aceh included members of TNI, police, GAM, and two incidents with unknown perpetrators.

**Table 6. Perpetrators of sexual violence in three periods of the Aceh conflict**

No	Institution	Period				Total
		DOM	Operation Sandi	Marital Law	Civil Emergency	
1	TNI	45	44	50	17	156
2	Police-Brimob	1	16	10	7	34
3	Combined TNI-Brimob	-	3	2	-	5
4	GAM	-	1	-	-	1
5	Unknown	-	2	-	-	2
<b>Total</b>		<b>46</b>	<b>66</b>	<b>62</b>	<b>24</b>	<b>198</b>

41. Based on Table 6 above, from 198 incidents of sexual violence, members of the TNI from various units perpetrated most of the sexual violence with 156 cases of from the total (92.7 percent), followed by the police (34 incidents or 17.17 percent), and Brimob-TNI units jointly (five cases). Members of GAM were reported in one incident, and unknown perpetrators in two incidents.

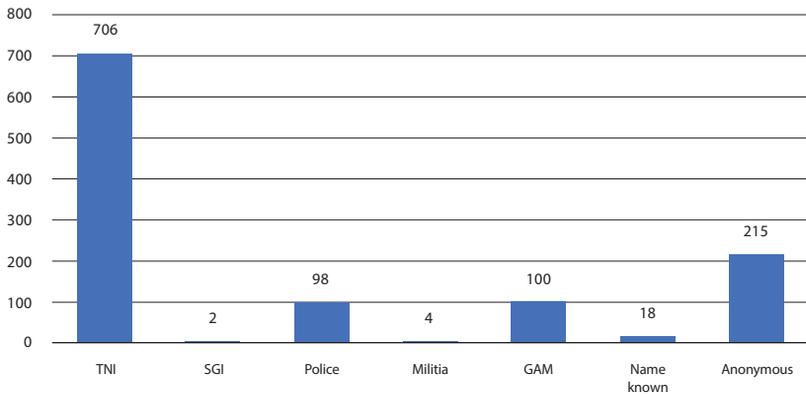


Diagram 14. Perpetrators of unlawful and extrajudicial killings

42. For unlawful and extrajudicial killings, the Commission found 706 cases were perpetrated by members of TNI, 100 by GAM, 98 by the police, 18 cases were only identified by name, four by militia members, two by SGI, and in 215 cases the perpetrators were not identified. In cases of enforced disappearance, the Commission found that most perpetrators were members of the Indonesian security forces (58.5 percent), others included members of GAM and militias, and the remaining were unknown (recorded as anonymous).

43. With regard to enforced disappearances, the Commission identified 183 perpetrators as members of TNI, 25 police, six SGI members, and one pro-Indonesian militia. The Commission also recorded 130 cases of unidentified perpetrators and two with civilian perpetrators.

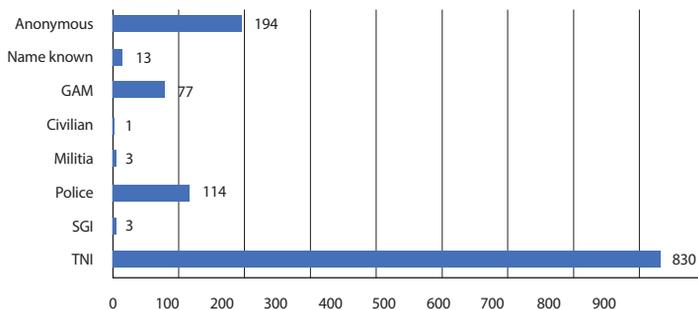


Diagram 15. Perpetrators of enforced disappearances

44. The Commission also found that the main perpetrators of destruction and confiscation of property were members of TNI, 830 cases; police, 114 cases; GAM, 77 cases; 13 cases identified by name only; SGI and militia three cases each; and one case by a civilian. The Commission also recorded 194 perpetrators of destruction and confiscation of property who remain unidentified.

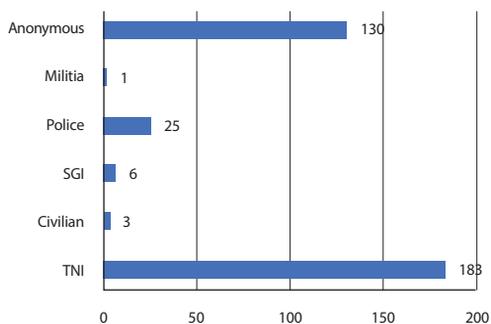


Diagram 16. Perpetrators of destruction and confiscation of property

## B.5 Patterns of Violence and Goals

45. The Commission found that human rights violations described above followed a pattern that links violations to each other, and that they were part of a strategy employed by Indonesian security forces. GAM also committed these violations, albeit at a much smaller scale. The Commission found several main motives for perpetrators of arbitrary arrest and detention, torture, sexual violence, killing and enforced disappearance. First, the Commission believes arbitrary arrests and detentions were used by Indonesian security forces as a way of separating GAM from Indonesian supporters in villages. Second, the Commission believes that Indonesian security forces used torture against detainees who were mostly relatives of GAM leaders and members, with the aim of quickly locating fugitives and dismantling GAM's underground political resistance network, as well as a way for the military to recruit spies. The Commission also believes the use of enforced disappearances and extrajudicial killings was intended to expedite the quelling of GAM resistance. This is evidenced by the large number of victims of killings who were influential GAM leaders, figures, members or who played key roles in the underground movement.

46. The Commission also considered that gross human rights violations committed by Indonesian security forces were a way to severely punish those who continued to provide support to GAM (leaving or hiding food and logistics) as a deterrence to other sympathisers. This conclusion is consistent with findings of people killed in mountains, swamp forests and ponds, most of whom were identified as people who tried to smuggle food and logistics support to GAM under the guise of their regular activities in the fields, gardens and ponds. The Commission concluded that these actions were part of the Indonesian military's strategy to destroy GAM's financial and logistical support.

47. The Commission also assessed that GAM used assassinations as a strategy to destroy the spy networks of the Indonesian security forces in areas they controlled or aimed to control. This is indicated by evidence showing the background of the victims as people close to the Indonesian military or police, civil servants, or those from ethnic backgrounds supportive of the Republic of Indonesia. GAM also carried out killings of members who defected or turned into double agents, as evidenced by some of the victims who had been former GAM but who were no longer active because they had been captured and tortured by Indonesian security forces.

48. In addition to these strategic purposes the Commission found the use of arbitrary detention, torture and sexual violence as a means for some individuals of the Indonesian security forces and GAM to seek personal gain. The Commission noted that some people under the control of Indonesian security forces were forced to pay money or gold to commanders in the camps to free themselves from prolonged acts of torture and sexual violence. The Commission also found reports of people forced to pay sums of money levied by GAM members if they wanted to be released from detention, torture and even death threats.

## **B.6 Prominent Sites of Violence and Involvement of International Corporations**

49. The Commission found many prominent sites of violence in the three periods of the Aceh conflict, as well as the involvement of international corporations in facilitating human rights violations committed by Indonesian security forces.

## Torture in *Rumoh Geudong*

50. What stood out about torture during the Aceh conflict was the existence of special places of torture. These were generally military posts, unit headquarters, civilian-owned places, or public buildings converted into strategic posts (known as Pos Sattis (*Pos Satuan Taktis dan Strategis*) or Tactical and Strategic Unit Post, hereafter abbreviated as Sattis Post). The Commission noted that one of the most notorious places of torture was the *Rumoh Geudong* (Acehnese for “Big House”) Sattis Post, which was operated during the DOM period.

51. The National Commission on Human Rights (Komnas HAM), which conducted a *pro-justicia* investigation<sup>xiii</sup> into the events of *Rumoh Geudong* and other Sattis Posts, concluded that alleged crimes against humanity, including torture, sexual violence and other gross human rights violations, were routinely committed in *Rumoh Geudong* under the leadership of the Indonesian military.<sup>2</sup> Komnas HAM’s Fact-Finding Team (TPF) in its report found that “(a)lmost 50 percent of cases of human rights violations that occurred in Pidie District were centred in *Rumoh Geudong*.”<sup>3</sup> The TPF reported it had found electrical wiring on the floor of the house and blood stains on the walls. They also found human remains, including bone fragments from fingers, feet and hands, as well as strands of hair. Victims and witnesses reported that before the TPF arrived, detainees and local villagers were asked by the military to exhume human remains buried around the house, which were loaded into vehicles and taken elsewhere.<sup>4</sup> Unfortunately, the *Rumoh Geudong* mysteriously burned to the ground.<sup>xiv</sup>

<sup>2</sup> Komnas HAM, *Ringkasan Eksekutif Laporan Penyelidikan Pelanggaran HAM Berat Komnas HAM*. (“Executive Summary of Komnas HAM’s Investigation Report on Gross Human Rights Violations”) ([https://perpustakaan.komnasham.go.id/opackomnas/index.php?p=show\\_detail&id=10549&keywords=](https://perpustakaan.komnasham.go.id/opackomnas/index.php?p=show_detail&id=10549&keywords=), accessed June 22, 2023); For additional information, see “Penyiksaan dan Kekerasan di Masa DOM dan Darurat Militer di Rumoh Geudong dan Kecamatan Glumpang Tiga, Kabupaten Pidie, Aceh”. (“Torture and Violence during the DOM and Martial Law Period in *Rumoh Geudong* and Glumpang Tiga Districts, Pidie District, Aceh”). Research reports and field documentation were provided as submissions in the truth disclosure process to the Aceh TRC by the Socio-Economic Activity Centre (Paska), and Asia Justice and Rights (AJAR) in June 2019.

<sup>3</sup> Komnas HAM, *Laporan Sementara: Tim Kajian Kekerasan di Aceh* (Interim Report: Team on Violence in Aceh), Jakarta 2009, p. 29.

<sup>4</sup> Amnesty International, *Time to Face the Past*, p. 16; Nashrun Marzuki and Adi Warsidi, *Fakta Bicara: Mengungkap Pelanggaran HAM di Aceh, 1989—2005* (Facts Talk: Exposing Human Rights Violations in Aceh, 1989-2005) (Banda Aceh: Aceh Human Rights NGO Coalition, 2011), pp. 135-136.

Some claim that the building was set on fire by a mob,<sup>5</sup> while others say that it was set on fire by the military to destroy evidence of crimes that had not yet been secured.<sup>6</sup> Komnas HAM submitted the results of its investigation to the Attorney General in September 2018.<sup>7</sup> Its report has yet to be followed up.

52. *Rumoh Geudong* was a large traditional Acehese house located in Bili Aron, Glumpang Tiga, Pidie. The wooden house was built on stilts, with a set of large concrete stairs leading to the first-floor entrance. The house was believed to have stood since 1818,<sup>8</sup> passing through many hands before finally coming under the control of Kopassus in April 1990 to mid-1998.<sup>9</sup>

53. The Commission recorded dozens of witness statements concerning the *Rumoh Geudong*, which show that this military post was used for extremely cruel torture methods for three main purposes. First, to explore and obtain information on the whereabouts of GAM leaders, figures, members and clandestine networks most sought after by Indonesian security forces. Second, to force confessions. Third, to identify clandestine logistical support networks of guerrilla groups in the jungle and supporters of political campaign fronts abroad. Finally, also to recruit loyal spies. The following section describes details of the purposes for which torture was used. Further discussion is presented in the sub-chapter of Section D.

---

<sup>5</sup> F. Fakhurradzie Gade, *Rumoh Geudong, Jejak Pilu Konflik Aceh* ("Rumoh Geudong, Painful Traces of Aceh Conflict"), (<https://acehkita.com/rumoh-geudong-jejak-pilu-konflik-aceh/>).

<sup>6</sup> Sri Lestari Wahyuningroem and Hendra Saputra, *Memorialisation in the Absence of Justice in Aceh*. Jess Melvin, Sri Lestari Wahyuningroem, and Annie Pohlman, *The Aceh Truth and Reconciliation Commission and Indonesia's Culture of Impunity* (Canberra: ANU Press, unpublished as yet).

<sup>7</sup> Komnas HAM, *Kesimpulan Penyelidikan Komnas HAM atas Peristiwa Rumoh Geudong dan Pos-pos Sattis Lainnya di Aceh*. ("Conclusion of Komnas HAM's Investigation into the *Rumoh Geudong* and Other Sattis Post in Aceh"), (<https://www.komnasham.go.id/index.php/news/2018/9/6/608/kesimpulan-penyelidikan-komnas-ham-atas-peristiwa-rumah-geudong-dan-pos-pos-sattis-lainnya-di-aceh.html>); Tirta.id, *Komnas HAM: Kasus Rumoh Geudong Masuk Pelanggaran HAM Berat* ("Komnas HAM: The Case of *Rumoh Geudong* Entered Gross Human Rights Violations"), (<https://tirta.id/komnas-ham-kasus-rumoh-geudong-masuk-pelanggaran-ham-berat-cXsc>).

<sup>8</sup> F. Fakhurradzie Gade, *Rumoh Geudong, Jejak Pilu Konflik Aceh* ("Rumoh Geudong, Painful Traces of Aceh Conflict") (<https://acehkita.com/rumoh-geudong-jejak-pilu-konflik-aceh/>).

<sup>9</sup> Amnesty International, *Time to Face the Past: Justice for Past Abuses in Indonesia's Aceh Province*, April 2013, p. 16 (<https://www.refworld.org/pdfid/51767b124.pdf>).

### *Management of Rumah Geudong*

54. The Commission had difficulty obtaining official Indonesian military documents on Sattis Post and counterinsurgency operations in Aceh during the DOM, because the military was reluctant to provide them. The absence of official documents makes it difficult to identify the full picture of *Rumah Geudong* in terms of who controlled it and how the detention and torture camps were operated. However, victim testimonies helped the Commission identify some important elements about the post, giving the public a picture of how the secret torture camp operated between 1989 and 1998. Some military documents found by local human rights organizations in several locations provided important material in describing the Sattis Post in *Rumah Geudong*.

55. *Rumah Geudong* was one of many Sattis Post sites managed by Kopassus that was directly under the operational control of the Commander of ABRI (Indonesian Armed Forces) which after the fall of the New Order regime in May 1998 was renamed to TNI (Indonesian National Army). It is unsurprising that as a Sattis Post, *Rumah Geudong* was not under the control of the Aceh Territorial Command (Koter, which comprises Korem, Kodim, Koramil). On the contrary, the Aceh Territorial Command was obliged to support all information needs and operational assistance personnel for the Sattis Posts including *Rumah Geudong*. The testimony of NAI, a former *keuchik* (head of *gampong* or sub-village), to the Commission shows how the local Koramil was obliged to supply information to the *Rumah Geudong* Sattis Post about important events allegedly related to GAM.

“On the day AR died, which was Friday, because I knew him I immediately reported to the Geulumpang Tiga Police Station. People from the Central ABRI Headquarters came to our village and gave a speech that if we see unknown people and GPK (*Gerakan Pengacau Keamanan*, Security Disturbance Movement) members, to immediately report to Kopassus at the *Rumah Geudong*. But if there were villagers with problems not involving GAM, they had to report to the Geulumpang Tiga Police Station. Based on those procedures, what I did was appropriate.

“But the Commander (Danramil) of Geulumpang Tiga Sub-district Military who heard of the news from other people, reported the AR suicide case to Kopassus *Rumah Geudong*. After the police chief and some of his personnel processed the crime scene, and the body

was buried in the afternoon, I was called to the *Rumoh Geudong*. Even though the Geulumpang Tiga police chief at that time, named RI, who came from Leungputu, forbade me to go to *Rumoh Geudong*, the Danramil of Geulumpang Tiga, Pak Y, who came from Palembang, said it was okay and told me to go there.” – NA1

### *Identifying the Mission and Operation Target*

56. The Commission collected stories of victim experiences of torture and sexual violence on a massive scale at the site. The Commission found that Sattis Posts served as important units in the Indonesian military operation, such as in arrest/assassination of armed guerrilla figures or leaders, dismantling/destruction of clandestine networks, recruitment of spies, as well as isolation of GAM civilian supporters and sympathisers among the ordinary population. In victims’ testimonies to the Commission, Sattis Posts mostly operated in villages already fully controlled by the Indonesian military. At the same time, there were reports that units were also involved in siege and pursuit operations of family members of the most wanted GAM figures in the mountains and swamp forests. A victim testified to the Commission about activities to isolate families of targeted individuals from their extended families as well as ordinary civilians.

“One day, SGI officers came to my house. They asked where my husband was. Does my husband come home to give me money for expenses? or do I leave money for my husband? I said never. I explained that I brought our rice to my parents’ house for my son to eat. The SGI officers also asked my father what he would do if my husband came home? My father replied that he would not accept him and would kill him. In that situation all of us just played safe. My father also blamed me about my coming home to him when my husband was not present. I just remained silent because I didn’t know where to go. My children were still young. My oldest child was only 12 years old. From the first-born to the last, they are three years apart. After interrogating us, they told me to report to the SGI post/Public Works office in Pulo Kawa Village, Tangse.” – NA2

57. The Commission also recorded a victim’s testimony about how she was forced by officers at the *Rumoh Geudong* to take part in a siege and pursuit operation for her family members.

“My son was told to go on an operation to find his father in the mountains. I was told to stay in another *gampong* for a while. They picked me up again only after my son returned. Whether my son was beaten, you can ask him yourself. He can describe it very clearly because he was badly beaten. I spent the night in a kiosk where they put me. It was close to the settlement. I was held hostage there so I could not meet my husband while the children were with me. They gave me rice, but I could not see my mother.” – NA3

58. The Commission also identified that the *Rumoh Geudong* Sattis Post recruited individuals to be local informants to spy on residents’ activities in areas already controlled by Indonesian security forces. These local informants were often referred to by locals as “*cuak*”. There is insufficient information about how *Rumoh Geudong* officials recruited and hired *cuak*. People speculate that the *cuak* were people who volunteered to help the military in exchange for money. However, the Commission received different reports about how *Rumoh Geudong* personnel used torture on prisoners to recruit them to become loyal *cuak*.

“They had been looking for me since 1990, and I knew I would be arrested. I got the information from friends, so I fled, moving from place to place. I was in Banda Aceh for a long time and even worked there. I fled all the way to Meulaboh. When I was finally arrested I was in Banda Aceh.

“Information on my whereabouts in Banda Aceh was obtained through M’s report to Kopassus after my wife had been threatened by them. M told them where I was. My wife gave them information after M, from *Gampong* Kuta Trieng, guaranteed my safety.

“I was alone when I was thrown into a dark detention room for a week. While in Lamlo, I was beaten with ox ropes, cables, and whipped every day, morning and night. The worst torture was in the middle of the night. It felt like I was about to die. While there, I ate only once, even then only in the morning. The rest of the time I was not fed. The people who hit me took turns. One of them, DL, was from Laksus. He was already paralysed. I was only let out from Lamlo after getting assurances from M that I could be used as their *cuak*. To save myself, I gave them all the information they wanted. When there was a chance for me to leave, I took advantage of it. There was no way I could stay there. When I was released, I was

guarded and they coordinated my movements all the way home until they said in the end, ‘It’s okay. If you are sick you will be taken to the hospital.’” – NA4

59. *Cuaks* were also tasked with finding the whereabouts of individuals targeted by Indonesian forces, as well as being required to spy on the daily activities of the families of GAM members and supporters and other local residents. The Commission obtained testimony that *Rumoh Geudong* officers often involved *cuaks* in the process of picking up people who were targets of operations, as well as being torturers in the violent interrogation processes. A witness testified that he was picked up from the street and taken to *Rumoh Geudong* in April 1998, when he was 43 years old. At the time, the victim worked as a Quranic teacher. That night, at around 11:00pm, as he was returning home from the mosque, he was stopped by two “plainclothes men in a Daihatsu Rocky car.” He recognised one as the *cuak* named M and another whom he knew to be the deputy commander of *Rumoh Geudong*, who was also his torturer. The two people who stopped him took him to *Rumoh Geudong*. His testimony below is also part of key testimony 3, NN3, in the section on findings and analysis of torture.

“Every night there was so much ... some of the things I experienced myself. It was an incredible scene of torture. My body became deformed. My ankles had big gashes in them. My back is still scarred. I was also hit with an iron rod by M. My legs were crushed with beams by a Kopassus commander named P, rupturing a tendon. I was stripped naked, electrocuted, pairing the nodes between my genitals and ears which was so painful - much more than if they were paired with the eyes, the mouth, and on the top of the head.”  
– NN3

### *Using Existing Spaces and Facilities as Sites of Torture*

60. The same witness also illustrated the floor plan of the *Rumoh Geudong* interior. Although not overly detailed, this testimony is consistent with the findings of the Komnas HAM fact finding team and other references about this Sattis Post. The above testimony also states that the officers had not altered the interior and exterior of the building. Instead, they used all the family rooms and existing spaces for detention and interrogation activities. For example, the Commission received testimonies that detention rooms in *Rumoh Geudong* were named after animals.

“They also named the rooms with names like dog room, cat room, goat room, cow room, etc. If they call a room the cow room, then the detainee must respond with ‘moo’ [imitating the sound of a cow]. If they call it a room dog, then the prisoner must bark ...” – NN3

61. The Commission identified that *Rumoh Geudong* officers used pre-existing facilities as torture locations. For example, they used water wells to hang detainees and the backyard overgrown with grass to leave detainees baking under the sun or in the rain.

“I was taken to the well, tied around my neck and armpits and then put inside and hung in the well. After that, at around 10.00pm I was taken to the back of *Rumah Geudong* and they stripped me, leaving me only in my underwear. Then they tied my hands and feet and laid me face down on the grass. They took turns guarding me, including D. It was drizzling that night.” – NA5

62. The Commission also identified, based on key testimony NN3, the presence of septic tanks at the back of houses that were also frequently used as torture sites.

“Then one day ... I was put into the pond behind *Rumoh Geudong*. I was fasting at that time. The commander, P, came and stepped on my head, telling me to eat the faeces.” – NN3

### *Victims and the Reasons for Detention and Torture*

63. The Commission identified that victims were mostly civilians related to individuals on wanted lists. The findings and analysis of torture section, below, sets this out in more detail based on testimonies. Witness NN4 was the wife of a GAM member. She was a victim of *Rumoh Geudong* officers. At the time of her arrest, her husband was not at home.

“... (F)irst, February 1998. That day my husband was not at home. He had already gone to work. At around 7:00pm, four Kopassus soldiers came to our house. At first they looked for my husband, but he was not there. Instead, they took me and my two young children. I was four months pregnant at the time. I was taken in a Daihatsu Taft vehicle to the *Rumoh Geudong*.” – NN4

64. NN4’s testimony is consistent with key testimony 67, NN67, detailed in the findings and analysis of torture section. She testifies that she was

tortured because she was the wife of a GAM member who was then among the most wanted by Indonesia's security forces.

“My husband was a GPK. I have four children and I work as a farmer. I was detained and tortured. I'm still very traumatised. I was slapped, kicked, beaten with the butt of a rifle and was told to bite a cut-off testicle. Every day they asked me when would my husband come home. Even after I was released, I was still ordered to report to Tangse every day. I stopped reporting there after peace. After my husband came down from the mountains, I was no longer ordered to report.”

– NN67

65. Some victims from these torture sites were children of GAM leaders or figures. A victim said that because his mother was the leader of the Free Aceh Command, he was forcibly taken and tortured in *Rumoh Geudong*.

“My mother was a GAM commander. All Acehnese troops were subject to my mother's command. In an old document, my mother was referred to as a *Cut Nyak* by Wali Nanggroe Hasan Tiro. But the document burned with our house in 1990. Mother facilitated the first meeting of Aceh *Merdeka* [Free Aceh, GAM] in 1976 in Blang Mane, Glumpang Tiga Pidie Sub-district. She also helped GAM in other matters such as logistics, meeting places and medical needs.

“After my mother was taken by the army, they still sought me and my four younger siblings because they still saw us as the children of a GAM commander. Then *Pak Keuchik* Amud Mesjid [the sub-village head] told me to leave the *gampong* for a while, fearing that the army would take us. My brother and I left the house around *maghrib* [evening prayers] and went to the mountains. We arrived at Blang Ngom mountain after *maghrib*, without bringing any food supplies. There were soldiers who were looking for GPK at that time, but they did not find us. This was back in 1991.

“The next morning, I was told to report to *Rumoh Geudong*. As soon as I arrived, there were four officers who asked me where the GPK people and my younger siblings were. I replied I didn't know. They beat me up. I was trampled on.” – NA6

66. Other victims tortured at the *Rumoh Geudong* site were members of the GAM armed group. Many testimonies also show that other victims at these torture sites were members of GAM's logistical support network. The

following is NA7's testimony that recounts the torture of his father and his father's associates for storing weapons belonging to members of the GAM armed group.

"It happened at night. My uncle M had seen him when some Kopassus members came to Didoh Village to arrest my father. Then my father was immediately taken to the *Rumoh Geudong*.

"According to the information we have, someone leaked the secret that my father kept weapons belonging to members of GAM. The information was obtained from one of my father's friends named MJ. MJ had already been arrested by Kopassus officers and was subject to such extreme torture that he could not withstand it. He leaked the description of the weapons. And that information led to my father. As well as being the head of this village, my father was also a member of GAM." – NA7

67. Another category of victims tortured at the *Rumoh Geudong* were members of the GAM armed group. The GAM troops captured and detained in *Rumoh Geudong* were subjected to severe torture. Witnesses believe that this extremely cruel torture was a way of gathering as much information about the habits of the most sought-after GAM leaders. Those who insisted on keeping their mouths shut, refusing to provide information, would be killed. Victims who were willing to provide information would be released and then recruited as informants or *cuak*. The testimony below corroborates the testimonies of other victims who were members of the GAM armed group.

"My husband was a member of GAM who had received military training in Libya. Starting from before the DOM, he was often sought and arrested by soldiers. One day I was also arrested with my son. At the time, I was still living in Tangse, Pidie District. After three years, my husband was freed and we settled in Paloh Tinggi Village. For about two years my husband enjoyed his freedom, until one day in 1998 Kopassus picked him up in Lhokseumawe City while he was having coffee. After my husband was arrested, I could no longer live in the village. So I lived in the mountains with the late Tengku Abdulah Syafi and other GAM fighters.

"My husband was taken to the *Rumoh Geudong*. According to one of his friends who managed to get free from there, they were all severely tortured. As long as they stayed alive, they would be tortured. My husband died, and nobody knows where he is buried." – NA8

68. Some testimonies also stated that *Rumoh Geudong* officers tortured village heads, village officials, village leaders, and people caught violating rules set by the Indonesian security forces. This happened to NA1 whose testimony has been partially detailed above. He became a victim of torture merely for reporting an incident of suicide to a local police commander.

“At around 6:00pm I arrived at the *Rumoh Geudong*, along with the late Imam Beetle Kupula and M who served as the head of a local village organization. After evening prayers, some soldiers questioned us, asking why we didn’t report the suicide to the *Rumoh Geudong*. I explained that I followed the procedure set by ABRI headquarters. They kept asking the same thing about 15 times. I kept giving the same answer. Then one soldier said, ‘Shut up, don’t talk anymore.’ After that, another soldier kept asking me the same question about ten times. But I didn’t answer anymore because I was told to shut up. Another soldier then said, ‘He’s just silent, not talking, like we’re dogs here.’ Then some soldiers held me while others kicked me non-stop with their boots.” – NA1

### *Horrific Forms of Torture*

69. Torture in *Rumoh Geudong* was horrific, with a wide variety of violence. Victims who testified to the Commission cited various forms of torture they experienced, such as being beaten with bare hands, kicked with boots, beaten with bamboo and large pieces of wood as well as being electrocuted. Victims also testified that they were often hung from the beams of the house, in wells as well as tree branches with feet bound and hands tied behind their backs with clothesline cords.

70. Sexual harassment and violence including rape was also a widely used method of torture that victims felt. They were often hung down from ceiling beams, laid naked on their backs, with both feet stepped upon. Other statement-givers also testified that they were soaked in rivers, ponds, and faecal wells, hung over trees, wells or beams, including being laid out naked in the grass overnight. The following is key testimony 34, NN34, whose statement is contained in more detail in the findings and analysis section of sexual violence, about the method of hanging victims from the wooden beams of houses:

“They yelled at me to tell who my husband’s friends were. Because I answered I didn’t know, they got angry and hung me to the toi

rumoh with a neck strap until both my legs hung about 30 centimetre from the ground. The Kopassus soldiers also threatened to parade me naked on the streets. I said do whatever you want. After that I was taken down from the beam and laid on my back without a single thread of clothes on my body. One of the Kopassus stepped on my feet.” - NN34

71. Other torture methods involved water. For example, pouring water on the eyes, nose and ears until the victim choked. Another technique was to leave the victim naked in the rain outdoors overnight. This method of torture was experienced by **NA5** testimony as described above.

“... D arrived, the Deputy Commander of Rumoh Geudong. I was taken to the well. They tied me around my neck and armpits, then hung in the well. Thirty minutes later I was lifted and sprayed with a water pump, hosing water into my eyes, nose and ears until I choked.”- **NA5**

72. The **NA9** testimony below describes guards stripping detainees and electrocuting their limbs and genitals (sexual violence) during the interrogation process. The victim, the wife of a GAM fighter, explained how she was electrocuted by guards during several interrogations.

“In 1990, I was taken to the *Rumoh Geudong*. While being interrogated, I was forcibly stripped naked by Kopassus officers in front of other soldiers. They whipped me with two pieces of electric cable and then wrapped it around my body. They did this several times. The next day they electrocuted me with wires on my body and legs. They repeated this many times. They also took my son to the *Rumoh Geudong*. When I was electrocuted, the authorities blared *dangdut* music [a genre Indonesian traditional pop music] loudly so that my screams could not be heard outside of the house. My toenails are still black. I cannot grow good nails anymore.” - **NA9**

73. Sexual violence, sexual harassment and rape are the torture methods most remembered by the victims of the *Rumoh Geudong*. Almost all (female) victims claimed to have been stripped naked by the officers in this place and forced to dance while naked to blaring *dangdut* music. The following is further testimony from **NA9** recounting the treatment of female prisoners in *Rumoh Geudong*.

“Every time I hear a dangdut song, I feel tormented and remember how humiliated I was by the TNI in the Rumoh Geudong. I was

tortured while my hands and feet were tied. They electrocuted my big toe. While in pain, they stripped me naked. When I was naked, they forced me to dance to dangdut music that they blared from a loud tape recorder. I was ashamed because there were so many other prisoners forced to watch me dance naked.

“Every time I stopped, they would beat me and threaten to electrocute me. Then they laughed when I danced.

“The TNI in Rumoh Geudong staged a mock wedding ceremony. I was told to be the bride and a male prisoner the groom. We had to attend the wedding ceremony, pronounce the *ijab qabul* vows, and then we were seated side by side. The soldiers ordered me around, about how I should act and pose as the bride. They forced us to do things as they pleased. They were very amused and laughed at us. We were mocked as entertainment.” – NA9

74. It is difficult to see how torture sites like the *Rumoh Geudong* could not but deepen the distrust and hatred of the local population towards Kopassus and the Indonesian government. To date, despite numerous investigations into the *Rumoh Geudong*, including investigations by Indonesia’s highest human rights body, Komnasham, no one has been held accountable for gross human rights violations, including torture, committed at this military-controlled site.<sup>10</sup>

### *Enforced Disappearance at Rancong Post and Involvement of PT Arun*

75. Another major site of violence during the DOM period was the Rancong Sattis Post, often referred to by locals as Rancong Post. The Commission found a host of enforced disappearance cases involving

<sup>10</sup> For recent developments of the investigation, see Komnasham, *Kesimpulan Penyelidikan Komnasham atas Peristiwa Rumoh Geudong dan Pos-pos Sattis Lainnya di Aceh*. (“Conclusion of Komnasham’s Investigation into the Rumoh Geudong Incident and Other Sattis Post in Aceh.”) (<https://www.komnasham.go.id/index.php/news/2018/9/6/608/kesimpulan-penyelidikan-komnasham-atas-peristiwa-rumah-geudong-dan-pos-pos-sattis-lainnya-di-aceh.html>); Tirta.id, “Komnasham: Kasus Rumoh Geudong Masuk Pelanggaran HAM Berat” (“Komnasham: Rumoh Geudong Cases Enter Gross Human Rights Violation”) (<https://tirta.id/komnasham-kasus-rumoh-geudong-masuk-pelanggaran-ham-berat-cXsc>); *Tempo.co*, “Kejagung Tak Beri Deadline Kerja Timsus Penuntasan Pelanggaran HAM Berat” (“Attorney General Does Not Give Deadline for Team Work to Resolve Gross Human Rights Violations”) (<https://nasional.tempo.co/read/1420546/kejagung-tak-beri-deadline-kerja-timsus-penuntasan-pelanggaran-ham-berat>).

Rancong Post between 1990-1998. Like *Rumoh Geudong*, which was also the site of many enforced disappearances, Rancong Post was a Kopassus Sattis Post that utilised buildings within the PT Arun complex, Lhokseumawe in North Aceh. The Kopassus base doubled as a secret detention and torture site. Not many people and survivors have been able to clearly describe this deadly post due to its location and the secretive nature of activities there.

### *Highly Secretive Location*

76. Unlike the *Rumoh Geudong*, whose buildings and anti-insurgency operations were known to many witnesses, the interior of Rancong Post was kept secret so that very few surviving witnesses were able to describe the post. The location of the headquarters was deep inside the compound of the multinational gas company PT Arun. The headquarters was surrounded by a high wire fence, so the victims are unable to describe it. This lack of information about the building and its rooms was also due to the practice of guards blindfolding detainees every time they were transferred to and within the complex, as recounted by surviving victims.

“After a month being detained, my father was allowed to leave the post to pray. If my father wanted to pray, he would request, ‘Sir, I want to pray outside.’ They allowed this, blindfolding him with a cloth and then taking him to the prayer place. Once there, they would take off the blindfold and then he was free to pray. After the prayer, he was blindfolded again and returned to the detention place. My father explained this.” – **NA10**

77. The Commission noted some important victim testimonies providing descriptions of the Rancong Post. Witnesses spoke of two floors, with the second floor being used as a detention centre. The following information from **NAA9** witness who was held there, describes Rancong Post:

“In 1990, my son M and I were taken to Rancong Post in North Aceh District. TNI officers held me at Rancong for six days. We were held on the top floor of the building without being fed for three days.” – **NA9**

### *Covert Operation Posts and Activities*

78. By studying the testimonies of survivors, the Commission was able to conclude that the Rancong Post was operated by Kopassus forces with special anti-insurgency expertise. Like other Sattis Posts, the Commission

also identified Rancong Post officials as mostly operating actively in areas already controlled by Indonesian security forces. The aim was to arrest clandestine figures, leaders and guerrilla members who descended the mountains for some reason, as well as those suspected of aiding GAM activities. Kopassus went to the homes of their victims and took them in vehicles to their highly secretive bases. Kopassus also required military offices at the sub-district level and above to send the people they were looking for when they were caught in sweeping operations by local territorial soldiers.

79. Rancong Post's secrecy is what puts it on a par with that other deadly place in Aceh, the *Rumoh Geudong* in Pidie. According to several witnesses who survived and recounted their stories to the Commission, very few people returned safely from this post. Of the few survivors, most paid a high ransom to the commander of post to be let free.

“A week later, my husband was taken to Rancong Lhokseumawe. In Rancong, they continued to torture him. He was put into the hole and covered with a net. My husband was detained there for two months. I was not allowed to see him. I knew someone close to Kopassus back then. I asked him where my husband was, and he said in Kota Bakti. After two months, my husband was delivered back home but I had to pay a ransom of 30 million rupiah. To raise the ransom, I sold all the wood in my husband's factory and the factory was forced to close.” – NA11

### *Victims of Enforced Disappearance*

80. Besides being a place for the crimes of arbitrary detention and torture, the Commission also identified Rancong Post as a place where persons who were forcibly disappeared were taken. This included people on the most-wanted list of a military operation codenamed “*Jaring Merah*” (Red Net). According to witnesses, the main targets were key GAM figures such as advisors, women leaders (*cut nyak*) and guerrillas who surrendered. The following is a victim's testimony that mentions the enforced disappearance of her father who was an advisor to GAM.

“Before he was arrested, there was an incident of a Javanese person in an area called Simpang Matang Lada whose throat was slashed. The perpetrators were not known. The authorities thought that my father paid people to do it. Even though my father had long made

a commitment with the Seunudon regional government security coordination group (Muspika) that nothing like this would happen in Harun Pangansi's area. My father was a member of GAM, serving as an advisor. Day-to-day he worked as a Quranic teacher. After that incident, we searched everywhere, even our grandfather also took part in the search. But no trace of my father could be found anywhere. Our grandmother reported it to the village chief, and then she received news that father was detained in a Rancong cell. But when grandmother visited Rancong they did not let her see father. There was someone who was our father's cellmate in Rancong, but now we don't know where he is." – **NA12**

81. As well as advisors, victims of enforced disappearance at Rancong Post included female GAM figures. The following is the testimony of **NA6**, a victim who recounted her experience of torture for being the daughter of a GAM leader. She recounted the enforced disappearance of her mother within a week of being arrested and detained at Rancong Post; the information came from her mother's friend, who was also detained and tortured at Rancong Post.

"... they were taken to Rancong Post, Lhokseumawe in North Aceh. At the post, my mother and three others were immersed in a leech pond. My mother was not afraid, said K the village chief. During their detention, these four people were held in different rooms. My mother and the other three also had all their toenails and fingernails removed with pliers. A week later, when checked, mother was no longer at Rancong. Another prisoner there, a former ABRI officer, was told by his former military colleagues who were on duty at Rancong Post, to be careful not to be taken out of the prison. It is said that he had a secret guarantee of safety from his former men. He survived and was able to return home from Rancong Post, though he died around 2015.

"We searched for my mother's whereabouts for three months. We checked from Lamlo Post to Rancong, but to no avail. Finally we were told by AK not to search anymore because my mother is now in a much better place by the side of Allah. She was 56 years old. To this day we don't know where my mother, M, and S are buried."  
" – **NA6**

82. The testimony below provides an illustration of the enforced disappearance of GAM members who surrendered to Rancong Post troops during the DOM period.

“In 1990 my sister was taken by the Danramil [Sub-district military commander] of Seunuddon. There are two people that I know – D and M. He was indeed involved with GAM along with MA, but had turned himself in. Every GAM member at that time received an *angke* letter [“two lion” stamped letters]. The letter was issued by a GAM member.

“Before being arrested, there was a spy who informed him that there was GAM in the *gampong*. MA had already been arrested before and said that the *angke* letter was kept by my sister. From information I got from T, the Danramil’s confidant, the following night around 2:00am, my younger sibling was taken in a Reo car to Rancong, near PT Arun, Krukuk, North Aceh. My sibling was thrown out of the car. No family dared to search because in 1990 there were many Kopassus there.” – **NA13**

83. After the DOM status was revoked in August 1998, testimonies showed that the Indonesian security forces continued to operate the Rancong Post aiming to identify leaders, figures and key GAM members. Unlike other military posts that were moved to secret places and operated behind closed doors, soldiers from Rancong continued to search for and arrest GAM guerrillas and clandestine members. The Commission obtained information from a child victim who testified about the condition of their father, who was arrested in 1990 before being released and detained again in 2003 at the Rancong Post. In the second detention, the father was held for two years until finally being released. The witness explained how TNI burned their father’s house because they believed it was built with funds from GAM, and also how he saw the impact of torture on his father’s body.

“My father’s house was burned down by the TNI because it was said to be built using GAM money. My father was arrested in 1990, released, detained again in 2003 at Rancong Post. When he was released two years later, I saw many burn scars from hot irons and electrocution on his body.” – **NA14**

### *Other Duties of Rancong Post, PT Arun Security Guard Troops*

84. The Commission also received testimony about the deployment of non-Kopassus troops at Rancong Post for the purpose of securing PT Arun from sabotage activities. The following is a woman's testimony about the involvement of non-Kopassus forces at Rancong Post in torturing her husband. The witness gave a statement about her husband, a cleaning service employee at PT Arun, as well as the head of the sub-village, who was tortured by TNI members of the Raider 113/Jaya Sakti Infantry Battalion in 2002.

“When he was captured and put in a car, he was blindfolded and kicked, and his hands were handcuffed. He was tortured two nights in a row. He was put on a chair with his hands tied behind his back, plywood placed in front, and eyes blindfolded. Then he was beaten with wood, punched in the face non-stop, and kicked with boots to his chest. They also whipped him from behind. The tip of the whip was like iron. And they burned his back with cigarette butts. He was also deprived of food and water.” – **NA15**

85. The Commission documented statements from civilians working for PT Arun, who were detained in areas near company headquarters. The Commission also noted a civil lawsuit in the United States Federal Court, Case Doe, Aceh, Indonesia v. Exxon Mobil Corporation, No. 01-1357 (D.D.C.). This case was brought on behalf of 11 families of victims of torture, rape and killings committed by TNI security forces. The case has been ongoing for more than 20 years, with a lengthy process to determine the jurisdiction of the case in United States courts. In August 2020, Judge Royce C. Lamberth (U.S. District Court for the District of Columbia) ruled that the plaintiffs could proceed with the lawsuit. The case summary stated:

“This lawsuit... alleges that Exxon Mobil hired and paid Indonesian military to provide security at Exxon Mobil's natural gas facilities in Indonesia. Plaintiffs allege that these security forces, under Exxon Mobil's control and within the scope of their work, physically abused, sexually assaulted, tortured, and killed their family members living or working in villages in Exxon's extensive operations in Indonesia's Aceh region.”<sup>11</sup>

.....  
<sup>11</sup> A summary of Exxon Mobil's case can be found on the Cohen Milstein Attorney's Office website (<https://www.cohenmilstein.com/case-study/exxonmobil-aceh-indonesia>, accessed June 24, 2023).

86. The lawsuit details that, “(I)n 2000, Exxon Mobil paid \$500,000 per month to the TNI and provided equipment and training to TNI members paid by it.”<sup>12</sup>

## C. Findings and Analysis on Acts of Torture

87. In the previous section, the Commission described acts of torture during 1989-2005 as a continuation of other human rights violations, namely the arbitrary arrest and detention by Indonesian security forces, closely related to sexual violence, killing and enforced disappearance. This section presents in more detail findings on the crime of torture which include profiles of victims; arrest and detention by Indonesian security forces; detention sites and administrators; methods of torture in official and unofficial detention sites; testimonies of key crimes against humanity; consequences of torture on victims and expectations of survivors.

### C.1 Victims' Profile

88. Although the facts on the ground show that there were victims of torture who were ordinary civilians, the victims of torture during the Aceh conflict were not chosen randomly. Most were people who had been targeted by Indonesian security forces to be arrested, detained and severely interrogated for having important information about GAM.

89. The first category of victims was the immediate families of GAM members, especially wives, children, brothers, sisters and parents. They were picked up and tortured because their GAM family members were not present, having fled to other cities or became guerrillas in the jungle. The Commission noted from numerous testimonies that Indonesian security forces routinely took information on the families of GAM members with the help of *cuak*, village chiefs and officials. Security forces also extracted information about GAM family members from detainees they severely tortured. Later, Indonesian security forces would summon family members together or separately to the nearest military or police headquarters or post for questioning involving torture and cruel, inhuman and degrading treatment

<sup>12</sup> ICTJ, HRWG, KontraS, Imparsial, *Kasus Keterlibatan Exxon Mobil di Pengadilan karena Perannya dalam Pelanggaran Hak Asasi Manusia di Aceh*. (“Exxon Mobil’s Complicity in Court for Its Role in Human Rights Abuses in Aceh”), 2008, (<https://www.ictj.org/sites/default/files/ICTJ-Indonesia-Aceh-Exxon-2008-Indonesian.pdf>).

or punishment. For this group of victims, they could be tortured for more than eight hours. Their detention and torture sessions were repeated until their GAM family members were caught or killed in ambush operations.

90. The second category was guerrilla members who could no longer take up arms due to health reasons, disability or other reasons. They were tortured because they were asked to show caches of weapons and troops, including information on the whereabouts of GAM figures on the most-wanted lists. This category of victims was usually not released. They would be regularly subjected to repeated cruel questioning until their families would report them as missing. Survivors in this category said that they lived because they were willing to cooperate with Indonesian security forces by becoming *cuak* or to pay a sum of money determined by the torturers.

91. The Commission also noted many testimonies of witnesses who became victims of torture but did not fall into the previous two categories. The Commission grouped them into a third category of victims, namely people who were tortured on several grounds such as not reporting guerrilla activity around homes or villages; not knowing the names of GAM members who attacked military personnel or posts; allowing GAM to kill pro-Indonesian security forces in their villages; not reporting the return of villagers who had become GAM; not refusing when asked for food by GAM members; and selling goods to GAM members. Most of them were *keuchik*, village officials, heads of night watch groups or villagers living close to places of the movements of guerrilla groups. They were mostly tortured outside the post or at previous armed contact locations, in front of shops, in village squares, in front of houses, in local mosques and other public places.

## C.2 Initiated by Incidents of Arbitrary Arrest and Detention

92. Although the Commission noted that some of the torture victims were GAM members caught in shootouts with Indonesian security forces, the largest proportion of victims of torture were civilians summoned by the Indonesian military to the sub-district territorial command headquarters and Sattis Posts. These people were parents, sons, brothers, sisters, husbands, wives, in-laws and even grandchildren of GAM members. They were summoned as they were deemed to have information about people wanted by Indonesian security forces. These summonses were made by Koramil/

Kodim, Sattis Post, and operational troop posts (BKO) looking for people included on the list of wanted individuals. When ordering the *keuchik* and other village officials about who was required to report the Koter/Sattis or BKO Post, security forces threatened punishment if they refused to carry out the order or allow the summoned person to escape.

93. It is not surprising that when giving the summons or order, the messengers always seemed to pressure the summoned person to report to the specified location as soon as possible. This was to avoid forced pick-up and unnecessary collective punishment against all villagers. To ensure that the summoned person appeared, *keuchik* and local community leaders always escorted them directly to the Koramil office or other post.

94. In many cases, the Commission also received testimony about Territorial Command (*Koter*) personnel who actively visited villages to pick up GAM members and sympathisers named by detainees during violent interrogations. In these villages, the Indonesian military gathered civilians in local mosques, village offices, fields and other places to summon people whose names were on their lists. They separated their targets from the larger crowd and put them into trucks and took them to the Koramil office.

95. Witnesses also told the Commission that Sattis Post personnel picked up people who were said to be the most-wanted GAM sympathisers and members. Together with local informants they used small 4-wheel drive vehicles to go to houses, field huts, pond huts and other locations in search of the targeted people. In the process of arrest, Sattis Post personnel also brought along *keuchik* or local community leaders to show them the houses of their targets. They took their targeted individuals and detained them at the Sattis Post notorious for torturing detainees, especially those unwilling to provide information or who refused to cooperate with them as informants. There are many survivors' testimonies that guards and torturers did not hesitate to kill and eliminate prisoners who refused to cooperate with the Indonesian military or were deemed to have no more important information.

96. The Commission also obtained information about the activities of operational forces (BKO) who frequently arrested and detained civilians undertaking activities in locations designated by the military as restricted areas. Those arrested were often tied up while walking and forced to indicate locations of GAM hideouts, or tied to trees while they rested. Some were forced to confess to hiding GAM in their gardens or fields, or providing food, medicine and other logistical necessities. This practice of

arbitrary arrest and detention by BKO forces was not officially recorded or made public. The Commission received numerous testimonies linking the practice to the crime of extrajudicial killings of civilians and prisoners of war in mountainous areas, swamp forests and beaches far from residential areas.

97. Witnesses also mentioned Brimob BKO forces (from national headquarters and regional police from outside Aceh) and Brimob of Aceh Region (Brimobda) as conducting arbitrary arrests and detention of suspected GAM members or sympathisers operating in areas fully under the control of the Indonesian military. Testimonies noted that this occurred especially in urban areas. During Operation *Sandi* and the Martial Law and Civil Emergency periods, many Brimob BKO and Brimobda arrested and detained suspected GAM members and sympathisers in civilian homes, as well as on inter-city and provincial roads. The people they arrested were taken to detention centres set up inside their mobile posts.

98. Unit commanders established unofficial detention and interrogation centres to accommodate the large number of people arbitrarily arrested by the range of forces active: BKO combat forces, organic battalions, anti-insurgency units such as the Sattis Post during the DOM period (renamed to SGI post during Operation *Sandi* and the Martial Law and Civil Emergency periods), the Aceh Territorial Command, Marines, and Brimob BKO/ Brimobda.

### C.3 Places of Detention and Their Managers

99. As previously highlighted, during the Aceh conflict Indonesian security forces used both their headquarters and sites outside the headquarters as detention sites for GAM prisoners and sympathisers. The detention sites at the Indonesian security forces headquarters include Koramil and Kodim, the headquarters of companies of organic combat battalions, and the headquarters of the local Military Police. According to testimonies received by the Commission, detention sites outside military bases included government offices, village public facilities, school buildings, prisons, buildings inside compounds owned by local, national and transnational companies, and empty houses abandoned by their evacuating owners. The testimonies mention that BKO/Organic troops and anti-insurgency units consisting of personnel from the elite Kopassus unit used these sites for detention following arbitrary arrest.

100. Many testimonies mention detention sites established by Indonesian security forces along their patrol lines, such as farm huts, pond huts and even civilian homes. The Commission obtained numerous testimonies showing that Indonesian security forces often took detainees outside posts to pinpoint GAM hideouts or weapons. Witnesses told the Commission that they were tortured along the way when they could not identify the hiding places of the guerrillas.

### *Detention Sites at Koramil/Kodim Headquarters*

101. Since the implementation of the DOM in Aceh, the headquarters of the army's territorial command served as detention sites of people identified as GAM members and sympathisers. Although several victim testimonies told of their experiences of being detained and tortured at the headquarters of Kodim and Kodam Iskandar Muda Aceh, most of the victims were first detained in the Koramil sites.

102. In Koramil sites, victims would be asked for identity cards and interrogated repeatedly about the whereabouts of family members sought by Indonesian security forces. Summoned persons were usually gathered in hallways before being brought to meet inspectors in Koramil offices converted into interrogation rooms. The interrogation process took a long time, and people who were summoned and had not been called up were compelled to wait. Many were forced to stay overnight waiting for their turn to be interrogated. During this waiting period, many were treated inhumanely and even cruelly by Koramil military personnel or BKO troops stationed at the location. Such treatment included being stripped naked, yelled at and berated, beaten and kicked if they did not follow the orders of the guards. Those detained did not receive adequate food and drink while waiting for their turn to be interrogated.

103. Interrogations were carried out in a range of Koramil spaces, including guard posts, side yards and at the back of the main building. During interrogations, the summoned person would be subjected to repeated questions accompanied by acts of torture from interrogators – most of them members of Koramil and Kodim intelligence sections specifically assigned to extract information on the whereabouts of people on the fugitive list of the Indonesian security forces. The interrogators then determined whether the person being detained could leave the Koramil office immediately and be subject to daily reporting or remain detained indefinitely.

104. The people detained in Koramil fell into three categories: (1) GAM family members who were not on the wanted list, (2) GAM family members who were on the wanted list, and (3) GAM family members who were on the most-wanted list. Detainees from the first two groups were usually not held in cells or closed rooms. They were allowed to sleep at locations inside the Koramil headquarters. Detainees not on the wanted lists were allowed to leave the Koramil to find food and drink. Detainees testified that they were also often forced to clean the Koramil headquarters. Detainees on the most-wanted list were placed in closed detention rooms, because interrogators considered them to have information about their family members who were among the most-wanted by the Indonesian security forces. Usually, these detainees were not held long in the Koramil site since they were quickly transferred to the Sattis Post focussed on locating the most-wanted GAM members.

105. The Commission also received testimonies that organic combat battalions managed detention centres inside their bases. Their detainees were usually people on the wanted list who they caught during military operations at residences, coffee shops or on the streets. Such bases also received an overflow of detainees from Koramil and other military posts. An example of an organic battalion of the Kodam Aceh that notoriously held prisoners at their headquarters was the Lhoksumawe Missile Battalion in North Aceh.

#### *Detention Sites at Sattis and SGI Posts*

106. The Commission recorded numerous testimonies that mentioned detention sites controlled by the elite Kopassus army unit at Sattis Posts. There were many Sattis Post detention sites, but some of the most notorious included *Rumoh Geudong*, Lueng Putu, Jim-Jim, Rancong and Pintu Air Satu. These posts usually occupied unused civilian or military government buildings, vacant houses owned by civilians, traditional houses and buildings within multinational company compounds. The *Rumoh Geudong* Sattis Post was an example of the use of traditional houses as headquarters and unofficial detention sites. The Rancong Post is an example of buildings located within international company compounds. While Lueng Putu, Jim-jim, and Pintu Satu TSU posts were civil or military government buildings that also served as unofficial detention sites.

107. From analysis of many testimonies and other research, the Commission found that the Sattis Posts were generally managed by six to 12 Kopassus

officers with the top commander holding the rank of First Lieutenant. Kopassus also recruited Acehese territorial command personnel as translators for the Acehese language, as well as to act as combat troops involved in ambush operations against guerrilla and clandestine groups. Research also showed the involvement of civilians in the management of detention sites, especially in the tasks of collecting and interrogating prisoners. These civilians were referred to as Operational Assistants or better known to Acehese as *cuak*. Little information was obtained by the Commission about how Sattis Posts recruited and employed these *cuak*, but key testimonies suggest that the *cuak* were mostly recruited from GAM detainees who could no longer endure torture.

108. Sattis Posts typically targeted the most-wanted GAM members, although in practice they detained more immediate family than actual GAM members. Parents, children and wives of GAM members were typically detained. Detainees were held in rooms within the Sattis Post which were named after animals. The Commission understands these names indicated a method of classifying detainees based on the quality of information they were believed to possess.

109. Sattis Post personnel also used empty houses and local mosques around the post as detention places. The Commission believes that this was a strategy of sorting detainees based on the degree of involvement, their types of information and proximity of detainees to key GAM targets.

110. During Operation *Sandi* and the Martial Law and Civil Emergency periods, the Commission found that despite renaming Sattis Posts to Joint Intelligence Unit (SGI) Posts, the functions, tasks and work tactics within these posts were unchanged. These SGI posts worked more secretly than when they were named Sattis Post, so there is very little information known to the Commission in terms of how these detention sites were constructed and managed.

#### *Place of Detention at BKO Combat Force Post*

111. BKO and organic combat forces are also known to have set up unofficial detention sites at their posts. The Commission paid particular attention to the use of BKO Military Post/Brimob sites as places used to detain and torture of GAM members and sympathisers. Witnesses testified to the Commission that they had been detained and tortured at BKO posts that constantly moved and changed units.

112. BKO forces routinely summoned and detained family members of individuals on the wanted list who they had not located. They were often captured in ambush and sweep operations in the mountains, forests, swamps and farm sites. BKO forces were constantly on the move, and this resulted in them utilising elements of the landscape to temporarily detain prisoners captured during operations. For example, the Commission was told that soldiers used bark to bind prisoners' hands and legs to prevent their escape. The Commission also received testimony that prisoners captured in such operations were often deliberately injured on their feet and legs, to immobilise them to prevent escape - through beatings, crushing bones or shooting.

113. BKO forces often used the homes of individuals on their wanted lists as temporary detention sites that also served as places of interrogation and torture. Typically, BKO troops operated such sites in groups of about five soldiers; some standing guard outside and inside the house, while two others conducted interrogation inside the rooms. Victims told the Commission about being held in a room and tortured as interrogators repeatedly asked them questions.

114. These testimonies describe the fear of local populations toward the BKO troop posts that became notorious for torturing prisoners. Posts included the BKO Post in Alue Peupen; several Rajawali Posts in Nisam, North Aceh; and Rancong Marine Post for their involvement in torture and sexual violence during the Martial Law and Civil Emergency periods; and the Marine Post at North Kluet Penitentiary, South Aceh, which was notorious for the execution of 13 prisoners by hanging.

### *Place of Detention at Aceh Regional Police Headquarters*

115. The Commission recorded numerous testimonies explaining that the Aceh Regional Police actively used its headquarters to detain GAM members and sympathisers. Testimonies indicated that the Regional Police received many suspected GAM members and sympathisers from Brimob BKO and Organic, Koramil and BKO forces. Both the district and sub-district police (Polsek and Polres) investigated the detainees handed over to them, including working with the district attorney's office to prosecute detainees. According to witness testimony to the Commission, police tortured detainees and subjected them to cruel punishments at police headquarters.

## C.4 Methods and Techniques

116. The Commission found that the torture methods used by Indonesian security forces varied widely but could be grouped into two main methods: physical torture and psychological torture. Some testimonies told of how the two methods were conducted separately. But many testified that these two methods were implemented together, either simultaneously or in different stages of interrogation.

117. The Commission carefully studied the testimonies of victims, all of whom claimed to have been tortured targeting their body parts with techniques such as beatings, hanging from wooden beams/trees/wells in standing or upside-down positions, exposed to the elements of heat and rain, electrocution, immersion, flushing their faces with high-pressure water, sleep deprivation and starvation, mutilation of body parts, removal of finger- and toe-nails, burning of body parts using various techniques, binding of male and female intimate body parts. Specifically for female victims, the Commission found the use of cruel methods and techniques, such as rape using hard objects and fruits as well as rape by insertion of the interrogator's penis into the victim's vagina.

118. Witnesses also told the Commission about objects and tools used by Indonesian security forces in physical torture, such as plastic cords, ropes, log chains, electrical cables, water hoses, pieces of wood from tree trunks, water, electric chairs, glass and plastic bottles, pliers, hammers, sledgehammers, nails, knives, machetes, swords, firearms, lit cigarettes, matches and gasoline, and rattan.

119. Victim testimony also gives a detailed picture of how detainees were subjected to tremendous and repeated psychological torture in forms such as stripping; isolation from other prisoners; being held in a dark room; hung from a well; threatened with death; threatened with cutting off certain body parts such as the penis; threatened with burning after dousing the head with gasoline; calling the victim an animal; blindfolding; threat of rape; being forced to watch the torture of fellow prisoners; and being forced to watch fellow prisoners being raped.

120. Tools commonly used in psychological torture reported to the Commission included blindfolds; small, dark and stuffy detention rooms; detention rooms crowded with other prisoners; human excrement; hats; scarves; screams of prisoners being tortured or the sound of gunshot as if

executing prisoners; blaring *dangdut* songs; and sharp pieces of aluminium from soda cans.

## C.5 Key Testimonies on Torture

121. This section will present 28 key testimonies about torture during the 1989-2004 Aceh conflict. The aim is to provide more detailed examples and descriptions of what has been set out in sub-sections 1, 2 and 3, especially in relation to the at least tacit approval of torture among Indonesian military and police command officials. Torture was practiced and used by their forces as a strategy to gather information as well as to punish GAM members and sympathisers. This section also provides a detailed account of the behaviour of some GAM field commanders who used torture to destroy Indonesian military spy networks in areas under their control.

122. Some key testimonies in this section, such as the torture cases in *Rumoh Geudong* and Sattis Posts during DOM period, are widely known to the public. They also have been investigated by Komnas HAM in 1998. For that reason, the Commission believes that it is necessary to highlight other key testimonies to provide a more complete picture of the acts of torture in the period 1989-2004. These testimonies relate to torture committed not only during the DOM period involving the Sattis Posts, but also throughout the conflict with locations including official detention sites under the control of the territorial command structure and the Aceh Regional Police, as well as unofficial detention sites under the control of Indonesian military/police/BKO forces.

123. Some of the key testimonies below will also shed light on GAM's torture practices against individuals they considered accomplices of the Indonesian security forces.

### *Sattis Post Kopassus/SGI*

124. Almost all victims testified to the Commission that the most severe and cruel torture took place at Sattis Posts during the period of the DOM. In addition to *Rumoh Geudong*, another Sattis Post recounted by victims as being notorious for cruelty was the Lamlo Sattis Post. In 1990, a victim from Pidie Jaya was 32 years old. He was a member of GAM whose role was to supply food and logistics to GAM fighters. He was arrested by Kopassus at a friend's house after being followed from the market where

he was buying rice for GAM. He was taken by six Kopassus soldiers to Lamlo. He recalled:

### **Testimony 1. Torture of GAM prisoners, 1990**

“That Saturday I was taken at Beureunun market around 11:00pm. I was put in a Daihatsu Taft car. Kopassus took me to their base in Lamlo, Bakti City. In the car, they took off my shirt and trousers. As soon as we arrived I was put in the interrogation room.

“I was asked about GAM. I said I didn’t know anything. Because I didn’t. I was beaten with wood. About three people were beating me for two hours. And I was interrogated again and beaten up again for hours. I was not a member of GAM at that time, but I did start raising money for them in 1996.

“After these beatings I was put in a cell and held for 15 days. I was tortured almost every day. I was released by my brother-in-law. They demanded a ransom of 2.5 million rupiah. After my release, I was also required to report once a week for five months. Every time I reported, they would kick me. Because I couldn’t stand it anymore, I finally left for Banda Aceh. I went to my nephew’s place in Miruek Lam Reudep to save myself.” – NN1

125. From the testimonies gathered by the Commission, several cases show how psychological torture became one of the hallmarks of the Lamlo Sattis Post. A victim from Sakti, Pidie described how in 1989, when he was 41 years old, he was arrested by soldiers after a fire broke out behind his house. He was taken to Lamlo where he was asked if he had ever provided food to GAM. He told the interrogators honestly that he once gave food to GAM. He was beaten and taken to Lhokseumawe, where he was told to report to the military post at Lamlo once a week and later every 15 days. He recalled:

### **Testimony 2. Torture of construction workers in Pidie, 1989**

“I was arrested by L, a Kopassus soldier, on Sunday the 1<sup>st</sup> while working on a roadside construction site. I was told to get in the car and taken to Task Force Lamlo. There they asked, ‘What did you say to *Keuchik T*?’ I did not say anything. So L beat me with a cable until I was bleeding.

“Because they kept beating me, I finally admitted that I told *Keuchik T* to leave the village. I was put in the faecal well and

soaked there for about three hours before I was finally taken out. I was detained for a month and two days at Task Force Lamlo.

“After release, I was ordered to report once a week for two years. I had to seek treatment at my own expense due to the pain that I continued to feel from their beatings.” - NN2

126. The Commission collected 25 testimonies from people who reported being tortured in *Rumoh Geudong* during the DOM period. Nearly half of these cases were reported during the last two years of the *Rumoh Geudong* operation, in 1997 and 1998 (12 cases), when the torture programme was believed to have reached its peak. A survivor from Peukan Baro, Pidie described how he was picked up on the streets and taken to the *Rumoh Geudong* in April 1998, when he was 43 years old. There, he explained, he experienced repeated torture under the command of the *Rumoh Geudong* Kopassus Commander, whom he identified as a man named “P”. A report by KontraS confirmed that First Lieutenant P was a member of group IV Battalion 42 Cijantung and that he was indeed the commander of the *Rumoh Geudong* in early 1998.<sup>13</sup>

127. The victim worked as a Quranic teacher at that time. One night, at around 11:00pm, as he was returning home from the mosque, he was stopped by two “plainclothes men in a Daihatsu Rocky car”. At the *Rumoh Geudong* he was severely beaten and stripped naked, then repeatedly electrocuted. He and other detainees in *Rumoh Geudong* were also subjected to inhumane treatment that was deliberately humiliating and degrading. For example, on some occasions he was forced to eat faeces. He recalled:

**Testimony 3. Torture of religious teacher in *Rumoh Geudong*, 1998**

“Every night I felt my body. The situation was awful. My body was deformed. My ankles were punctured. My back still has scars. I was beaten with iron rods by M. My feet were crushed with a beam by Kopassus Commander P, which ruptured my veins. I was stripped naked, electrocuted, the electrodes attached to my penis and ears. This did not hurt as much as when they combined it with electrocuting my eyes, my mouth and on the top of my head ...

.....  
<sup>13</sup> KontraS, *Aceh: Damai Dengan Keadilan? Mengungkap Kekerasan Masa Lalu.. (Aceh: Peace with Justice? Exposing Past Violence.)*. Jakarta, 2006, p. 66 (<https://kontras.org/home/WPKONTRAS/wp-content/uploads/2018/09/aceh-damai-dengan-keadilan.pdf>, accessed 23 June 2023)

“Then one day ... I was put in the pond behind the *Rumoh Geudong*. I was fasting at that time. Then Commander P came. He stepped on my head and told me to eat the faeces. I was tortured because I once gave rice to A’s friend, who was a member of GAM. I was a GAM sympathiser.” – NN3

128. Women and children were also subjected to torture in *Rumoh Geudong*. In the following case, a victim from East Meutiara, Pidie, described how in February 1998, when she was 23 years old, she was arrested at her home and taken to *Rumoh Geudong* with her two young children. She said that she was arrested by Kopassus. Kopassus intended to arrest her husband, but as he was not home because he had gone to work, she was arrested instead. Her children were taken with her because they were young, and she had no one to leave them with. She was four months pregnant at the time. She explained that she was eventually released, “because they didn’t get any information.” One week after her release from *Rumoh Geudong*, she was again arrested by Kopassus and taken with her sister-in-law to Pintu Satu where she again experienced extreme violence. She recalled:

**Testimony 4. Torture of women and their children at *Rumoh Geudong* TSU post and Pintu Satu post, 1998**

“We were jerked and thrown about. It did not stop there. I was hit with a wooden beam as large as an arm. My two children cried hysterically seeing me being hit ... Kopassus asked where my husband was. I always answered the same way, ‘He’s out making a living.’ They also asked about weapons. I didn’t say anything. My husband didn’t have a gun, he just had a rice-cutting tool. They did not believe me, and they kept beating me. They picked up my two children who kept crying and threw them. They kept up the beating. They also hit me with a bamboo stick ... My body was covered in wounds. But I endured the blows. For two days and two nights in *Rumoh Geudong*, I was interrogated and beaten.

“A few days after my release, Kopassus took me and my sister-in-law in the middle of the night to Pintu Satu. Same questions. They were still looking for my husband who they accused of being GAM. I was detained for 21 days there, with even more severe abuse than in *Rumoh Geudong*. Not only was I hit, at Pintu Satu I was electrocuted to the point of unconsciousness. I was electrocuted wherever they liked, although the wounds from the previous beatings had not even healed.” - NN4

### *BKO/Organic Squad*

129. Of the civilians who reported torture during the DOM period, more than a third were recorded as victims of torture by BKO forces. These forces always subjected residents of GAM support base areas to cruel, inhuman and degrading torture, treatment and punishment. This torture typically did not take place in closed places like prisons, but in open-air places such as rice fields, ponds and at football fields. For example, the testimony of a victim in Seunuddon, North Aceh described how he and nine others from his village were subjected to collective punishment and torture at the hands of BKO forces for living close to what was known as an arms smuggling site during the earlier Darul Islam insurgency period (1953-1962). In 1990, when he was 21, he recalled how one morning he was suddenly surrounded by 30 soldiers who arrived in a vehicle with their “faces painted” while he was at his fish pond in Kuala Jambo Aye. The victim recalled:

#### **Testimony 5. Torture of farmers, 1990**

“They surrounded me right away ... I was almost beaten to death. Then I was taken to a tree. They wanted to shoot me. The soldier was a Demak man from Kisaran, Unit 126 YON. That day ten people were gathered, including an old woman who was collecting crabs. We were held captive for two days. They hit us, the men. The old woman was not beaten, only taken captive ... I was hit in the head and in the chest with a gun. My cheeks were swollen from being hit with wood. I almost died at that time. They asked about their enemy.” – NN5

130. The cruelty of BKO troops in torturing the population continued until the period of the DOM was lifted. Children were among the victims of torture. One case of torture of a minor, in Sungai Pauh Tanjung, West Langsa District, occurred in 2000. The victim, who was 15 years old at the time, was physically tortured, along with other children, by BKO forces. The victim recalled:

#### **Testimony 6. Torture of five residents of Sungai Pauh, 2000**

“I was with four villagers on night watch at the patrol post. Fifteen Pioneers [soldiers] came dressed in full uniform with weapons. Six of them interrogated us. They asked where GAM was, where GAM had fled to. We replied that we didn’t know, that no GAM ran here. Then three of the soldiers started beating us. They smashed gun

butts into my forehead, chest and mouth until they were torn and bloodied. We fell, unable to get up again. My chest was sore and tight, my teeth were broken, my lips were so torn apart that I couldn't eat that night. I went for treatment with village medicine. I drank a turmeric concoction with henna leaves. And now it's healed.

"The witness who saw the incident was named X, my child. He was a child and the Pioneer soldier also slapped him five times making him cry. After the beating, he complained of pain in his chest and back. We took him to a hospital in Banda Aceh for five days. According to the doctor's analysis, he had a rib injury. I have not been able to forgive the person who abused my child." – NN6

131. The Commission also received testimony of a cruel act of physical torture committed by Cot Glee BKO Post personnel, both in their vehicle and at their post in Cot Glee. The victim recounted being beaten, denied food and sleep and being prevented from praying.

#### **Testimony 7. Torture of civilians, 2002**

"I was arrested in the morning at around 8:00am, in the Meusalee area. While in their car, I was told to squat down. I was punched and hit with the butt of a gun. I was taken to Cot Glee Kameng Post. I was detained for a day and a night in Cot Glee Kameng Indrapuri.

"By the time we arrived at the army post in Cot Glee Kameng, it was the *maghrib* [evening] call to prayers. When I was taken to the Post my eyes were still covered ... They beat me when we got to the post. I was hit two times in the head with the butt of a gun. They beat my whole body; I can't even say which parts anymore ... My whole body was beaten. Fortunately, I didn't die. That night I didn't sleep. I was forbidden to sleep. I just sat up that night among them.

"Meals were not provided. They did not give time for us to worship either. I just sat and couldn't go anywhere, from *maghrib* until the morning. Even if a mosquito bit me, I couldn't hit it. From night until early in the morning, they kept hitting me. When I was slapped, I was not allowed to turn my head. My cheeks were swollen ..." – NN7

### *Torture at Territorial Headquarters (Koramil and Kodim)*

132. From data in the Commission's DOM torture dataset, the Commission concluded that several Koramil headquarters were used as centres for torturing the wives of members of GAM who had not been captured or killed in battle. Koramil personnel arrested, detained and tortured the wives of their GAM targets trying to compel them to surrender. Below are two key testimonies of women who were abused while their husbands were in hiding, NN8 and NN9. In each case, these women were tortured to obtain information about their husbands' whereabouts. In NN8's testimony, because her husband was not found, she was forced to report daily to the Tangse Koramil Office even though her youngest child was still an infant. They were encouraged to persuade their husbands to give up.

#### **Testimony 8. Torture of a GAM member's wife, 1990**

"I lived with my six children ... When I arrived at the Koramil headquarters, they asked me if my husband was coming home. I said no, I didn't know where he went. They yelled at me and slapped me ... In the Koramil I also saw earlobes and testicles cut from GAM people." – NN8

133. NN9's testimony mentions Tangse Koramil's involvement in the torture of the wives of GAM members whose husbands fled from arrest. One of the women was released after her husband returned to the village to report to Koramil. She said her husband went missing after being arrested a third time. It is believed that he was killed.

#### **Testimony 9. Torture of seven women, 1990**

"On the day of the incident, in the morning I came home with charcoal to cook rice. There were already a lot of soldiers at my home. The soldiers came for my husband. When they didn't find him, the soldiers seized the charcoal from my hands. Then they went inside and burned my house. Afterwards they burned six other houses, which were those of GPK members. At 11:00am, me and six other women were rounded up and taken by car to the Tangse Koramil office. When I got there, I was again questioned about my husband's whereabouts and I said I didn't know. At 1:00pm we were immersed in a pool of water for an hour, fully clothed. We were immersed only up to the neck so that we could still breathe. The soldiers watched us. When we got out of the water, they made

us stand facing the wall in the locked room. Some women urinated and defecated out of fear.” – NN9

134. The Commission also obtained testimony about the violations by Koramil Kreung Tuan North Aceh personnel who used physical and psychological torture methods to force M’s confession about events allegedly involving his brother who was a member of GAM. The following is the victim’s testimony to the Commission:

**Testimony 10. Torture of M, East Aceh 1990**

“The first incident happened to me in 1990. The background to this was a gun robbery that occurred in Ulee Ateung. Reportedly, my younger brother named M carried out the robbery with his friend J, a GAM commander. I could not bear to hear the accusation, so I reported to Koramil that my brother was in the *gampong* and that he was not the perpetrator. Instead, Koramil issued a letter and arrested and abused me.

“I was detained for a month in Krueng Tuan, where they conducted the operation. When I was first detained, I was beaten with a wooden plank in the back until my bones broke. I was tortured by being stripped naked and burned from head to foot. First, they burned me by melting a plastic comb, dripping the hot melted plastic onto my body. The marks are still there, though the scars on my head are almost healed now. I was beaten every day while I was detained. I couldn’t tell day from night. Every time I was beaten and knocked down, they told me to stand up again. They pushed me against the wall, two soldiers took hold of my hands while others punched me in the chest until I fell. I was also thrown into a large muddy puddle, once I almost drowned there.

“My bones were broken and now I cannot work at all. For nearly 25 years I haven’t been able to work. Even compared to Z, who died, I had been beaten worse.” – NN10

135. The involvement of the Aceh territorial command (Koter) in torture took place not only during the DOM period, but also continued even after the DOM was revoked. It continued especially during the implementation of the Martial Law and Civil Emergency periods of 2003-2004. Torture practices by territorial command soldiers started as soon as victims were picked up, on the way from their houses to Koramil and Kodim headquarters.

The following is a key testimony describing the practices of torture by territorial command members outside their headquarters.

**Testimony 11. Torture of 2 civilians, South Aceh, 2003**

“My name is NN11. I am 68 years old, living in the sub-village of Mangga, Subarang Village, Samadua District in South Aceh District. Day-to-day, I work as a farmer. I will tell you about the torture I experienced during the conflict. I was accused of being GAM, because I had delivered logistics support to GAM. One of my children was a member of GAM.

“At 7:00am, about six TNI soldiers came to my house. I was dragged from the living room to the yard. They hit me with the butt of a gun, which knocked me down and broke my teeth and caused bleeding from my nose. My wife and children witnessed this. At that time, I was with R, who had already been picked up by them. After being beaten, we were taken toward the Air Sialang River. On the way, the torture didn’t stop. They kicked us as we walked until we fell face first. When we saw people along the way, the soldiers told them to beat us up. If they refused, the soldiers would beat them up as well.

“When we reached the river, still wearing sarongs, they told us to get in. After soaking, we were told to walk again. Like before, when anyone passed by the soldiers told them to beat us. We were taken to the intersection of Jilatang Village. The soldiers told us to sit down and ordered people to beat us. If we moved even a little, the soldiers would beat us badly. It felt as though blood was no longer even coming out of our bodies.

“We were taken to the Koramil of Samadua Sub-district using a public transport vehicle. The soldiers interrogated us there. The torture continued. The soldiers beat us with chairs until the chairs broke. At 11:30am, we were taken to the Kodim by Reo car.

“Once we arrived at the Kodim, the soldiers strangled us and they hit our backs with steel broom handles. Then we were taken into a prison. One of the soldiers came to continue the torture. He kept hitting us in the back with the broom handle until we bled. Then we were doused with water. We were in the Kodim for six nights. The torture was just on that first night. The next day it ended.

“After six days we were taken to Tapaktuan detention centre. We were there for about a month. They continued to torture us there. We were stripped naked to our underwear, beaten with guns, kicked, doused with water so that we shivered. Almost every time they did that to us.” - NN11

136. A similar incident is observed from NN12’s testimony about torture in 2003 while working in a nutmeg plantation with his son, because they ran into two members of GAM. He was climbing one of the nutmeg trees to harvest fruit when they passed by. Soon afterwards, some soldiers came and asked questions about GAM:

#### **Testimony 12. NN12 torture, South Aceh 2003**

“The soldiers approached us. We stood up when they reached us, and they yelled at us saying, ‘You dogs, you feed the dogs [GAM]!’. They yelled at us to stand up straight, then walk into the river and that we must not move. After that, they forced us to undress and start walking. When we got to the road, the paved road in S area, I was blindfolded. When we got to S area, I was told to run. But I didn’t want to run. They treated me like that for about half an hour. After that I was taken to the Post.

“When we got to the Post, I was interrogated. They said ‘You are a dog, a pig ... Today don’t you utter *dhikr* [God’s remembrance] and recite the names of *Allah* again. Today is your last day, mister...’ They blindfolded me and threw me into the car. And it seemed I was taken in the direction of A. We could only guess the direction. I was hit with a crowbar. My son was also tortured, hit on his back with the crowbar. At that time the perpetrator had been using the crowbar to dig a hole for some pipes. [NN12 and his son were later transferred to the nearby Koramil base and continued to be tortured on the way] After we got into the Reo car, we were tormented, slapped and kicked. One of the soldiers said ‘Let’s stop it or NN12 will die, and it will be our fault. Not again. Let’s stop.’ My son and I were beaten blindfolded, so we don’t know how many officers were in the car and who beat us, or what unit they were part of.” - NN12

## *Torture by SGI*

137. As in the DOM period, members of the Kopassus Joint Intelligence Unit continued to use torture methods when interrogating families of hiding GAM members. NN13's was the brother of a member of GAM.

### **Testimony 13. Torture of GAM member's younger brother, Kute Binjai, 2004**

"My name is NN13. I am currently 34 years old ... I experienced arrest, detention and torture at a party. That night, there was a gun battle in the Cot Hasan region. The next day, at 10:00am, on 15 August 2004 to be precise, I was arrested at home, during a party, by about eight SGI soldiers. They took me to an SGI base in Kuta Binjei. A lot of SGI came. If I'm not mistaken, more than 100 soldiers.

"I was taken away and tortured while being questioned for two days and nights. But I didn't know anything. Then I was detained at that SGI base for two months. I was taken by SGI because my brother was a member of GAM. I was targeted because we're a family. There were also two members of GAM who surrendered and gave my name as being involved. They were Kuta Binjei and Ulee Gajah people. They are known as U and T. Because the soldiers couldn't find my brother, they took me instead. But I was not actually involved in the group and knew nothing.

"I was hit with a hard hose that was split in half. Beaten from my back to my buttocks. My fingers were crushed with pliers. I was tortured by two SGI members. I was detained for two months, accused of being a member of GAM. I was released on the 16 September and told to report for a month to SGI." - NN13

138. The Commission found that SGI units also frequently used torture methods to extract information and punish residents living in villages supporting GAM, although it could not name individuals involved in attacks on Indonesian forces. A man from North Aceh told the Commission about what happened to his younger brother and his father, who were tortured by security forces for being at the scene of an armed clash. The witness stated that he and his entire family were farmers and labourers. He said that none was a member of GAM, nor had any personal relationship with GAM. This witness went on to explain how, a few months later, his

father was also tortured along with a group of other local villagers, again because his father simply lived nearby the location of armed clashes.

#### **Testimony 14. Torture of a man, North Aceh, 2003**

“It happened when my younger brother was about to go to M. There was an incident of armed contact between GAM and the army. He passed by the area at 3:00pm. He was held there and tortured for a day and a night. He was detained at the location of the armed clash, not at the Post. When he was brought home by his friend, he was bleeding and his internal organs were damaged. He was bleeding from his head and chest. He was beaten with plywood on the chest and then punched. He suffered a deep wound to the chest and was treated for three months. His GL Pro bike that he was riding that day was also lost.

“In another incident, at 4:30pm, SGI soldiers entered the village on patrol. They encountered GAM and a gun battle ensued. One SGI soldier died. The next day SGI went to the village to gather villagers, including my father. He and 20 others were forced to undress and swim in an irrigation canal for more than six hours, from 8:00am to 4:00pm. They asked who shot the soldiers. They replied they didn’t know. There were 15 soldiers at the time.” - NN14

139. In his statement, the witness repeatedly explained that the two had no relationship with GAM. “My brother never joined GAM. He’s just an ordinary person, working as a motorcycle dealer.” Of his father, the witness said, “He did not join GAM. No family members joined GAM.” This witness viewed this treatment by soldiers against each member of his family as arbitrary violence.

#### ***Torture by BKO Forces***

140. BKO troops were also known to rural Acehnese as soldiers who tortured civilians living in villages where GAM supporters live. One of them is the BKO squad dubbed Raider. The Raider troops often went to people who had been arrested, detained and tortured by Koramil. They would then take them to the forest to be shown GAM hiding locations. In certain locations, the troops tortured the people they brought there. using physical and psychological methods to make them confess to giving support to GAM.

141. As NN12 testified to the Commission, the perpetrators of his torture used physical violence as well as various forms of psychological and mental violence as part of “absolutely horrific” torture as he described it. These psychological techniques used terror to destabilise him. Methods included blindfolding, humiliating and controlling him (such as being forced to stand in rice fields, climb through mud and cut his hair), threaten his life, and treat him like an animal. This psychological violence was cruel and unusual punishment, aggravating the harm inflicted by physical torture. The following is NN12’s testimony.

“I was taken. When I reached S, in *Gampong* G area, I was beaten non-stop. He said, ‘I heard that you gave cigarettes to GAM people?’ I said, ‘Says who, sir? Where is this person, sir?’ He answered, ‘You don’t need to ask, what’s clear is that you gave cigarettes to the dogs, huh?’ Then, with whatever was at hand, I was beaten and slapped. Once I was hit with a machete, but not with the sharp edge, with the flat part. Then he said, ‘You know this? This is the machete of GAM people on the mountain. We found it. Ah you see this!’ He showed me the machete. Then he used the machete to cut my hair and hit my back. That’s what the Raider did.

“They were not satisfied yet. I was taken into the rice paddies. The soldiers threw me into the field on S mountain. They stood on my back, maybe three people. Then they said, ‘Crawl!’ I was there for about an hour, with my eyes muddy. So many of them watched me get beaten. Then I was sent off, taken away by the *keuchik*. When I got home, many people visited me. My eyes were all covered with mud.” - NN12

142. Another BKO team also notorious for torture was the *Pasukan Rajawali* (Eagle Squad). These troops were always indiscriminately picking up people on the search and watch list, women and men, then taking them to their posts for interrogation. Based on statements compiled by the Commission on torture during the Martial Law and Civil Emergency periods, these troops targeted several young female combatants. One woman said she was tortured in Pidie in 2004, when she was 21 years old. When arrested and taken to the police station, she was hit in the face and head. Her body was tied and her nails were pulled out. She testified:

#### **Testimony 15. Torture of women in Pidie, 2004**

“In 2003, four Rajawali soldiers came to my house. They came at 7:00am. I was arrested and taken to B school. I was interrogated and slapped by soldiers because I was involved in the *Inong Balee* Army. After three days of interrogation, I was taken to court in L.”  
- NN15

143. Rural residents of Aceh, especially in the Langsa area, knew the BKO Marine Corps in their areas as a very cruel force against those who had direct links to members of GAM. Often moving at night, these troops would go to the homes of families of members of GAM, then take them to their posts to complete harrowing interrogation processes. Usually, those taken were asked repeatedly about the whereabouts of their family who were GAM members. Torture followed, such as being hit in the chest with wooden blocks and whipped with water hoses. The following is the testimony of NN16 who was a victim of torture in Langsa City in 2003:

#### **Testimony 16. Torture NN16, Alue Beurawe, 2003**

“I was arrested by the Marines because one of my children was known to be involved in GAM. I was arrested with my son at home at night around 10:00am. Then I was taken to an elementary school in Alue Beurawe that had been used as a Marine Post. My son was taken to the police station. I was interrogated at the Marine Post, asked about my son’s involvement in GAM. I was tortured, slapped with sandals made from car tires, beaten on the left and right side of my face until my teeth were knocked out. I was hit so hard that I fell down. They also beat me on the stomach, hitting my solar plexus, using a large wooden stick on the chest. Then they told me to squat down and they beat me with a water hose. I was detained and tortured for seven days at the Marine Post.” – NN16

144. The BKO Marine forces, like the Rajawali squad, were indiscriminate towards their victims. Men or women, young or old, if they were detained, they were severely tortured to obtain information on the whereabouts of GAM members or confessions about their alleged actions. The Commission focused on these troops because they committed acts of torture in their victims’ homes as well as at their headquarters and posts. These forces also often used rape and other forms of sexual torture when the victim was unwilling or unable to provide information.

145. A woman from Aceh Jaya was subjected to severe sexual torture in her own home in 2003. She was 21 years old at the time and was targeted because soldiers wanted to get information about her relatives: her father, brother and husband, who were all members of GAM. She was alone at home with her young children when the soldiers came:

**Testimony 17. Torture of women in their homes, 2003**

“Five soldiers came to my house. They were troops from the 112 Marines. Two soldiers interrogated and tortured me in turn. The others stood guard in front of the doors and windows. This is how they guarded me and my crying children.

“They kept asking questions and mentioning the names of some GAM members while they strangled my neck and pushed me against the wall of the house. I told them that I knew of one name, but didn’t know him. At that time, I spoke Indonesian so that they would understand. But they didn’t believe me and continued to torture me. I was dragged to the door of the room, then told to swear that I was speaking the truth. But then they slapped me twice hard on my cheeks. My cheeks were swollen, and I had difficulty opening my eyes. They kept demanding that I confess and provide information. They asked about my father and sister. When I replied in Acehnese, they didn’t understand and hit me again.

“Then they hit the top part of my breast with the tip of a rifle. They told me to take off my shirt if I still wouldn’t confess. I took off my clothes until all I had left was underwear. Then I threw the clothes in their faces. Of course, they went berserk and said I dared to challenge them. They smashed my head against the wall. Then they took a banana that happened to be at home and a bottle of lemonade. They inserted the banana into my vagina alternately with the lemonade bottle. The soldier who did this was named I. They kept shouting at me to confess. I could only accept how they treated me and surrender to *Allah* ...

“They were not satisfied with torturing me in this way. Next they cut my left breast with a kitchen knife. They pressed my breast until it released a white liquid mixed with blood. The soldier named I put his cigarette on the nipple of my right breast. Then they used a lighter to burn my pubic hair until it was charred.

“They tried to force me to talk. I kept tight-lipped. I thought let me be the one who was tortured and killed, rather than the GAM people they mentioned earlier. They tortured me for about three hours. They stopped when their commander called on the radio and told them to return to the post.

“Before leaving, they forced me out of the house naked and hung me from a rambutan tree in front of the house. My son later untied me.” - NN17

146. The Commission also paid special attention to the abuses by Air Force units operating in Aceh Besar during the implementation of the Martial Law and Civil Emergency periods. They tortured a woman who was the wife of a GAM member in her home. This woman told the Commission how she was tortured repeatedly by AURI troops, then again detained and tortured during the Martial Law and Civil Emergency periods by Joint BKO forces. She married a GAM commander in the early 2000s and she had a baby at the time.

#### **Testimony 18. Torture of women in their homes, 2003**

“The first incident ... I experienced it in 2003. At noon that day, an Air Force man whose name I knew was B came to the house. I don't know who they all were, two or three companies, 30 soldiers combined. They went up to houses, which are built on stilts, four or five soldiers. The rest stayed below. The real target they were looking for was my husband ... I was burned with a cigarette on my right arm three times. I was burned constantly. The cigarette flared when it burned. ‘I will burn you! Keep burning you!’ You can see the white after the first burn,’ the commander said to me. ‘Don't continue,’ I said, ‘Don't burn me anymore.’ But he burned me with the cigarette again. They lit the cigarette and burned me again. Then the commander said, ‘No more, enough.’ The others kicked me. They kicked me three times with their heavy boots.

“Then they prodded me with the tip of a gun, on my left thigh near my crotch. They said, ‘Take off your clothes!’ ... There were four people in the house. The others were downstairs. My mother's house is built on stilts ‘Take off your clothes!’ they shouted at me. ‘Don't strip me naked. If it's my husband's fault, find my husband. Don't do this to me,’ I said. - NN18

147. The Commission noted another violent BKO force which villagers referred to as the Joint Forces. Apart from wearing uniforms, there is not much information about the identity of these troops. According to NN18's testimony, these forces were extremely cruel to residents in the villages where GAM supporters were based, let alone GAM family members. NN18 gave his testimony to the Commission:

“All the villagers were gathered in the school. There were more than 150 heads of families, including mine. Only I was taken. Others were told to line up, while I was isolated. They told me to stand. When I was picked up, my sister was already crying.

“There were many of the Joint Forces, all wearing fatigues. I was standing by the window. There was a knife. ‘Is this blood on the tip of this knife?’ they asked me. ‘I don’t know, sir.’ They stabbed the wall, then they stabbed me. They pierced through my body, all the way through into the wall. People were shocked ... All the villagers gathered.” - NN18

148. Not long after the incident at the school, a group of soldiers came to NN18's house at three in the morning and took her away. She was held in the local Koramil for more than two weeks, along with several other women, also relatives of her husband. During that time, NN18 was neither fed nor given water, and they relied on the supplies brought daily to Koramil by their mothers. They were all interrogated, questioned about the whereabouts of her husband and other members of GAM. After the tsunami struck in late December 2004, the Indonesian military continued its operations against GAM, including intimidating their relatives. She was again detained by the military for five days, interrogated about her husband's whereabouts. She was detained but not tortured, then transferred to another military post, detained for two weeks, and sexually assaulted by one of the commanders. After that, she was released. Every time she was taken by security forces, it was because she was the wife of a GAM member. They asked: “Where is that GAM wife? The first target is the GAM wife!”

### *Torture by Brimob and Police*

149. Testimonies to the Commission mentioned the involvement of the elite National Police forces in acts of torture, cruel, inhuman and degrading treatment or punishment. In 2003, a 38-year-old man from Aceh Tamiang was tortured twice in the space of just a few months. This man worked as

an ox trader, and he had just arrived at his mother's house after moving a few cows from another village to his own village. His arrival at his mother's house aroused the suspicion of the local Brimob, who came to the house one night and took him and his older brother to a local military post.

**Testimony 19. Torture of cattle traders, 2003**

“At around 3:00am my mother's house was surrounded by Brimob. The door of the house was kicked in, and I was taken by ten Brimob forces to their post. When I arrived at the post, I was asked if I had reported that I lived in the village. I said that I was just staying at my mother's house. Hearing this answer, Brimob police immediately kicked me in the chest with their boots. I explained that I went to my mother's house to bring the ox. But they refused to accept this explanation and repeatedly beat me up. Then they immersed me in the leech pond with my brother from A, until 10:00am. I was bitten by leeches, with marks on my hands and neck. At 10:00am they released me after people told them I was not GAM.” – NN19

150. The Commission received numerous testimonies about torture that occurred at Brimob posts and police stations. Torture was also carried out during transfers between facilities. A man recounted his arrest and detention in 2003, in Central Aceh. He described how torture was used to terrorise victims during transfers between detention facilities. The man was 29 years old when he was arrested at his village mosque one afternoon by Brimob officers, accused of supplying food to GAM. About 20 Brimob officers and militia came to the mosque and forced the man to go to a military post. “I was taken there on foot, about one kilometre. On the way, they punched and kicked me to hurry me up.” He was tortured at the post throughout the night by Brimob officers.

**Testimony 20. Torture of a 29-year-old man, Central Aceh, 2003**

“When I was taken, my hands were tied behind my back using motorcycle inner tubes, my eyes were also covered with a black cloth. On the way to the police station, I was beaten.

“When I was tortured at the post, they took off all my clothes and I was only in my underwear. I was tortured constantly, from 11:00pm to 6:00pm the next day ... I was smashed in the legs and upper waist area with the butt of a rifle. They kicked me in the head, chest and abdomen. They targeted these parts of the body with constant beatings. They also hit me in the back of the head with their guns.

I still have scars to this day ... During the beatings I could no longer open my mouth, my eyes were red and bleeding. They splashed my face with liquor, making my face burn and feel very sore and hot. Blood poured out of my nose and ears.” - NN20

151. NN20 was held at the police station for three months in a small, hot cell with nine other detainees. During that time, they were fed only a little. After being forced to admit wrongdoing, the man explained he was no longer tortured. But he said that he and other prisoners were often subjected to arbitrary punishments, such as being forced to do push-ups. He was later tried in court on charges of treason and sentenced to nearly a year in prison. This man suffered prolonged physical, psychological and socioeconomic repercussions as a result of this beatings and torture, including vision, hearing and ongoing internal injury complications. This affected his ability to work and earn money to support his family.

152. The Commission also identified the involvement of Brimob forces in the torture of children of GAM members in East Aceh. For example, the testimony of NN21, a 16-year-old boy who was detained and tortured at a police station in 2004 in East Aceh. One afternoon ten Brimob troops came to his house looking for his older brother, who was a member of GAM. When the Brimob troops found out that his brother was not there, they forced him to accompany them to the local police station.

#### **Testimony 21. Torture of population, East Aceh 2004**

“When the house was surrounded, the Brimob troops fired warning shots. When they opened the door of the house, they immediately jumped on me and threw me into the ditch. They beat me as they bundled me into the Reo car. I was taken to the Perintis Post, then to the police station. When I was at the police station, I was hit on the head with a gun butt three times until I felt dizzy. I was detained at the police station for one month. Then my family approached the officers to transfer me to the prison. My family was afraid that if I was detained at the police station, I would not survive. I was transferred to Langsa Prison and detained for several months. The court found me guilty of providing logistics to GAM, something that I never did.” - NN21

153. The abuses by Brimob troops took place not only in closed spaces such as their posts, but also in public spaces such as in the public toilets of inter-city bus terminals. A 53-year-old man was tortured and humiliated

in 2004 in Pidie. He was about to return to his village after visiting his relatives when he was stopped by a group of Brimob troops:

**Testimony 22. Torture of a 53-year-old male, Pidie 2004**

“At the time of my arrest I was beaten, but not so heavily. They tore my clothes off, leaving me only in my underwear. I was forced into the car and taken to the front of the public toilet. They pointed the barrel of their gun into my mouth. When they pulled the barrel out, the weapon hit my teeth and knocked out two of my teeth. Then they shot towards the side of my ear, almost hitting it. The shot made my ears buzz and I lost hearing. Then they kicked me to the ground. They put me in the car and took me to the police station.

“At the police station the police chief, named T, hit me in the head with a log. After processing, I was detained in B Prison until the tsunami hit.” - NN22

154. Victims’ testimonies to the Commission also provided important information about the torture practices used against GAM members and sympathisers that took place in detention rooms managed by the Sub-district Police, District Police and even the Aceh Regional Police. The Commission noted how victims were often moved to other police stations to undergo more cruel and repeated interrogation processes with the aim of extracting a “GAM member” confession. A man from Pidie told the Commission about his harrowing experience. While he was living in Banda Aceh, a group of policemen came to his house late at night and forced him to go to the Aceh Regional Police Headquarters. During his two weeks at the police headquarters, he was transferred between rooms inside the police station, interrogated and tortured, and forced to confess to being a member of GAM:

**Testimony 23. Torture of a 33-year-old man, Banda Aceh, 2003**

“I was forcibly picked up by a group of police officers. They took me in their car, beating me with a gun and threatening to shoot me in the head. When we arrived at the Regional Police Headquarters, several officers were there to meet me. I was taken to a room and seated at one of the long tables. They asked for my identity card. When I opened my wallet, they saw its contents including 20 thousand bills. They asked me where the money came from, I told them it was from daily work. They ignored me.

“... I was taken to a 4x4 interrogation room. Two people interrogated me. One questioned me and the other hit me from behind when I answered incorrectly. They didn’t wear official clothes. I was not GAM, and I tried to tell them this. I told them that I was a regular citizen. But they kept accusing me of being GAM. They made other GAM members beat me with their hands and a stick the size of a machete handle when I wouldn’t give the answers they wanted.

“After that, I was taken to another room about three metres away. The room contained an electric shock device. So, I admitted to being a member of GAM Pidie, because if I tried to deny it they would have electrocuted me. Only after this ‘confession’ did they return me to the original checkpoint.

“They checked on me continuously that night for two hours. I never rested that night. Until they went out to eat at 10:00pm I couldn’t do anything ... After they finished eating, the questioning resumed. It became worse and worse until 2:00am. Only then did they leave me. There was a toilet in the room, and I stayed there through the next day and night ... They delivered food at lunchtime and in the afternoon.

“My family and close friends did not know what had happened to me. The next night they interrogated me again but only until midnight. They beat me and electrocuted me. Then they left me again and I slept without any bedding at all.

“The next day, I was taken and put in a cell, about ten metres from the room where I had stayed before. In this cell they tortured me with iron bars. My hands were squeezed between the bars of the cell, until they were injured. I was also told to sing ‘Indonesia Raya’ [the national anthem]. But I forgot the words, so the torture got even worse. They assumed that I was GAM. I was held in that cell for five nights. Every night I was called to the edge of the cell and punched. Finally, I was taken to another room where I was held for seven more days.” - NN23

155. After several days in the Banda Aceh Regional Police Headquarters, NN23 was taken with another detainee to a police station in another city. In this police station, he and other prisoners continued to be tortured. He was also subject to cruel punishments, such as prisoners being forced to beat each other. After nearly two months in the police station, NN23 was

transferred to a police station in yet another city and then brought to trial. He was sentenced to several years in prison. He was held for months in prison in Aceh and was released only after the peace agreement in 2005.

“We were taken straight into an ordinary room ... They punched and kicked us. We were held there for five days, then moved to another cell with 30 other prisoners, a 5x4 metre cell. They tortured me frequently in that cell. They told me to do push-ups, beat me and so on. I survived 45 days. During the days we were packed tight, sleeping was difficult. They often forced us to beat each other up. Like me and M, we were forced to beat each other.” - NN23

156. In addition to the above two incidents, the Commission also recorded testimony mentioning the orders of National Police officials regarding the operation to pursue and arrest GAM members who fled outside Aceh. The ranks of the North Sumatra Regional Police responded to the secret order of the National Police Headquarters by arresting and torturing a number of people to obtain information on GAM members and weapons storage sites.

#### **Testimony 24. Torture of farm workers, North Sumatra, 2003**

“I am a resident of Labuan Village, Julok in East Aceh. In 2003 I was imprisoned on charges of being a member of GAM. I was released in 2004 because I received amnesty after serving 11 months in prison.

“At that time, I was in Medan because I worked there for six months. I was arrested in Labuhan Belawan, North Sumatra by the Medan police. The arrest happened while I was working on my shrimp farm. I was detained for 25 days in the Regional Police Headquarters.

“While I was held there, I was tortured. They pressured me to confess that I was a member of GAM, as well as asking about weapons and GAM members. My skull cracked when I was hit with a chair. They also burnt me on the face. I was subject to this torture during the first four days of detention. After that, I was put in a cell and the torture stopped.” - NN24

157. Two other torture victims outside Aceh recounted arrest and the torture they endured while trying to flee with their families from Aceh Tamiang to Pangkalan Susu, Langkat, North Sumatra.

**Testimony 25. Torture of Acehnese refugees and traders,  
Medan, 2003**

“The police accused me of being GAM. I was arrested alone, immediately taken out of the bus and taken in a police car to Pangkalan Susu Police Station. About five policemen took me away, and one of them beat me. He beat with his fists on the way to the police station, telling me to confess to being a member of GAM. But I didn’t confess, because I wasn’t a member of GAM.

“I was arrested around 7:00pm while returning home selling produce in Batang Kari, Medan Baru District. They were three people riding RX King motorcycles. They took me to Medan Metro Police station. I was detained for 20 days there. I was tortured for three days, hit about 60 times. I was released after receiving a letter from Aceh.” - NN25

158. The Commission also received reports of abuses by GAM. At least three cases of torture against civilians by GAM were reported to the Commission: the NN26 torture case in Indrapuri in 1998; the case of a retired civil servant in Indrapuri in 2002; and the torture of a *keuchik* in North Aceh in 2003. This torture was carried out apparently for various reasons, such as for punishment for visiting the headquarters of Indonesian security forces, being a *cuak* (spy) for Indonesian forces and for extortion. The following is a key testimony related to those events.

**Testimony 26. Torture of a civilian, Indrapuri 1998**

“In 1998, I was asleep in my home when three members of GAM arrived. I recognised the men. They made me put a blindfold over my eyes, apologising at the same time. I was not afraid at the time. I did not suspect anything. I thought, wherever they take me, so be it’

“They took me to the mountains and handed me over to a group of GAM members I did not know. One of the men I did know said, ‘I will leave you here with them now ... I’ll go soon and no one should touch him.’

“However, as soon as he left the others started beating me. I was beaten until I was covered with bruises. I was forced to stay in the mountains for a week. I believe I was targeted because they said that I visited the local police station. Actually, I was visiting a friend in the market at the time. The GAM members verified this and then released me.” - NN26

159. The Commission found that members of GAM also tortured civilians, albeit on a relatively smaller scale. A witness recounted a case of detention, assault and sexual assault by GAM against his father on suspicion of him being a TNI spy. He died in 2002 in Aceh after being tortured.

**Testimony 27. Torture of retired civil servants,  
Bukit Cot Mancang, 2002**

“Another incident happened to my father in 2002. He was about 65 years old at the time, and in a sickly condition. My father was arrested by GAM at his home when he was ill. He was accused of being a *cuak* (spy). But my father was just a retired civil servant teacher.

“At around midnight, 15 members of GAM took my father to the Kulam mosque located in Bukit Cot Mancang. My brother could not intervene because he was held at gunpoint. At the time, I was in Banda Aceh. My father was shot in the mouth, and his palms, shoulders and forehead were burned with cigarettes. Because it was 7:00am, many people went to the market across the highway. They saw a dead body lying in the street without underwear. Father was wearing a sarong but it was opened upwards.

“Later, after my father died, in 2003, my mother was told to go up the hills to bring money to GAM. The threat was that if she couldn’t come up with Rupiah 30 million, they would shoot the children and burn down the house. My mother lost around Rupiah 30 million, which GAM used to buy weapons. My mother had to sell her gold and cows. As a result of the incident, my mother had a mental breakdown. Then she suffered a stroke and has been paralysed for a year.” - NN27

160. Two other cases reported during the Martial Law and Civil Emergency periods also involved extortion. In 2003, a local village head in North Aceh was kidnapped and tortured by three members of GAM to extort money from the village development council. In early 2005, in a second case a *keuchik*, also in North Aceh, was tortured by GAM for refusing to hand over village funds. This village chief explained that he had often given funds to GAM in the past, but at that time he refused to hand the village funds over. Eventually, he was rescued when the villagers intervened.

### Testimony 28. Torture of a *keuchik*, North Aceh, 2003

“It is true that the money does not belong to me, but the *gampong* fund is my responsibility, because I am a *keuchik*. ‘If the village development programme is not completed I will be in trouble with the law,’ I told GAM. They replied, ‘Too many excuses!’ Then reached over the table and hit me. They punched me on the right temple, at the side of my face, making blood flow into my eyes. They kicked me in the shoulder. They also threatened to shoot me dead. But H helped me by holding me and saying to them, ‘Don’t!’ My toddler son was also crying hysterically with fear. Then they took a glass bottle, to hit me, but H again stopped them ... They dragged me by my hands, to take me to their bosses. I didn’t want to go. They said, ‘Just you wait!’

“This happened in front of my son and H. Just before *maghrib* (evening prayer). I don’t know what my fate would have been if not for H’s help.” - NN28

## C.6 Impact on Victims

161. The Commission found that the impact of torture on victims was devastating, both physically and psychologically, lasting for a long time including to this day.

### *Physical Impact*

162. The Commission identified dozens of testimonies stating that the victims were permanently physically disabled, such as being paralysed or unable to move some or all of their body parts. This left victims heavily dependent on their families. The following is the testimony of a victim tortured at *Rumoh Geudong*, Pidie:

“The marks from the blows I received may now have healed, but because of electrocution I often feel pain and my blood seems cold. I often get cold. My husband says that some of my blood vessels have died from the very strong electric shocks. But no matter how painful it is, I still forgive what they did. Because, as Muslims, we are not allowed to hold grudges.” - KD1

163. The Commission heard again and again of the dependency on family created by permanent disability caused by torture:

“We had to report to the local Koramil once a week for a year. Because I couldn’t walk, the ones who went to report were my wife and mother. And for daily needs, my wife and mother are the ones who have to look out for everything.” - **KD2**

164. The testimony below is from a victim of torture at Arakundo Post, PT Rawin, Julok in East Aceh. He told the Commission how he suffered severe damage to his body: a fractured chin, extracted teeth, and injuries and pain in his chest and back with ongoing suffering to this day.

“As a result of the torture they inflicted on me, I still feel my injuries to the chest and back. Now that I am old I especially feel the pain.” - **KD3**

165. Other testimonies show how the impact of torture has damaged the body and disrupted the lives of victims.

“After the incident, I had pain in my eyes and body. My ribs were broken. When I hiccup now, it still hurts. My eyes are blurred and itchy and are often watery. I find it difficult when I work selling produce under the hot sun because my eyes become watery. I couldn’t make a living for a long time after the incident. Every time I get sick, I don’t seek treatment, but I just rest or use traditional village medicine.” - **KD4**

### *Psychological Impact*

166. The Commission also obtained testimonies from victims of torture who experienced mental disorders, and moderate to severe trauma. Most of these people do not receive proper care because they live in poverty. The following testimony is from a victim of torture in 1997 at the Lamlo Post who is still traumatised today.

“As a result of that incident, my chest still hurts today and I can’t work anymore. I also feel traumatised. Every time I remember what happened, my chest hurts.” - **KD5**

## D. Findings and Analysis of Sexual Violence and Rape

167. Findings of the *Rumoh Geudong*-Tactical and Strategic Unit (Sattis) Post Fact-Finding Team in 1999, and results of a judicial investigation by the Komnas HAM in 2018, mention the sexual violence and rape that were used in the enforcement of the Military Operation Zone in Aceh. These reports became the foundation for the Commission to give special attention to disclosing the truth about such cases. The Commission discovered that cases of sexual violence were not limited to the period of the Military Operation Zone, but continued after, especially during the implementation of the Martial Law and Civil Emergency periods. The definition and scope of the sexual violence and rape in this section refer to national and international human rights law and international humanitarian law. On this basis, sexual violence and rape covers sexual harassment and assault, rape, sexual torture, sexual slavery, coerced marriage and sexualised killing and mutilation.

168. This section will describe sexual violence and rape involving Indonesian security forces from 1989–2004. There are many facts that indicate sexual violence and rape. These were not spontaneous acts, but part of a method to gather information about those on the wanted list of armed groups and clandestine networks of GAM, and to obtain confessions. Sexual violence was also a strategy chosen to quietly undermine support for GAM whose members were very dependent on their nuclear families, especially their mothers, wives and daughters.

### D.1 Victims' Profiles

169. The Commission believes that the extent of sexual violence and rape was very high because these violations were a continuation of arbitrary arrest, detention and torture. However not all victims and their families were willing to testify, for various reasons. The Commission found just 165 acts of sexual violence in Aceh during the internal armed conflict, including 40 acts during the period of the Military Operation Zone, 55 acts during Operation *Sandi* and 48 acts during implementation of Martial Law until the Civil Emergency.<sup>xv</sup>

170. The victims were located across seven districts (currently 13 districts, after administrative changes), namely Aceh Besar, Pidie, West Aceh, South

Aceh, East Aceh, North Aceh and Central Aceh. Most of the victims came from Pidie District, with 42 from Pidie Jaya. Next was North Aceh with 40 people; Aceh Besar with 18 people; West Aceh (that now includes Aceh Jaya) with nine people; East Aceh (that now includes Langsa and Aceh Tamiang) with six people; South Aceh with six people; and Central Aceh with six people. When seen from the spread of military throughout the territory, the largest number, 94 victims (74 percent), were in the territory of the Lilawangsa Sub-regional Military Command (in charge of East Aceh, North Aceh, Pidie, and Central Aceh), whereas 33 other victims were in the Teuku Umar Sub-regional Military Command (in charge of Aceh Besar, West Aceh, and South Aceh).

171. These victims included both men and women, with 60 female victims and 67 male victims. In terms of educational levels, 32.28 percent of these women and men had an elementary school education; 21.27 percent junior high school; 13.38 percent high school; 11.02 percent did not finish elementary school; 7.08 percent never attended school; and 2.36 percent had a university degree. The Commission also recorded that 15 of the victims (11.81 percent) did not know their formal education level.

172. Based on types of occupation, 76 victims (59.84 percent) had a livelihood as farmers, six people worked as farm labourers, 15 people were traders or self-employed, three people were housewives or civil servants, while eight victims did not have a job. The Commission also identified 11 victims who were students (junior high and high school).<sup>xvi</sup>

173. The majority of victims, 94, were married at the time of the incident, while 27 were unmarried, and six victims were of unknown marital status. As will be explained in sub-section D.4, it is because of their marital status that they became targets of sexual violence. Patterns and motives for these crimes are described below.

## D.2 Forms of Sexual Violence

174. Various types of sexual violence were experienced by 127 victims, reporting 165 acts of sexual violence. Many victims experienced more than one type of sexual violence. The characteristics of sexual violence experienced by victims needs to be re-investigated, because not many victims gave details about how often they experienced sexual violence. However, victims who have given testimony to the Commission, especially those who were detained and those obliged to report to authorities, say they experienced

sexual violence more than once. Victims who were detained experienced sexual violence throughout their detention, and those obliged to report to authorities experienced sexual violence almost every time they had to report. Table 7 provides more details on the number of victims and types of sexual violence, including rape, that victims experienced.

**Table 7. Acts of sexual violence**

No	Acts of sexual violence	Female	Male	Total
1	Sexual harassment and assault	42	51	93
2	Rape	17	0	17
3	Sexual torture	12	33	45
5	Sexual slavery and forced marriage	6	1	7
6	Killing and sexual mutilation	1	2	3
<b>Total</b>		<b>78</b>	<b>87</b>	<b>165</b>

***Sexual Violence (Sexual Assault and Harrassment)***

175. Sexual assault or harassment was the form of sexual violence experienced by the majority of victims (73.22 percent). Of the 93 victims who experienced sexual harassment or assault, 42 were female and 51 were male. The majority of male victims were forced to do things like take off their shirt and pants, left in only their underwear. This violence was committed when the victim was arrested, either in a closed room or in the open where this was witnessed by many people, often fellow detainees. The victim, left only in his underwear, was then subjected to torture. This happened to victims individually and in groups. Some victims also testified that they were stripped naked. The Commission received statements from victims who testified that they experienced sexual harassment or assault directly on their genitals. For example, one victim's penis was flicked with a piece of wood, one had his penis held, while one was threatened that his penis would be cut off. The majority of this sexual harassment or assault was experienced while the victim was also subjected to other acts of physical torture. Perpetrators always stripped the victim before torture by hanging, immersing in water, being ordered to sleep in puddles of water, and other acts of physical violence. It is strongly suspected that forced nudity was part of the method perpetrators used to mentally break the victims, making them feel helpless, embarrassed and humiliated.

176. The majority of sexual harassment and assault committed against women made women's bodies and sexual organs the main target of the perpetrators' acts. Of the 42 women who experienced sexual violence, only four experienced a particular type of sexual harassment or assault, namely being kissed, hugged, groped, stroked on the thighs, pressured to have sexual intercourse, and watched while bathing. The Commission found that the other 38 women experienced acts of sexual harassment or assault such as being forced to take off their shirts and underwear; have their sexual organs or other body parts touched, poked, kissed, squeezed; made to walk naked from one part of a room to another; forced to show their sexual organs; threatened with rape, and almost raped. For a female victim who was pregnant, the perpetrators also poked and prodded the pregnant woman's stomach, either with their hands or with the tip of a rifle.

177. Sexual harassment and assault of women, apart from targeting women as sexual objects, was also an act that humiliated, embarrassed and punished the victims. In general, women victims were accused of being part of *Inong Balee* (women resistance fighters) or having a relationship with GAM members. Some victims were the wives, sisters or children of GAM members. But most were ordinary women who lived in areas categorised as regions of GAM supporters and sympathisers.

178. When experiencing sexual harassment or assault, victims also experienced other physical and psychological torture such as being tied up, immersed in water or soaked, beaten, ordered to walk around naked, being looked at in a mirror, and having sexual organs laughed at or be given a grade based on their physical appearance. When comparing acts of sexual harassment and assault, it is clear that perpetrators treated male and female victims differently. Perpetrators were very practiced and comfortable in their sexual harassment and assault of women's bodies. Even though male and female victims both experienced sexual harassment as a form of humiliation, embarrassment, and punishment, women were treated differently, namely perpetrators "looked for opportunities" and sought sexual gratification from the sexual harassment and assault they committed towards women.

### *Rape*

179. Seventeen victims (~13.39 percent of all victims of sexual violence) reported rape. All victims who reported rape were women. The age of the female victims who experienced rape ranged from 18 to 42 years. The majority of the victims, namely ten women, were aged 18–25 years; five

victims were aged 30–35 years; and two women were over 36 years old. Rape was not limited to the invasion of the perpetrator's sexual organ into the victim's sexual organ, but also into the victim's mouth or anus, and also by inserting objects such as a banana or a bottle to the victim's sexual organ.

180. Another form of rape that was experienced was when perpetrators forced some detainees (several men) to rape a woman. The perpetrators directed male detainees to rape a female detainee at gunpoint and with threats of torture. Then more than four perpetrators watched, forced other detainees to watch, and supervised to ensure that the rapes occurred.

181. Perpetrators would rape on their own or in groups, either taking turns against one victim or multiple victims at the same time. Some victims were raped two or three times at different periods by different perpetrators; raped in front of their parents or husband in a very barbaric way so that the victim was bleeding and fainted; and others were raped while pregnant.

182. A perpetrator who commits rape shows domination over a victim. The perpetrator not only situates the female body as a sexual object, but also engages in an act that embarrasses and demeans the human dignity of the victim and her family. Several acts of rape took place at the victim's house in the presence of her parents and husband with the aim of hurting the victim while she was pregnant, so that the victim was helpless and humiliated both physically and mentally.

183. Perpetrators of sexual violence also often looted victims' property after the rape occurred. This shows that perpetrators took advantage by using the body, the sexuality, of the victims, who were vulnerable as women from ordinary society but who happened to live in areas categorised as zones of armed conflict or GAM bases. Perpetrators could easily take the victims' property without being concerned about resistance. At the same time, the arbitrary actions of perpetrators instilled in the victims and their families the message that the perpetrators had unlimited power, while the victims and their families were nothing, nobodies.

### *Sexual Torture*

184. The Commission found that 45 victims—12 women and 33 men—experienced sexual torture. Sexual torture experienced by male victims took the form of acts of torture on the male genital organs such as the penis being electrocuted, burned with a lit cigarette, touched with melting

plastic, rubbed with hot balsam, hit, pulled, bound and kicked. A victim was also ordered to kiss the buttocks of another prisoner. A total of nine victims stated that their penises were electrocuted. One victim had to be treated at a hospital as a result of his penis being electrocuted.

185. Of the 33 men who were victims of sexual torture, only three were GAM members. One person was accused of supplying food, logistics and money for GAM because his brother was a member of the GAM Council. As many as 29 men experienced sexual torture because they refused to confess to accusations of being GAM members, and were unable to provide information about the whereabouts of GAM or information about GAM weapons.

186. Sexual torture of victims was always used with the excuse that it was related to the existence of GAM or the victim's relationship to GAM. Perpetrators used sexual torture to obtain information from a victim about the presence of GAM, as a form of punishment because the victim was linked to or accused of having a relationship with a GAM member, or because the victim was accused of being part of GAM.

187. Another form of sexual torture that was often used against men was to burn the victim's penis with a lit cigarette. Eight victims stated that their penis had been hit or kicked, three victims stated that melting plastic was dripped onto their penises, and two people testified their penises were smeared with hot balsam, kicked and pulled. Some victims experienced all three of these forms of sexual torture at once.

188. The Commission found that 12 women, aged from 17–43 years old, experienced sexual torture. The majority of these victims, seven women, were in their 30s, two victims were 20 years old, and one victim was 40 years old.<sup>xvii</sup> The Commission also found that the majority of women who experienced sexual torture (nine women) were married to members of GAM. Two women victims had a member of their family (father, brother) who was a member of GAM, and one victim was accused and forced to say that she was married to a member of GAM.

189. The Commission found differences in the sexual torture of women and of men. Although the types of sexual torture against both men's and women's bodies used methods that can be described as incomprehensible, a difference can be seen in the way women's bodies and sexuality were treated. For women, sexual torture not only targeted and hurt their vaginas, but their breasts were also attacked. One woman was forced to bite off a

piece of a corpse's penis, and another was the victim of rape by other male prisoners who were ordered to rape her. The Commission recorded four female victims who experienced sexual torture by being forced to bite and suck penises and testicles that had been preserved. The sexual torture of women not only showed the callousness of perpetrators in torturing women's bodies, but also showed deep hatred for victims who were wives of GAM members.

190. The cruel and inhumane acts of sexual torture against women targeted because of their relationship with male members of GAM indicated that the perpetrators considered women as sexual objects. They were seen as the spoils of war that could be contested, that could be claimed by men who were waging war. Perpetrators assumed that they could do anything to the bodies and minds of women, and also that these actions demonstrated their superiority over other men.

### *Sexual Slavery and Forced Marriage*

191. The UN Special Rapporteur on Contemporary Forms of Slavery defines sexual slavery as the status or condition of a person over whom all powers inherent in property rights are exercised, including sexual access through rape or other forms of sexual violence. Sexual slavery also includes situations in which women and children are forced to “marry”, or to provide domestic services or other forms of forced labour that, in turn, involve coercive sexual activities including rape.

192. The Commission identified six victims who experienced acts of sexual slavery. The victims consisted of five women, aged 20–48 years old, and one 34-year-old man. All victims of sex slavery worked as farmers and were married. Two victims had a junior high school education, three had an elementary school education, and the other one did not finish elementary school.

193. All perpetrators of sexual slavery were members of the armed forces. Perpetrators, whether one or more than one person, repeatedly committed various forms of sexual slavery under extremely violent physical threats. They intimidated, frightened and hurt the victims: humiliating them, degrading their dignity by making them objects of entertainment, and subjecting victims to heinous sexual violence.

194. In addition to the above methods of sexual slavery, another form was perpetrated by a soldier on duty in a conflict area who forced a married

woman to “marry” him. Before the victim was forced to “marry”, she was also forced to divorce her legal husband. The act of forcing the victim to divorce her legal husband and get “married” to the soldier, accompanied by physical threats including threats to her life, was aimed not only at the victim herself but her entire family and the community where she lived.

195. All victims of sexual slavery in this report were subjected to physical and psychological torture. Four victims were forced to work (forced labour) such as washing clothes, cooking, cleaning the office, and massaging the perpetrator’s body without pay. The practice of sexual slavery in this report places the victim as the party whose freedom of movement was taken from her or him. The victim was also deprived of autonomy over her body and her choice of sexual activity. Beyond social, cultural, religious, and legal norms, the victims were claimed as the perpetrators’ property which could be treated however he wanted.

### *Killing and Sexual Mutilation*

196. Sexual violence also included killings and mutilation of bodies with sexual connotations. There are three testimonies in this category. One, about a victim who was found dead who had been stripped naked, his genitals mutilated and other conditions which suggested sexual connotations. Killing that disposed of the victim’s naked body, displaying the sexual organs. And when the sexual organs of a victim were mutilated so that it was not an ordinary act of killing but was an act aimed at humiliating the victim’s family. The perpetrator intended a message of terror, to the victim’s family as well as to the general public and those considered opponents.

## **D.3 Sexual Violence Against Children**

197. Seventeen victims, eight girls and nine boys, were still children ranging in age from 13 years to nearly 18 years old when they experienced sexual violence. The majority of child victims experienced sexual violence while they were still students in school. More details can be seen in Table 8 below.

**Table 8. Background of child victims of sexual violence**

Age	Gender	Education	Status when a victim	Violence experienced
16	F	Junior High School	Farmer	Sexual harassment and assault
<18	M	Elementary School	Self-employed	Sexual harassment, assault and sexual torture
16	M	No schooling	Farmer	Sexual torture
<18	F	Senior High School	Student	Rape
16	F	Junior High School	Student	Sexual harassment and assault
<18	M	Senior High School	Student	Sexual torture
13	M	Junior High School	Student	Sexual harassment and assault
16	F	Junior High School	Student	Sexual harassment and assault
16	M	Junior High School	Student	Sexual harassment and assault
17	M	Elementary School	Farmer	Sexual harassment and assault
16	F	Junior High School	Farmer	Sexual harassment and assault
15	F	Junior High School	Student	Sexual harassment and assault
<18	F	Senior High School	Student	Sexual harassment and assault
17	M	Elementary School	Farmer	Sexual torture
17	M	Senior High School	Student	Sexual torture
17	F	Junior High School	Student	Sexual harassment, assault and sexual torture
<18	M	Senior High School	Student	Sexual torture

198. The Commission found 11 children, six girls and five boys, were victims of sexual assault or harassment. When experiencing sexual assault or harassment, seven victims were junior high school students and four others were senior high school students. Findings from the field research also note that as many as six victims had left school, one child never attended school, and two others were married when they were 16 years old. During the armed conflict in Aceh, children who were not involved in political issues also became targets of violence, including sexual violence. In terms of percentage, 13.3 percent of all child victims experienced sexual violence during the period of four military operations from 1989-2004. This is a significant percentage.

199. There were differences in the motives for sexual assault and harassment experienced by girls and boys. Sexual harassment and assault of girls was an attack on their bodies, including with perpetrators taking opportunities to release their sexual drive. Reasons given by perpetrators to their victims for the harassment and assault did not make sense, such as “looking for a sign” that the victim had been touched by GAM or that family members of the victim were members of GAM. Girls experienced several types of sexual assault and harassment: being forced into a room, clothes were unbuttoned, being coerced, pressured to court or date, undressed, stripped naked, kissed, having their breasts prodded with a weapon or with the perpetrator’s hands, and their vaginas groped.

200. Boys experienced sexual assault and harassment more as a form of punishment. Boys were accused of being GAM members, of buying coffee and delivering weapons to GAM, or accused of flying the GAM flag. Forms of sexual harassment and assault of boys included removing the victim’s shirt and pants until he was left in only his underwear, being stripped naked, his penis being held and the perpetrators ridiculing him when naked. The Commission found seven children were victims of sexual torture on the basis of “punishment” and in order to obtain information or admission of guilt about accusations that they were part of GAM. Forms of torture, punishment and humiliation of the six boy victims were hitting the penis, kicking the penis with boots, greasing the penis with hot balsam and electrocuting the penis.

201. The girls who experienced sexual torture had their breasts and vaginas electrocuted. All the children who experienced sexual torture were also victims of serious physical and psychological torture.

## D.4 Motives and Patterns

202. In general, perpetrators engaged in sexual assault and harassment of female victims with the excuse that they wanted to inspect a tattoo or wanted to see whether or not there were signs that the victim had already had a sexual relationship. Then the perpetrator would intimidate and coerce the victim, and attack the victim's body and sexual organs. The justification of the perpetrators of sexual violence was the accusation that the victims had a relationship with a member of GAM. The relationship of the 127 victims of sexual violence with GAM during the period of four military operations in Aceh can be seen in the table below.

**Table 9. Patterns and motives for the crimes of sexual violence and rape**

No	Relationship status-type	Total (people)
1	GAM member	6
2	<i>Member of Inong Balee</i>	1
3	GAM member's wife	21
4	GAM member's brother or other family member	18
4	Participated in GAM training	2
5	Gave food to GAM	1
6	Gave money to GAM	2
7	Accused of being a member of GAM/Inong Balee or of being associated with GAM	75
8	Accused of being a spy	1

203. The Commission found that 21 of the women who experienced sexual torture were the wives of GAM members. Three of these 21 women were victims of sexual violence even though their husbands, who had been members of GAM, had already died. Another 18 victims, consisting of both men and women, were subjected to sexual violence because their family members chose to join GAM. The table above shows clearly that 75 people, consisting of women and men, were targeted for sexual violence with the accusation they were members of GAM, members of *Inong Balee*, or engaged in activities related to GAM.

204. Based on the above analysis, it is clear that the majority of people who experienced sexual violence and who were not guilty, not responsible and not involved with the separatist movement were accused without grounds and punished cruelly, inhumanely and degradingly with various forms of sexual violence.

205. The military and security forces in Aceh conducted military operations based on state duties and using state facilities. The military and security apparatus used accusations as justification for committing acts of sexual violence during the period of four military operations, from 1989–2004.

206. The accusations were effectively a pretext for acts of sexual violence. Accusations were underpinned by threats, such as the use of firearms to shoot or threaten to kill; the use of weapons to commit sexual violence and torture; and cases of multiple perpetrators harming one victim. To commit acts of sexual violence perpetrators used various instruments, including their hands and feet. A total of 99 victims (38 women and 63 men) were physically tortured with various instruments or parts of the perpetrators' bodies. In addition to committing sexual assault, perpetrators also punished the victims by confiscating, destroying or burning victims' property. The Commission notes that the property of 21 victims of sexual violence and rape were confiscated and burned.

### *Pattern of Sexual Violence*

207. Arbitrary detention and mandatory reporting to security forces were techniques used by perpetrators to commit sexual violence, particularly against victims who were made sexual slaves, raped or sexually tortured. Thirty-nine victims (13 women and 26 men) were arbitrarily held captive/detained and 21 victims (16 women and five men) were forced to report to authorities. When forced to report or detained, some victims were also used as slaves (forced to do various acts to serve perpetrators' needs such as eating, washing things, cleaning the post, or doing other things without compensation). Nine victims (seven women and two men) were used as slaves.

208. Perpetrators also threatened to shoot and kill when committing sexual violence and rape of 28 victims (21 women and seven men). Perpetrators used a weapon for torturing victims to facilitate sexual violence against 48 victims (24 women and 24 men). Use of weapons against the victims' bodies included hitting, stabbing and poking body parts, including victims'

sexual organs. As listed in the diagram below, at least three patterns were used by perpetrators in committing sexual violence.

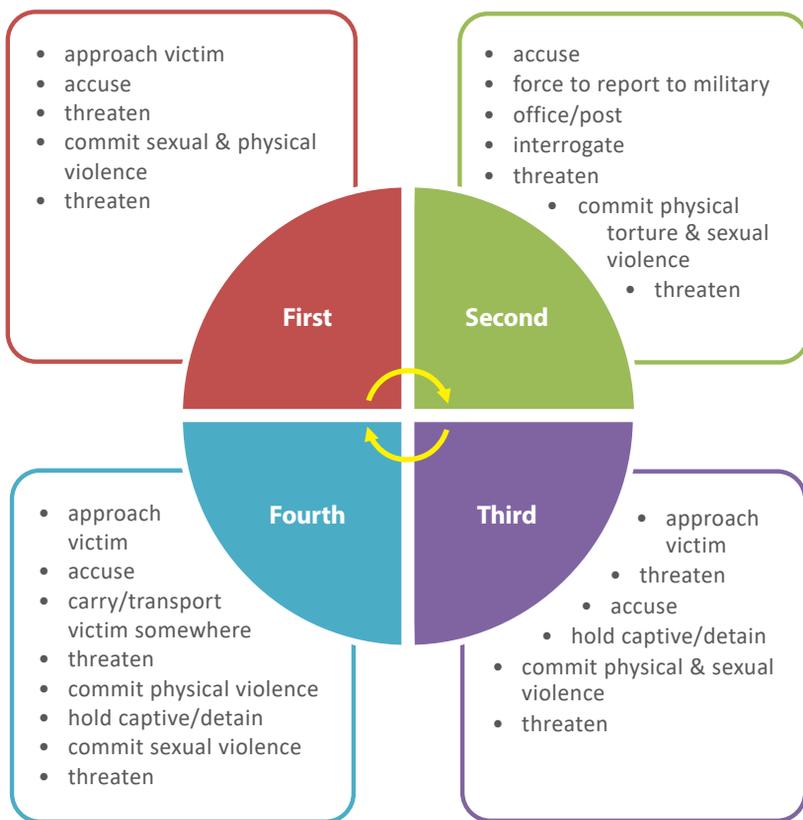


Diagram 17. Four main patterns of sexual violence

209. The above diagram shows that perpetrators accused victims of being part of GAM as an excuse to commit sexual violence. In addition, perpetrators threatened victims before and after committing sexual violence. Perpetrators approached victims when carrying out raids, “sweeping” areas or taking part in reconnaissance missions, during pre-planned ambushes, or as part of routine patrols. Threats to shoot or kill a victim and torturing a victim’s body with a weapon gave perpetrators more opportunity to commit acts of sexual violence. All women who experienced rape or sexual slavery also experienced threats that they would be shot or killed when perpetrators were about to rape them, as well as after raping them in order to silence them.

### *Where Sexual Violence Took Place*

210. The various practices of sexual violence that perpetrators committed against 127 victims (165 acts of sexual violence) during the period 1990–2004 occurred in 12 different locations. As seen in Table 10 below, the places where the largest number of acts of sexual violence were perpetrated were army posts, i.e., as many as 74 incidents or around 37.37 percent of all acts of sexual violence. These army posts were spread across seven districts and cities in Aceh (currently 13 districts/cities, after administrative changes). The majority of victims could clearly identify the institution of the perpetrators of sexual violence. During the period of the Military Operation Zone, the majority of victims identified the location or institution where they experienced sexual violence; namely at the Sattis Post at *Rumoh Geudong* in Pidie, the Post of the Joint Intelligence Unit at Pulo Kawa Tangse, Tangse Sub-district Military Command Office; and at the North Aceh Rancong Marine Post. One victim said she experienced sexual violence at the Lhokseumawe Police Station in North Aceh District.

**Table 10. Locations of sexual violence during the Aceh conflict**

Location	Amount
Local military post	74
Sub-district command post	9
District command post	4
Blang Bintang Air Force Headquarters	4
Military police post	3
Mobile brigade post (police)	9
Sub-district police station	9
District police station	13
Aceh Provincial Police Headquarters	1
Jantho Prison	1
Home of victims, relatives, neighbours	31
Gardens, riverbanks, roads, local mosques, refugee camps, and others	37
<b>Total<sup>xviii</sup></b>	<b>198</b>

211. During the Operation *Sandi* period, the locations or institutions where sexual violence occurred increased and spread. In addition to various local and sub-district command military posts, and sub-district police posts, incidents of sexual violence also occurred at the North Aceh District Rancung Marine Post; the military post at Alue Papeun Nisam in North Aceh District; the City of Banda Aceh Police Station; the district police stations in Lhokseumawe, Langsa East Aceh, West Aceh, and Central Aceh districts; the Blang Bintang Air Force Headquarters; and the office of the Banda Aceh Military Police. During the period of martial law, in addition to various local and sub-district command military posts, and sub-district police posts, victims also mentioned other locations where incidents of sexual violence occurred—the headquarters of the Aceh provincial police, the Central Aceh District Military Command Post, the Lingke Mobile Brigade Headquarters (police), Jantho Prison, and the Blang Bintang Air Force Headquarters.

212. Military posts, as the site for implementing military operations in the field, were numerous and scattered throughout various rural areas. Military posts were also located closer to where people lived. In practice, military posts were often a place where sexual violence occurred against people who were accused of being GAM or of being associated with GAM. Apart from the military posts, another frequent location of sexual violence was in the field while military and security forces were conducting military operations such as in village squares, village roads, local community mosques, refugee camps controlled by the military, in gardens and on the banks of rivers. The Commission found that 37 acts of sexual violence or 18.69 percent took place in the field.

213. Thirty-one incidents of sexual violence, or 15.66 percent, occurred in victims' homes. It is commonly believed that a home is the safest place for humans. Various legal regulations that apply and have become standard in military operations and armed conflicts on an international and national scale establish people's homes as one of the civilian facilities that must be protected. In the internal armed conflict in Aceh, homes became the second most frequent site of sexual violence, after military posts. As many as 28 incidents of sexual violence occurred in people's homes, with the majority of victims being women and girls, though the Commission found one man was a victim.

214. For women and girls, the home became an unsafe place during the armed conflict. Twenty-two women and girls experienced sexual violence in their homes, their neighbours' homes or the homes of relatives. Many women and girls experienced sexual violence not only once, but many

times. They also did not experience just one form of sexual violence, but several forms at different times.

215. The Commission also recorded that nine of the 22 women who experienced sexual violence in homes were raped by military personnel. At least two of the 22 women were raped inside their own houses. One female victim was raped in her own home three times in three months, or once a month, by different perpetrators from the same military unit. Another woman was also raped by different perpetrators from the same military unit. She was raped on two different occasions in front of her husband. Another woman was raped in her own house in front of her parents and husband. The victim also testified that two other women were raped in their homes, where the mother heard her daughters screaming as they were being raped. This shows how powerful the state apparatus was, especially those who were armed, over civil society, especially over women and girls who had no power who were not parties to the armed conflict.

### *Actors and Responsibility*

216. The perpetrators of sexual violence during the period of military operations in Aceh were related to military and police institutions, and to GAM. There were also two incidents in which the identity of the perpetrators was unknown. More detailed information about the perpetrators can be seen in Table 11 below.

**Table 11. Perpetrators of sexual violence during the period of conflict (1990–2004)**

No	Institution	Period				Total
		DOM	Operation Sandi	Martial Law	Civil Emergency	
1	Military	45	44	50	17	156
2	Police – Mobile Brigade	1	16	10	7	34
3	Joint Military-Mobile Brigade	-	3	2	-	5
4	GAM	-	1	-	-	1
5	Unknown	-	2	-	-	2
	<b>Total</b>	<b>46</b>	<b>66</b>	<b>62</b>	<b>24</b>	<b>198</b>

217. Table 11 shows that the military is the institution that perpetrated the most sexual violence. A total of 156 cases of sexual violence by the military occurred during the various military operations in Aceh. These involved personnel from many military units and ranks. The institution with the second greatest number of perpetrators was the police. Some victims said the perpetrators were from the police mobile brigade unit (Brimob), with as many as 34 incidents. The military and the police were responsible for four cases of sexual violence they committed together in several joint operations. The Commission also notes that GAM was responsible for one incident of sexual violence. In two other incidents the Commission obtained information from victim statements, but the identity of the perpetrators was unknown.

218. The Commission also made findings about the number of perpetrators who were involved in each incident of sexual violence during military operations. The first group comprised incidents with one to four perpetrators, while the second group comprised incidents with five or more perpetrators. The perpetrators usually committed sexual violence simultaneously or by taking turns against one victim. The number of perpetrators involved in each act of sexual violence is shown in greater detail in the table below.

**Table 12. Number of perpetrators for each incident of sexual violence**

No	Institution of perpetrators	Number of incidents	Number of perpetrators	
			1 to 4	5 or more
1	Military	156	46	110
2	Police	34	3	31
3	Joint Military-Mobile Brigade	5	-	5
4	GAM	1	-	1
5	Unknown	2	2	-
Total		198	51	147

219. The large number of perpetrators involved in each incident indicates that the practice of sexual violence became a pattern or habit in each military operation. The acts of sexual violence involving a large number of military or police personnel were usually committed during military operations in the field or in other places in a village. GAM, even in just the

one case, also carried out the sexual violence with more than five of its personnel as perpetrators.

220. Acts of sexual violence that involved several perpetrators generally occurred when the perpetrators conducted arbitrary detention or during instances of mandatory reporting by victims. During detention and mandatory reporting, victims often experienced sexual violence. Sexual violence involved numerous perpetrators, either at the same time or at different times. Victims said that each time they were detained or obliged to report, they experienced sexual violence by more than five perpetrators, except when the perpetrator was the head of the post.

## D.5 Key Testimonies

221. Several key testimonies are presented below to illustrate to the public the cases of sexual violence that have been described in general in the previous sections. These key testimonies do not reflect the totality of sexual violations during the conflict in Aceh, but are examples of violations where the abuses and identities of the perpetrators are adequately and clearly illustrated. This section is also the Commission's way of demonstrating to the public that sexual violence occurred at the start of an arrest, namely at the moment the victim was arrested; when being moved (either on foot or by vehicle); and during detention. In fact, often during detention, victims were only allowed to wear underwear.

222. During the period of the Military Operation Zone, as well as during Operation *Sandi*, and the Martial Law and Civil Emergency periods, the Commission received a number of key testimonies in which incidents of sexual violence involving Indonesian security forces began when the victims were arrested. Victims also experienced sexual violence when being taken to a detention site, while in detention, and when the victim was required to report to authorities on a daily, weekly, monthly or yearly basis.

### **Testimony 29. Sexual violence against female detainees, 1992**

“My son was a member of GAM. I am still afraid to see soldiers. In 1992, soldiers picked me up at home and took me to the irrigation canal and immersed me in it. I was soaked and subjected to torture. That's why I am still sick, even now. I was beaten on the back. I was also stripped naked.

“I was accused of providing food and other assistance to GAM. How can I not give food, because he was my son. When asked, I replied that I had never given anything. I was ordered to take off all of my clothes so that my genitals were exposed. I was just stripped naked.

“There were five other people [women victims] who experienced the same thing as me. They were stripped naked, but in separate locations. Even though we were old, we were stripped like this. Imagine how we felt. Among the five victims, one was named N bin T, usually called P. Only she and I are still alive. The other three women have died.” – NN 29

223. Like a standard operating procedure (SOP), once Indonesian security forces captured those they sought or those suspected of being members and sympathisers of GAM, the first thing they did was to strip them and parade them naked along the road leading to the detention site or transport them naked in an open 4-wheel vehicle.

#### **Testimony 30. Sexual violence against a male detainee, 2002**

“The incident happened in 2002. My parents and I were residents of Blang Geunang. Because of the conflict we moved to Pasié Jeumpa. After that, we migrated again to Palimungan.

“When the incident happened, I was playing volleyball in Palimungan Village. At around 5:00pm, soldiers came from Mount Mata Ie. They headed straight towards me. They asked for my identity card. I gave a soldier the red and white identity card. He flipped it back and forth and said, ‘This is what we’re looking for.’ Then I was ordered to take off my shirt and belt. My hands were tied behind my back. I was taken directly to a graveyard in the mountains, near the intersection. When we arrived, the soldier asked, ‘Do you have any money?’ Then he asked, ‘Do you know me?’ ‘I don’t know,’ I said. ‘I’m from here too,’ said the soldier. ‘How can you not know?’ He pointed the butt of his gun at me and hit me on the head with it.

“After that we walked about five more metres, then he asked again, ‘Do you have any money?’ I said, ‘No, I don’t.’ He said, ‘You do have money. I’m a Tran kid; I was born in Tran. I know you.’ Then I answered, ‘I don’t know you.’ After that I kept quiet. I didn’t want to answer questions anymore.

“We arrived at the post intersection and a friend named WA was there. He also lived in Palimungan. A soldier asked him, ‘Do you know him?’ Then my friend M recognised me. The soldier asked M again, ‘If you know him, what is his name?’ He said my name was NN30, but the soldier did not believe him and punched M three times. The soldier said again, ‘How could NN30 be his name ...’ After that, he asked again, this time to BA and IH whose houses were also at that intersection. He asked, ‘What’s his name?’ Eventually, the two of them, BA and IH, were hit. After that I sat down. I sat on my sandals. Then the soldier said angrily, ‘Clean up. You’re disgusting.’ Then I was kicked and taken directly to the post. “All the way from Palimungan to the Pasié Meugat Post, anyone along the way was asked who I was. They hit nearly all of them, because they didn’t know me. Indeed I was rarely there as I often went to South Aceh.

“Once at the post, I was questioned by the military and forced to admit that I was a member of GAM. I didn’t want to confess. I hadn’t joined GAM. I was an ordinary citizen. They hit me, punched me in the chest, digging into one of my ribs. I still didn’t want to confess. Some even coaxed me to confess so I could then join them in the service. But I still didn’t want to confess because I wasn’t GAM.

“After that I was ordered to take off my pants. Then they took a can of Sprite and were about to cut my penis. They wanted to cut off my genitals, but I didn’t confess. Why confess if I wasn’t GAM? I was an ordinary citizen. I said if they didn’t believe me, they could ask the village leader. At night, I was put in a room beneath the post. The room was so narrow that I couldn’t even roll over.” – NN30

224. Indonesian security forces also generally prohibited detainees from wearing clothes, both during the interrogation process that was accompanied by torture and sexual violence as well as on a day-to-day basis in detention. One victim testified that he was ordered to pray while only wearing underwear.

### **Testimony 31. Sexual violence against male detainees, 2002**

“Still wearing only our underwear, we were taken to the military police. We were both taken. They examined us and put us in a cell. We were told to pray while only wearing our underwear. All my life that was the only time I prayed in a situation like that ... When we were in detention, we were also doused with ditch water.” – NN31

225. Naked or near naked detainees were often the target of sexual violence and torture during the interrogation process. Several testimonies stated that while in detention, Indonesian security forces often stripped men naked and carried out a series of violent acts against their penises causing the victims intense pain. The Commission also recorded testimony stating that a male detainee was forced to lick the genitals of a dog belonging to Indonesian soldiers, while threatened with being beaten if he refused.

**Testimony 32. Sexual crimes against a male detainee, 2002**

“After some time, they stopped and put me in a car... They pushed me to the floor of the car and put their feet on top of me. I was taken to the Office of Religious Affairs which was their post in Ulee Glee. They tied me up with 30 metres of rope. I was suspended by my feet with my hands still tied behind my back. In that position, they beat me again until I lost consciousness.

“When I regained consciousness, their commander came and asked me about the weapons. I really didn’t know anything, and answered that I didn’t keep any weapons. They didn’t believe me and beat me again. I was held for four days in Ulee Glee. Every day they tortured me. I wasn’t hanging anymore. But then a group of soldiers who had come from the hills joined in torturing me. They tied my penis with a rope and then pulled it.

“I was taken to the post in Rancong. They tortured me severely there. I was beaten and they gave me electric shocks several times. I was made to lick their dog’s genitals almost every night after they returned from an operation. If I didn’t, they threatened to beat me. I was forced to lick the dog’s genitals.” – NN32

226. Indonesian security forces frequently targeted women’s vaginas during cruel interrogation processes. Interrogators forced women to strip their clothes to entertain military troops; forced women to suck and bite a preserved penis and testicles; electrocuted women’s breasts and vaginas; security forces threatened to abort the foetus of a pregnant woman by using shards of drink cans; and security forces made women their sexual slaves. The following is a victim’s testimony to the Commission regarding acts of sexual violence at the Sattis Post of the Tangse Sub-district Military Command.

### **Testimony 33. Sexual crimes against female detainees, 1990**

“It was the fasting month when we were ordered to suck and bite testicles that had already been cut off. The women prisoners were all ordered to do this. The testicles had been cut from a dead person and then wrapped in newspaper, coated in balsam until they became tough. When bitten they tasted spicy. This happened at the office of the Sub-district Military Command— the Tangse Post of the Joint Intelligence Unit.

“Another day, together with other women prisoners, we were ordered to enter a room and lift up our sarongs and display our genitals to the soldiers. The soldiers wanted to see if our husbands were coming home and sleeping with us. Three members of the army watched us. I didn’t know what else to do. We closed our eyes and were ashamed to be seen like that.

“On another day, when I had to report I had to take off all my clothes. My panties were pulled off. I was stripped naked. I covered my genitals with my hands. Then they beat me with rattan sticks. They hit my thighs and shoulders, and kicked me three times with their boots. Then they pressed their thighs against mine and squeezed my thighs.” – NN33

227. Sexual violence against women also went far beyond the violence that was directed at men. This is because the Indonesian security forces often saw women as the loot of war and so fitting to be treated as property. Rape was the most frequently reported act by victims to the Commission as exemplified by the key testimony below. The wife of a GAM member was raped when the muzzle of a gun was inserted into her vagina while being detained at the *Rumoh Geudong* Sattis Post.

### **Testimony 34. Rape of a female detainee in *Rumoh Geudong*, 1990**

“On November 25, 1990, the Thursday of *Shawwal* month after *Eid al-Fitr* (the Islamic festival to mark the end of the holy fasting month of *Ramadan*), four members of the Special Forces Command came to my house. They were dressed in plain green clothes and armed with rifles. They asked about my husband. I said I was going to the garden.

“According to them my husband was involved in the Communist Party Movement. Three days later, I went to the banana grove at 11:00am. I was picked up by AY, the village leader of Cot Tunong

who is now 70 years old. He told me I was ordered by the Green Beret Special Forces to go to the *Rumoh Geudong*. When I arrived at *Rumoh Geudong*, two Special Forces Command officers were already waiting.

“I saw dozens of soldiers in camouflage shirts at *Rumoh Geudong*. Nearby I saw a corpse covered with banana leaves. I asked whose corpse it was. The soldiers didn’t answer, instead they snapped at me to keep moving. Then the Special Forces asked me my name and I replied NN34. They also asked where my husband was. I answered that I rarely saw him because he wasn’t home often. Then I was taken up to *Rumoh Geudong* and put in a room with a glass cupboard. I was stripped naked by four members of Kopassus. I was eight months pregnant at the time. One of them put an ugly hat on my head. Another soldier put a gun in my mouth and inserted it into my vagina. Then another one poured gasoline on my hair saying he would burn me alive.

“Then they again demanded to know where my husband was. I answered that he rarely came home. The Special Forces didn’t believe me. They asked me where I got food, if not from my husband. I replied that I looked for it myself. Because they didn’t believe me, the soldiers tied my neck with two ropes made from coconut fibres, then pulled the ropes to the front and the back of my neck until I was choking and had difficulty breathing. With my neck still tied, the Special Forces led me to the top of *Rumoh Geudong*. If I slowed down they pulled the rope forward and if I walked quickly they pulled the rope at the back. Some Special Forces told me to look through a window at a corpse below, asking if I recognised the body. I couldn’t recognise the body because it was covered with banana and coconut leaves. They snapped at me to tell them who my husband’s friends were. Because I answered that I didn’t know, they got angry and hung me up by the neck strap to a large beam so that my legs hung about 30 centimetres above the floor. The Special Forces also threatened to parade me naked along the entire street. I said it was up to them, whatever they wanted to do.

“They took me down and laid me on my back without a single thread on my body. One of the Special Forces stepped on my toes. Another put an empty syrup bottle on my forehead and said he would smash the bottle over my head. I closed my eyes and

surrendered, even if I had to die. A little later I opened my eyes and saw that the soldiers were gone. Then the Special Forces ordered me to get dressed, but I no longer felt like I could do anything because they had seen my nakedness. The soldiers gave me a sarong, shampoo and soap for bathing, and told me to drink milk and eat bread. But I didn't eat because I remembered my children that I had left at my aunt's house in Panjoe Village the day before.

"After a while, the Head of Three Glumpang Sub-district came and said that the body that was covered was my husband's, but it had been taken back to the village and buried. My husband, IA, was a member of GAM. He was shot during the month of *Shawwal* (the month following *Eid-al-Fitr*) at the age of 50.

"The next morning, the Special Forces brought my children to me. I asked when I could go home and the Special Forces replied, 'Later tonight!' In the afternoon it rained. The soldiers ordered me to walk home in heavy rain with my two children. Before leaving, the Special Forces threatened me not to tell anyone about what I had experienced." – NN34

228. The Commission found that rape was committed by Indonesian security personnel not only during the Military Operation Zone period, but continued during the Operation *Sandi* and the Martial Law and Civil Emergency periods. The key testimony below is from one of two women who were raped while being detained at the Alue Papeun Army Post. Two army personnel raped the two women in turn.

**Testimony 35. Rape of two female detainees, Alue Papeun, 2002**

"When I was reporting to the army post in Alue Papeun, Nisam Sub-district, the soldiers accused me of cooking for GAM and of delivering rice to GAM. They tied me up and took me to the back of the Sub-district Command office. They kicked me in the torso, and then kicked my legs with a boot until I fell down. Later I found out that my leg was broken.

"They took me to a room, took off my clothes and pushed me against a wall. Two army men raped me against the wall. When they were raping me, I bit the hand of one of the rapists because I was very scared. They were barbaric when they raped me. At that time there was another woman there, who I knew, who came from my village. She and I were raped in turn by the same two soldiers.

“After raping us, the soldiers smeared their semen on our faces and bodies. Then ordered us to face the wall and they repeatedly raped us from behind, so that I fainted and didn’t remember anything else.

“When I woke up, I saw that my thigh was smeared with blood and I couldn’t stop urinating. Even now I have difficulty controlling my urine. My bladder leaks, so I must always use diapers.” – NN35

229. The Commission also found that rape was prevalent during the Operation *Sandi* period, and that there was a repetition of the patterns committed during the earlier period of the Military Operation Zone. Indonesian security forces carried out sweeping operations visiting people’s homes. They detained women they found in the operations and forcibly took them to their posts to be interrogated and raped. The following is a victim’s testimony about rape by Company C Eagle troops at the Nisam Post.

**Testimony 36. Rape of R, a female detainee, Nisam, 2001**

“In June 2001 at about 9:00am, the military forcibly picked me up for failing to report to the post. They dragged me along the rocky road, from my house to where the army car was parked. They beat me on my back with a weapon. They told me to run, but I refused to do so because I was afraid that they would shoot me in the back.

“They took me to the post and put me in a room. It was a small square room that was used by soldiers to interrogate victims who they brought to the post. They tied my hands and feet and locked me up alone. They forced me to admit that I was a member of the *Inong Balee* force. The soldiers also asked me about the presence of GAM in *Gampong* Seumirah, like M. I couldn’t remember the names they mentioned. If I didn’t answer their questions, they untied me from the chair then dragged me from one corner of the room to the other. Then several other soldiers tied me up again while I was no longer fully clothed. I was held in that room for three days without food or drink.

“Once I asked for food and drink. But the soldiers gave me water from the gutter and forced me to drink it. I cried continuously for three days because I remembered my children who were left at home. At that time, I had long hair. The soldiers interrogating me cut it short. They stomped furiously on the hair they had cut from

my head, because I wouldn't tell them where my husband and GAM members were.

"During the three days I was held captive, the soldiers used me like a toy each night. They tied my hands and made me sit on a chair. Soldiers watched me while other soldiers took turns sexually attacking me. Some held my thighs, others my breasts, and others pulled my long hair before they cut it short. Five soldiers took turns raping me, until I lost consciousness. After three days, I was allowed to go home to my children, but I was required to report every day for one month.

"These rapes and abuse has left scars to this day. Often in the middle of the night I wake up and cannot go back to sleep. I am haunted by the faces of the men who raped me. I cannot forget this violence. I still often have headaches. And I prefer to be alone, because it is difficult for me to be around many people." – NN36

230. The Commission also received testimony regarding rape committed by Indonesian troops in people's homes while conducting sweeping operations or patrols in areas suspected of guerrilla and clandestine activities. In the case of the rapes of A and M, the Commission found that Indonesian security forces used rape as a way to seek personal gain. In this case, they used irrational pretexts to exert sexual domination, such as looking for traces of touching by GAM members or signs a woman had been courted by a GAM member. The Commission also documented testimony of the rapes of A and M. These violations were especially serious because they targeted girls. The following is A's testimony about being raped by troops from Company C Eagle, when she was 14 years old.

**Testimony 37. Rape of A (a 14-year-old girl) and M, 2002**

"That day in 2002 at 9:00am, I was in my garden behind the neighbour's house, which was more or less 40 metres away. I went to the garden to pick nutmeg, and peel the fruit to get the seeds. After I finished peeling the nutmeg and collecting the seeds, I called out to M, who was in her house, to come out and sit with me on a wooden bench while we made a kind of salad from the young nutmeg skins. While we made the salad, we shared stories, laughing and joking together.

"About half an hour later a group of soldiers arrived, about 20 of them. I became afraid when I saw so many soldiers wearing brown

camouflage shirts. I didn't know which company the soldiers were from, but M whispered to me, 'We will die today, they're from Company C.'

"The soldiers started talking to me. They accused me: 'You're with the *Inong Balee* force, right?' I replied, 'I am not with the *Inong Balee* force. I am just an ordinary person and am not involved in anything; I am just a garden farmer, Sir.' 'If you two are not with the *Inong Balee* force, there is no way you would dare to sit in a garden in the forest like this,' shouted a soldier. We were scared, our faces became pale and our legs were shaking.

"The soldier asked again, 'What are you doing here?' 'Peeling green nutmeg,' I answered in a trembling voice. Then there was an argument between the soldiers and us. The soldiers accused us of being 'GAM bandits.' We continued to defend ourselves. Then two of the soldiers ordered us both to enter M's house to examine the *Inong Balee* emblems on our bodies. We kept refusing to enter the house, but the soldiers forced us. They used the points of their rifles, saying they would shoot us if we didn't enter the house or if we resisted. Once inside the house, the soldiers told M to open the door to her room. Then the soldiers told me to enter the room first.

"In the room, they ordered me to remove my headscarf, dress, underwear and bra, so that I was naked and my hair was loosened from its bun. I cried because I was afraid and ashamed. A soldier grabbed my breasts and squeezed and roughly handled my vagina. He sucked on my neck until it hurt. The soldier whispered in my ear that I looked a lot like his wife. I was frightened and pushed the soldier off so that he fell to the floor. The soldier was angry and cursed at me, 'Who do you think you are, daring to shove me.' Then he pulled my hair hard and said, 'You dare to resist me, I'll shoot you dead!' I cursed the soldier in my heart. I said to him, 'Don't treat me like a dog. I have a husband, you know!' I didn't dare scream because the soldier said, 'If you scream, I'll shoot you!'

"The soldier took off his pants and shoved me. He ordered me to lie on the floor without any mat or pillow. The soldier told me to lie on my back. Then he lay on top of me and put his penis into my vagina. A few minutes later the soldier pulled out his penis and spilled his semen on my body while I was still lying on the floor. He told me to wipe off the semen with my dress. Then he yelled at

me to put the dress back on, covered in his semen. The soldier quickly put his pants back on and threatened me, ‘If you dare tell, I will shoot you dead!

“After threatening me, the soldier ordered me to leave the room. I saw that M was being pinned against the wall by another soldier. They ordered me to stand in the corner of the living room. Then another soldier ordered M to enter the room, and he stood guard over me while M was being examined and raped in the room. About half an hour later, they took M out of her room. The soldier who raped me yelled at me to go home.” – NN37

231. Indonesian security forces were also responsible for a number of incidents of sexual violence against children of GAM members. The Commission found that sexual violence against children, especially girls, occurred during the periods of the Military Operation Zone, Operation *Sandi*, and the Martial Law and Civil Emergency periods. Following are key testimonies that cite incidents of sexual violence against children by Indonesian security forces.

#### **Testimony 38. Sexual violence against children, 1990**

“I experienced conflict violence in 1990 when I came home from my religious study. My house had been burned down. So I went to my grandmother’s house.

“Our house was burned down because my father was a GAM member. We were all targets.

“The soldiers came asking me questions and seeking information about my father’s whereabouts. About four soldiers entered my grandmother’s house. I didn’t know where my father was because he was already in the mountains. The soldiers stepped on me, kicked my left shoulder while I was sitting down, and also pointed their guns at us so that we were all scared.

“They asked me questions, but my aunt was the one who answered, shaking with fear. After this incident, I returned to the house where I live now.

“In the morning we went back to my grandmother’s house. Since we had no more money, we worked shelling nuts. While we were shelling nuts, the soldiers came to the house. They came inside and poked their guns against my clothes until the buttons fell off. The dress I was wearing at the time had exposed buttons. They told my

younger sibling to leave and that I was to be taken into a room. But I insisted my sibling should not leave, and I said, ‘This is my house, not your father’s house.’ Then one soldier said, ‘I will return at 7:30am. If you’re not in here, you better watch out.’ But in the end, at 8:30am nothing happened, because I had explained what happened to another soldier named D and he sat outside guarding to prevent the rough soldiers entering the house.” – NN38

232. The key testimonies below explain incidents of sexual violence against daughters of GAM members that occurred after the end of the Military Operation Zone period.

#### **Testimony 39. Sexual violence against a girl, 2002**

“I want to speak about the loss that I experienced during the conflict. My house was burned down. It was in the transmigration housing area that is within the area of this village. The army burned my house down during the day in 2002. At that time the army burned all the houses down. The assistance housing was specifically for people who didn’t have a house, those who were not Javanese. It was for villagers, for example, who really didn’t have a house, no place to live. Like us, we used to live in a hut. People like this were given a house.

“The chronology goes like this. That night we did not stay at the house. No one was there that night. We came down here because grandma was sick. We came down from the mountain by bicycle. The next day we returned home. Nothing was left, just ashes. Everything had been burned, probably because my mother’s younger brother was a GAM commander. So once again we had to live in a bamboo hut, which we built on the palm oil plantation.

“Another time, I also was once approached by soldiers. They ordered me to take off all my clothes. They intended to make me suffer. They did this to me because I was courting a GAM member.”

– NN 39

233. Indonesian security forces also frequently committed sexual violence against sons of GAM members and sympathisers. Following is testimony about the use of sexual violence by Indonesian security forces targeting male children of GAM supporters.

#### **Testimony 40. Sexual violence against a boy, 2000**

“In 2000, about 100 soldiers entered our village in three Reo vehicles [military trucks]. They announced that we must gather at the local mosque. At that time I was 15 years old. We were all gathered together and ordered to take off our pants and shirts. We were left just in our underwear. They examined all our clothes, apparently looking for something in the trouser pockets.

“I was accused of regularly bringing coffee and weapons to GAM. I said that’s not true. They checked my underwear and also held my penis. They hit me in the stomach and chest with the butt of a rifle and punched me. After two days my stomach was feeling sick but I was only treated with traditional medicine. Whenever the soldiers saw me they made fun of me because they had seen my penis.” –

**NN40**

234. The Commission also found that rape victims often became the target for repeated rapes. The perpetrators were different but were from the same unit. Perpetrators used the same patterns and had the same motives as before, approaching a rape victim and looked for excuses to rape her yet again. The following is **NN41’s testimony**, telling how M was a victim of rape by soldiers in the Company C Eagle troop, and then later was raped again by soldiers from this same troop.

#### **Testimony 41. The repeated rapes of M, 2002**

“A month later, after I was raped by a member of the army, Company C Eagles, there was another soldier from the same company. Two soldiers came. One asked, ‘Did you see any GAM people running through here, you GAM bandit?’ I replied, ‘How is it possible that I’m a GAM bandit? What makes you think I’m GAM?’ Then the soldier said, ‘If you are not a GAM bandit, get into that room.’ I refused to enter the room and told the soldier that the house was empty. ‘Nobody is there, there are goats sleeping in there.’ The soldier said, ‘Go inside. If you don’t want to enter the room, then you will have to come with us because you are a GAM bandit.’

“The soldier yelled at me, ‘If you don’t want to open your *jibab* (traditional head covering) and clothes, we will shoot.’ Seeing my short hair, the soldier said, ‘You are indeed a GAM bandit.’ I replied, ‘Don’t treat me this way, I’d rather die today.’ The soldier looked at my body and smiled and said, ‘This is a symbol, no?’ I

denied it, saying that it was a mark from a bra strap. I remembered the soldier's name was I from Company C, Alue Garut Post. He told me to have sex with him, and with a Javanese accent he said, 'Mine is strong compared to your husband's that is old.' I refused saying, 'I don't want it, sir, because I have a husband and it's impossible for me to do that.' He forced me by pressing my body up against the wall and raped me. After the soldier raped me, he left my house.

"Two months later, when I opened the door of the house, I was surprised to see two soldiers already standing at the front door. I was with my young child, and at that time my child was constantly asking to eat. I went inside to get some food. The soldiers followed me inside. As I was taking food from the kitchen, a soldier hugged me from behind. I was shocked and resisted. The soldier kissed and bit my neck repeatedly, while the other soldier took my child to the living room. I shouted, 'Don't do this to me, you evil pig. Go home and bite and suck your own wife.' However, the soldier ignored my screams and told me, 'If you dare scream again, I'll shoot you and your child.'

"I was propped up against the wall of the house while the soldier rubbed his penis against my bottom and I felt his penis get stiff like wood. I pushed the soldier until he fell. He got angry and was cussing. When the soldier got angry, my child cried. The soldier left the house and went away saying, 'Just wait, I'll return some day.'" –

**NN41**

235. The Commission received testimony stating that the practice of sexual slavery continued during the Civil Emergency period. Two women testified that they were used as sex slaves. The following key testimony is about sexual slavery at an army post during the Civil Emergency period involving the widow of a GAM member who had been shot dead by the army.

**Testimony 42. Sexual slavery of 25-year-old woman, North Aceh**

"I was ordered by the army to report three times a day—morning, afternoon, and evening—for up to three months. After that, it was three times a week, then once a month. The mandatory reporting lasted eight months. Every time I reported to the post, I experienced sexual harassment and assault ... They always ordered me to get something in the room, using various excuses. I had to serve the

soldiers by massaging them and stroking them when they were tired after returning from military operations in the villages. I was forced to serve soldiers in a room next to the torture room.

“The first time I was held, I was told to take off all my clothes. I didn’t want to. But they threatened me. Because I was scared, I took off my clothes. I was treated like an animal. Two soldiers squeezed my breasts. They forced me to serve their lust, both of them at the same time. This happened every time I reported to the army post for eight months.

“There was even one soldier named N. He forced me to stroke his penis and his whole body until he was aroused, then he made me use my mouth to suck it. N always made me do this every time I had to report. I had to satisfy N’s lust first, then the others.” – NN42

236. The Commission also received testimony about two cases of rape of women in Alue Lhok by Indonesian security forces during the security operation period after the Military Operation Zone period had ended. These troops were described as wearing masks and plundering the people’s property when they went to their houses.

#### **Testimony 43. Rape of two women by unknown soldiers, 2000**

“In 2000, many officers came to our area in an operation to search for GAM members. Officers wearing camouflage shirts and masks entered residents’ homes to ask for identity cards while taking property such as money, livestock and jewellery. They burned several people’s houses. I don’t know which unit they were from because the emblem on their shirts had been crossed out.

“That night many officers came to my parents’ house. A soldier examined my father, me and my husband. After checking our identity cards, the officer locked my father in a room and tied my husband to the pillar in the middle of the house. After that the soldiers raped me in front of my parents and husband. At that time I was four months pregnant with my third child.

“After the soldiers raped me, they left taking my money and jewellery. They threatened us not to tell others what happened. At the same time that they raped me, other soldiers also raped L and sexually assaulted several other women.

“I was severely traumatised. Even now, I’m still scared when I see someone wearing a camouflage shirt. I’m even afraid this statement

that's being taken will make the soldiers return to my house. I always cry and am very ashamed, especially because it happened in front of my husband. I will be very sad if the story is raised again.” – NN43

## D.6 Impact on Victims

237. As with the crime of torture, the Commission concluded that sexual violence had a very damaging impact on victims physically, mentally and economically. In the testimonies received by the Commission, it was revealed that the victims suffered severe long-term physical damage. An example is given in the testimony of the victim who stated that her bladder was damaged by sexual violence in 2002.

“I still have difficulty controlling my urine. My bladder leaks, so I must always use diapers.” – KD6

238. In addition to physical damage, the Commission also found prolonged psychological damage among victims. For example, victims who are always afraid when they see people wearing camouflage clothes, always crying and ashamed in front of their husbands, waking up in the middle of the night and unable to sleep, and being alone and isolated from others, not wanting to socialise. The victim's testimony below demonstrates the psychological impact of sexual crimes that continues to be very damaging to this day.

“Even now, I'm still scared when I see someone wearing a camouflage shirt. I'm even afraid this statement that's being taken will make the soldiers return to my house. I always cry and am very ashamed, especially because it happened in front of my husband. I will be very sad if the story is raised again.” – KD7

239. The Commission also heard from victims who are isolated, are always alone and fearful because they continue to see the face of their perpetrators. A witness described to the Commission the condition of a victim who continues to be alone because she is always haunted by the faces of her rapists.

“The rape incident that R experienced in the past has left scars to this day. Often in the middle of the night R wakes up and has trouble getting back to sleep. She is haunted by the faces of the men who raped her. R cannot forget the incident at all. She often has headaches until now. In fact, R prefers to be alone because it is difficult for her to be around people.” – KD8

## E. Findings and Analysis on Unlawful and Extrajudicial Killings

240. This section discusses the unlawful and extrajudicial killings that occurred during the period of the implementation of the Military Operation Area policy in the last decade of the Soeharto administration (1989-1998), the enactment of the secret operations policy during the Habibie administration (1999-2002), and the periods of the Martial Law and Civil Emergency policy implementation during the Megawati and Susilo Bambang Yudhoyono administrations (2003-2005).

241. The analysis in this section refers to national and international human rights law and international humanitarian law to determine who falls into the category of persons who must receive protection from conflicting parties or who must not be subjected to unlawful and extrajudicial killings. They include those who are not actively involved in taking up arms in battle; guerrilla fighters who have laid down their arms (stopped fighting) because they were wounded, disabled, or who stopped bearing arms for other reasons; members of the GAM underground network; journalists; humanitarian workers; non-armed people supporting the Republic of Indonesia such as civil servants, hired workers in government offices and state-owned enterprises.

### E.1 Victims' Profile

242. Based on testimonies collected, 1,078 (96.51 percent) of victims were male, 37 (3.31 percent) were female, while the other two victims were unknown. They were mostly between 20-40 years old. The Commission paid serious attention to the finding of the high number of victims who were children with an age range between 12-17 years.

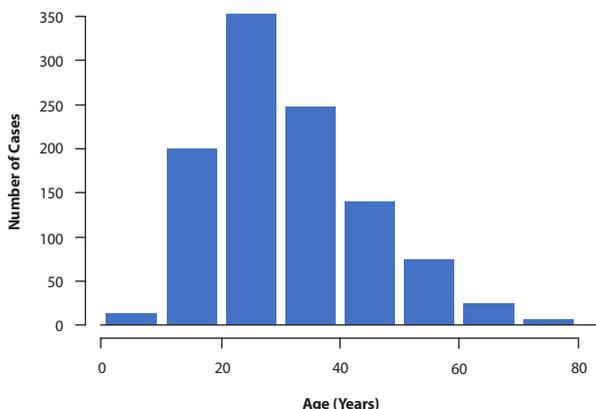


Diagram 18. Age distribution at time of victimization

243. The victims in these figures were not random or accidental victims of conflict. They were mostly women and men who were targeted by the Indonesian security forces. Also, in very small numbers, some were the target of assassination of a secretive GAM unit. Those targeted by Indonesian security forces were members of GAM/*Inong Balee* families; suspected members of clandestine networks; sympathisers of pro-independence groups; and peace and human rights activists who highlighted the brutality of the war.

244. Family members of GAM/*Inong Balee*: including fathers, mothers, brothers, sisters, and uncles and aunts of GAM/*Inong Balee* members who had previously been arrested, or those were targeted because GAM members were absent. Before being executed, they were tortured and treated inhumanely at military posts to extract information about the whereabouts of their family members and guerrilla units. In many testimonies, the Commission heard about victims who were taken by combat and territorial intelligence units in operations pursuing GAM/*Inong Balee* in forests, swamps and beaches. When no guerrilla group was discovered by the military, victims would be executed. In limited numbers, victims were also killed by being used as human shields by mobile and territorial combat intelligence units while they conducted operations or crackdowns on guerrilla groups. Most of the victims were found by their family members lying dead on the edge of forests, in field huts, on riverbanks, and at swamps, hilltops and ravines having been shot in the head. Some bodies were also found in a burnt state.

245. Civilians suspected of being members of clandestine networks: victims in this category include civilians arbitrarily arrested, kidnapped and disappeared by intelligence group units (SGI) on suspicion of being members of the GAM clandestine political network. In addition to getting information, the SGI usually compiled a list of names for targeted victims from information gathered during torture. Victims of such disappearances were mostly unaccounted for. However, family members who did find the bodies of their loved ones testified to the Commission that their bodies were found with their hands tied and their bodies covered with blunt force wounds, cigarette burns, electric shocks, broken bones, with some body parts and limbs such as ears, teeth, fingernails and feet missing, and/or with burned faces. In the early days of the DOM, victims' bodies were often found in public places. However, after the international community started paying attention, bodies were usually buried in mass graves around the *Rumoh Geudong*.

246. Civilians in villages supporting GAM: victims in this category came from various backgrounds, as they were not members of GAM nor families of GAM/*Inong Balee*. They were individuals who had been observed by *cuak*, village patrol chiefs or village governments officials carrying out agricultural activities in areas declared to be GAM/*Inong Balee* operational zones and were thus deemed suspicious. Victims were also often targeted for extrajudicial killings because they were reported by village officials for not doing patrol duties or leaving the village without reporting to the village-level government. Other victims were targeted for extrajudicial killing because they were seen running or hiding when military or Brimob patrol units passed by their areas. Most victims were executed by being shot in the head at village public facilities in the presence of family members or other villagers. Their executors usually shouted the words "traitor" after execution.

247. Religious teachers and students suspected of being GAM sympathisers and civilians attending religious lectures on referendum demands: extrajudicial killings were also directed at Islamic boarding school leaders and students suspected of aiding GAM. They were executed on the spot based on accusations of storing weapons to be distributed to guerrilla groups or protecting GAM refugees from abroad. Victims were usually lined up in rows and then told to turn their backs before combat and territorial intelligence units shot them in the back of the head. People attending large sermons (*kenduri*) were also targeted for extrajudicial

killings by territorial combat battalions who accused them of capturing and holding territorial intelligence personnel hostage. They were shot, while strongly protesting the presence of territorial combat battalions at *kenduri*.

248. Children and adolescents who had attended GAM military training: children aged 12-17 years were victims of shelling by Rajawali combat units that typically operated on Islamic holidays. Between 1999 and 2002, GAM guerrilla forces required children in supporting villages to attend military training. In response to this GAM stance of insisting children be militarily trained, Indonesian security mobile intelligence units put these children on lists of people to be killed. Most of these children were executed on the porches of their homes, in the streets in front of the house or at coffee shops after being loudly called out to. When a child turned their head upon hearing their name, the caller would shoot them in the head at very close range. The victims were usually left at the scene. If they were executed outside, a *cuak* or soldier would come to the victim's house and tell the family to prepare to receive the body.

249. Peace and humanitarian activists: peace and humanitarian activists were also targeted for assassination by unknown individuals between 1999-2000, while investigating or advocating on human rights violations committed by the military, Brimob and GAM. Victims<sup>14</sup> were kidnapped on their way to the interrogation sites and later found dead in locations not far from where they were reported missing. The Brimob detention case against Fachrurazi, an activist of the People's Student Youth to Aceh (Pemraka), is an example of the disappearance of a victim to this day.<sup>15</sup> In the case of Jaffar Sidik, he was reportedly kidnapped in Medan City and later found dead in a ravine in Karo District, North Sumatra along with five other bodies.<sup>16</sup>

250. Ex-*cuak*, defected members and close relatives of soldiers, police, civil servants or retired military. Some people known to be military or mobile police informants were targeted for assassination by people claiming to be members of GAM and its armed forces (AGAM).<sup>xix</sup> Before being killed, the victims were usually visited by dozens or even hundreds of villagers and persecuted. They were taken by people claiming to be representatives of

---

<sup>14</sup> See Amnesty International's report, *Para Aktifis di Aceh Kini Menghadapi Resiko (Activists in Aceh Now at Risk)*, (London, 2000), (<https://www.amnesty.org/en/wp-content/uploads/2021/05/ASA210612000INDONESIAN.pdf>, accessed 23 June 2023).

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

the village office and killed by being shot or by slitting their throats. Most of these incidents occurred in GAM base locations, and only in the 1999-2002 period. Testimonies also suggest GAM often used summary execution methods to punish members suspected of defecting or being “two-legged” (playing both sides).

251. GAM was also responsible for the killing of several members of the TNI, Polri (police), and civil servants at the beginning of the DOM and especially in the lead-up to the implementation of the Martial Law policy. These people were killed by execution units riding motorcycles, who would shoot victims at close range in front of their houses or on the roads. Acehese civilians who appeared to have frequent communication with the Indonesian military were also targeted for assassination because they were considered accomplices.

## E.2 Forms and Patterns of Killings

252. The forms of killings vary because the perpetrators always tried to leave a threatening message to the living, to decide which side they wanted to be on. By studying the testimonies of victims who survived or family members of victims, about the chronology of events, there were more than four forms of killings, namely: being shot at close range, in the head, ears, legs and thighs; being burned alive or killed in their house or riddled with bullets until the body was almost entirely destroyed; stripped and tortured to death, maiming the whole body; pierced by a sharp object; slitting the throat until near decapitation; beaten and shot in the chest. These forms of killings were not spontaneous and random, but rather a way for perpetrators to show their identity and send threatening messages to others that they will be killed in a cruel way if they resist.

### *Forms and Patterns of Killing by Mobile Combat Units (Task Force Rajawali)*

253. Based on the testimony of victim family members and survivors, Indonesian mobile combat units used various methods of killing, depending on the situation. The killing of civilians was a response to guerrilla group attacks on patrolling soldiers. After a GAM attack on an army patrol, mobile combat units would usually go to nearby villages, asking village and sub-village chiefs to gather all the adolescent, young and older men at a certain place. Once everyone was gathered at the designated point, personnel

from these combat units would ask who were GAM people while beating and torturing the villagers. If no one provided information, they would round up men whose families were current GAM members or ex-members. The soldiers then tortured and executed the men, shooting them in the head at close range and destroying their faces.

254. If a villager named a person to these units, the person named, if present, would be immediately separated from the larger group and asked where he hid weapons. If he refused, the combat unit personnel would execute him by shooting him in the head at close range, destroying his face. People executed in this way were usually buried in a pit or thrown into nearby wells.

255. Victims crossing paths with mobile combat units in the forest. People who crossed paths with mobile combat units would be asked for identification and a movement pass issued by nearby military posts. If they had papers, the soldiers would check whether their names were on their wanted list. If their names matched, the person would be tied to a tree trunk and then mutilated, their chest cut open, organs removed, the neck almost severed. The bodies of the victims would be left at the site, covered with dried leaves or buried in a shallow pit.

256. Another characteristic of killings by these units was how they sprayed the victim's body with bullets. Typically military units did this when they observed teenagers avoiding or fleeing spot checks on village roads, which were part of sweeping operations against GAM. Soldiers would chase the teenagers, shooting at them. If they hit and immobilised their target, they would approach and rain bullets all over the body until it was destroyed. Witnesses also said the units often burned their victims after they shot them in a hut. The units often did this to bodies when the teenager they shot lived in a place claimed to be a weapons-making or bomb-assembly location, or when they could not find GAM targets. The Commission recorded reports of units burning the parents of GAM members inside their house.

257. After executing their targets, these units would send soldiers or *cuak* to the victim's home to tell the family to retrieve the body at the execution site. The men usually told families to report to nearby military posts or Koramil for permission to leave the village, telling them exactly where the body was left by soldiers.

### *Forms and Patterns of killings by SGI*

258. If the perpetrators were members of SGI, victims were usually killed wearing only underwear; their whole body covered with cuts and bruises; hands, feet and ribs broken; genitals and anus burned; fingers and toenails missing. Most of the dead were found in locations far from residential areas after being taken to Sattis Post. Families of victims usually learned about their fate from villagers who lived close to the Sattis Post or the sites used to dispose of bodies.

### *Forms and Patterns of Killings by Pro-Indonesian Militia*

259. According to witnesses, pro-Indonesian militia most commonly killed their victims using axes to cut open the chest and abdomen, and slash the neck. Some also reportedly used homemade firearms. Villagers would know that the perpetrators were militia, from people living around the location where the bodies were found. These militias typically operated alongside Kopassus or territorial intelligence personnel. However, they used face coverings when in action to hide their identities.

### *Patterns and Methods of Killing by AGAM Eradication Units*

260. AGAM units typically killed by slitting the victim's throat with a sharp weapon or by shooting if there was more than one victim. Like the Indonesian military, the choice of method depended on who they wanted to execute. If the target was an Indonesian military spy or TPO (*Tenaga Pembantu Operasional*, Operations Support Personnel), they would start by going to the target's house and asking them, in Indonesian with an Acehnese accent, to help push a broken-down car. Arriving at the location of the parked car, GAM would force the victim to get into the vehicle together with other victims who had been collected earlier. They would be taken to an execution site far from settlements. GAM members would beat their victims then line them up and summarily shoot them.

261. GAM executioners would also often kill their targets at the victim's house by slitting their throat with a sharp weapon. They would use this method of killing for a single Acehnese victim. Before execution, GAM would force villagers to harass the victim's family. When the villagers left, the killer would go to the victim's family and give a signal that he would execute their family member under the pretext of revenge. At night, he would monitor whether the victim was inside the house. If he was at home,

the killer would enter the house by force and kill the targeted individual by slitting their throat. Specifically, individuals who were current or retired members of the TNI or police or civil servants, GAM would send a shooting team of two people riding a motorcycle. The executioners would stalk the victims, then execute them when they were about to open a gate to enter their residence.

262. GAM units also used different patterns and methods of killing if the target was a GAM defector. Defectors were usually picked up from their homes and taken to a designated execution ground. At the site, defectors were given food and then executed by shooting. The Commission received testimonies that victims would be interrogated before being executed. Not unlike the Indonesian military, after executing their target, the perpetrators would ask members of the local clandestine network to notify the victim's family to retrieve the body. During the funeral process, members of the clandestine network would explain to the families why their family members were executed. Some families of victims who had connections with the GAM village organizational structure would seek an explanation for the execution from the leadership.

### E.3 Various Modes of Extrajudicial Killings

263. Both warring parties used extrajudicial killings and summary executions for obvious purposes, such as punishing GAM members and their families; torturing and killing civilians suspected of being involved in clandestine networks; punishing civilians sympathetic to GAM or who supported referendum demands, including a strategy for GAM to eliminate *cuak* networks; punishing Acehnese civilians who were unwilling to provide support to GAM; and maintaining the fighting morale of the troops.

#### *Killing to Punish Former GAM Members and Families*

264. Most of the killings occurred in the early days of the DOM and Martial Law periods. The aim was to weaken GAM guerrillas in the forest, a combat strategy aimed at reducing movement of guerrilla groups and cutting off the food and logistics supply chain between guerrilla groups and their families. These killings had a pattern. Most of the victims were relatives of members of guerrilla groups captured or taken by Indonesian mobile combat units in operations to separate armed groups from civilians. Victims in this category were usually forced by mobile combat intelligence units to

pinpoint where their guerillas were hiding. When the military did not find their target, they would shoot the family members on the spot usually after ordering them to flee. Victims were usually killed individually.

265. The execution of victims also included the use of family GAM of members as human shields in military operations codenamed “Clean Sweep”. Family members would be divided into groups and then ordered to walk in a long line, with mobile combat units behind them shouting orders to walk towards the guerrilla group’s defensive positions. When they encountered the guerrillas, the civilians would be hit by GAM fire. And if they fled, these civilians would be targeted by the military personnel behind them. Victims in these circumstances usually numbered in the dozens.

266. Finally, executions in this category were directed at GAM family members who were seen by SGI leaving food or logistics in field huts, or seen evading or running away when passing military units on patrol, or when soldiers were stalking guerrilla groups. Victims were usually executed individually and at meeting locations. Some testimonies stated that victims were beaten or tortured before being executed.

### *Punishing Civilians Suspected or Proven to be Members of the “Underground”*

267. Extrajudicial killings were also directed at civilians suspected by Kopassus units of being part of the GAM clandestine network. These executions mostly occurred in the early period of the DOM and the Martial Law and Civil Emergency periods. Killings usually began with arbitrary arrest, with some also in the form of abductions and disappearances. Later victims would be found dead in public places. Most victims were no longer recognised by their families because they were dumped in distant places or buried en masse at Kopassus headquarters (*Rumoh Geudong*). Victims of these summary executions were usually found with bruises, broken bones, burnt faces and gunshot wounds to the forehead or back of the head. Some of the bodies were also found tied with special white ropes commonly used by the military or police to bind suspected AGAM or common criminals.

### *Punishing Civilians Who Violate Military Rules*

268. Most of the regular territorial combat and intelligence forces occupied villages in Pidie, North Aceh, and East Aceh districts which were categorised as the main bases of GAM supporters. During the occupation of these villages, the units stationed there organized the population into patrol groups with the aim of ensuring that guerrilla forces did not enter, infiltrate and blend in with the villagers. These patrol groups had schedules set by village officials, including monitoring the activities of each group member and reporting any suspicious behaviour to the military. Combat and territorial intelligence units also ordered the village chief and his apparatus to be supervisors, to take attendance records of all residents and to issue mobility passes for residents who wanted to leave the village.

269. Commanders or members of these local combat and territorial units would shoot dead civilians in public, on grounds such as that they abandoned night patrol obligations without reason; they were found not having a village exit permit when leaving the village; or after reports from *cuak* that they had committed suspicious actions such as going to the forests or fields and gardens and ponds or the sea without permission from the village head; or visiting areas designated by the military as areas of insurgent operations. The number of victims of these types of killings was high, especially in the early days of the DOM and at the peak of the Martial Law and Civil Emergency periods.

### *Punishing Children and Youth for GAM Military Training*

270. Most of these crimes were aimed at executing young people who participated in GAM military training between 1999-2002. Such killings were rife between 2003-2004 and during the implementation of Martial Law. Most executions took place on Muslim holidays (*Eid al-Fitr*, *Eid al-Adha*, *Mawlid Nabi*, *Isra Miraj*), when many of the teenagers and single men would return home to celebrate the holidays with their families. The executioners were intelligence/territorial combat, intelligence/mobile combat, or “swallow” teams (elite Brimob teams), totalling between three and six people. Execution teams had already studied the holiday habits of their targets, and often acted on information from village-based *cuak* when their targets arrived in their home villages.

271. Most of these teenagers were killed by being shot in their homes, coffee shops or on roads which the military suspected of being the guerrilla

group's logistical delivery routes. The executioner would usually go to the victim's house, call the name of the target until the person appeared, then execute them from close range. Executions at coffee shops often took place after a *cuak* informed the military about the whereabouts of the victim. When arriving at the coffee shop, the executioner would call out the name of the target and, as the target turned in response, they would be immediately shot in the head from close range. The body would be left at the scene. Some could be taken home by their families, but most families were forbidden to take the bodies right away in order to spread terror among the local population.

### *Punishing Spies and Defectors*

272. GAM often used a particular mode of killing when executing non-Acehnese civilians who were part of Indonesian military Operations Support Personnel (TPO), members of pro-Indonesian militias, defectors, or Acehnese who refused to pay Nanggroe taxes (a levy demanded by GAM), or other people with close ties to the Indonesian military. According to testimonies received by the Commission, such acts occurred in the early days of the 1989 declaration of Aceh Independence, but the intensity of such killings increased during 1999-2004. Local or non-Acehnese TPOs whose identities were revealed would be taken at night from their residences by GAM members, and then executed in locations far from population centres. Similarly, non-Acehnese people seen facilitating the needs of Indonesian combat/intelligence units would be taken from their residence for execution. In some cases, these executions were mass killings.

### *Punishing Local Peace Leaders and Human Rights Workers*

273. Extrajudicial killing was also aimed at punishing local peace and human rights figures who constantly criticised the brutality of the war strategies of the two warring sides. The executioners were masked gunmen. The targets of killings included local political figures who advocated for the importance of resolving the conflict through dialogue. Executioners also targeted humanitarian workers who advocated about human rights violations committed by both sides. Such killings were widespread between 2000 and before the Martial Law period.

274. Both sides of the conflict denied responsibility for such killings, and would blame their opponents including by presenting alibis to confuse the public. In some cases witnesses mentioned the involvement of the

Indonesian military by citing characteristics of the perpetrators such as using non-Acehnese accented Indonesian. In a similar vein, some witnesses gave testimony about the Acehnese-accented Indonesian used by perpetrators as proof of GAM's responsibility.

#### E.4 Perpetrators

275. The Indonesian military makes up the main group and highest number of perpetrators of extrajudicial killings. Indonesian military perpetrators came from combat and territorial intelligence units, mobile combat units of special raiders, joint anti-clandestine intelligence units. Mobile combat units comprise between 60-100 men, or company-level units, with anti-guerrilla warfare expertise in each personnel. The joint intelligence units, a combination of anti-insurgency and clandestine units of the Special Forces Command (Kopassus) and the combat intelligence battalion of the Army Strategic Command (Kostrad), are also believed to be responsible for a number of extrajudicial killings. In addition, several GAM guerrilla groups were also reported as perpetrators.

276. The police unit most often reported by witnesses as perpetrators was the Gegana Company (a paramilitary mobile unit of the Indonesian national police), which has military capabilities similar to the Indonesian military special forces. This unit is said by witnesses to have been involved in extrajudicial and arbitrary killings during the implementation of the DOM, 1999-2002, through to the Martial Law and Civil Emergency periods from 2003-2004. These units were responsible for the killing of children and adolescents who had attended AGAM training between 1999-2004. They operated in small units, recruiting local people to serve as informants with the task of monitoring the return of assassination targets during Islamic holidays.

277. The record of pro-Indonesian militias' involvement in extrajudicial killings is not overwhelming in number, but attention-grabbing because the methods of killing were brutal and cruel. These militias operated alongside armed Kopassus members and kidnapped pro-GAM civilians from their homes and executed them at killing sites. According to victim-survivors' accounts, pro-Indonesian militias were responsible for killing civilians in the Takengon and Bener Meriah areas between 1999-2004.

278. GAM guerrilla groups in some areas were also responsible for the summary killing of civilians who had been *cuak*, of those who had

provided assistance in various forms to Indonesian intelligence and combat units, or those who refused to pay Nanggroe taxes throughout the year 2000. The Commission also received testimony about a Takengon region guerrilla group responsible for the execution of 17 palm oil plantation workers in Central Aceh in June 2001.

## E.5 Key Testimonies on Extrajudicial Killings

279. The extrajudicial killings and summary executions that occurred during the three periods of violence in Aceh are difficult to comprehend due to their cruelty and brutality. The Commission has chosen the cases below not to downplay the overall number of extrajudicial killings and summary executions, but to provide Acehnese and Indonesian people with valuable insight into common patterns of these crimes.

280. As discussed in the previous section, Kopassus mobile combat units often used extrajudicial killings to undermine GAM guerrillas by eradicating their clandestine networks. The following is a testimony from one of the victims who claimed her husband was killed by Kopassus combat units in a public place because his name was on the list of people who contributed food for a holiday celebration.

### **Testimony 44. Assassination of a GAM member, Blang Miro, 1991**

“Twelve days after the shooting of our village secretary M [the person whose name was on the list of food contributors], my husband was picked up by soldiers at the guard post. They took him to an army post at Blang Miro. He and several others were detained there for four days.

“I didn’t dare visit him. Even when I just passed by, they would say I am a GPK wife. I was so scared. My children always cried asking where their father was. But I just said this and that, so that they wouldn’t keep asking. After four days, my husband was taken to the sub-district office in the market. After nine days of detention at the sub-district office, my husband was chosen as one of those to be taken out that night.

“Boom ...’ The thumping sound of gunfire was very loud in front of the store. My husband had been shot in the head. His brains were scattered all around and had to be picked up. My husband’s head was like a freshly split coconut. After returning to the sub-district office, one of the soldiers said to my younger brother who

had been detained there with my husband, ‘Your brother-in-law is no longer here, brother. He’s been shot.’ My brother was one of the survivors, after being beaten and slashed by soldiers.

“In the morning, my older brother saw a dead body in the market. He confirmed that it was my husband and took the body back to Cot Keng. I had time to see my husband’s body for the last time. He left behind two children, the first one a year old and the second eight months old. My second son never knew his father.

“My husband’s was one of the names on the list of food contributors. When we had buried M’s body, my husband had said to me, ‘M is dead. I may soon be in the same grave with him.’” - NN44

281. Executions by mobile combat troops often began with pick-ups at victims’ homes and ended in shootings. To cover their tracks, perpetrators dumped the victims’ bodies into disused wells. The following is testimony about a family who found the body of their father who had been shot dead sometime after being picked up at his home by Troop 121.

#### **Testimony 45. Killing of 2 Resident, 1990**

“The incident occurred on 17-10-1990. At that time, my father was at home with me and my mother. Suddenly an armed group came wearing military uniform. They knocked on the back door of the house. When my father opened the door, they immediately pulled my father away. At that time, three people were kidnapped, namely my father, MNB, and MI. MNB found the body the next day, found the body in the M2 garden with his head shot, his genitals cut off. While my father and Nurdin Ismail only found their bodies in 1997. The bodies were found in the CV Garden in an old well in the Alue Merah area. The person who gave the information was named I. When I found out the information, I immediately invited close relatives to dig a well. When the well was dug, we found two human skeletons. The skeletons were immediately taken home and bathed and then buried like corpses.”

“After the incident, my father, our family were still being searched for because he was a victim’s child, and we had to avoid looking for a safe place. My father was not a GAM member, but just an ordinary civilian. We, the sons of the victims, were all being searched for. I

have siblings named N and A. The perpetrators were Military Troop 121. One of their members was named S. At that time, their post was in the CV plantation. Because we were being searched for, we were finally forced to move to Matang. In 1995 I just returned to this village.” - NN45

282. Mobile combat forces also often used GAM family members as human shields in “clean sweep” operations, resulting in their being killed. The following is the testimony of a survivor’s experience:

**Testimony 46. Civilian killings, Pulo Keunari, 1998**

“The incident that my husband experienced happened during the conflict in Aceh in 1998. At that time, PKD operations were underway in our village. Every time they carried out military operations, the military would bring civilians with them. Through the village leader, calling from loudspeakers at the local mosque, the community gathered ten people every day to participate in the military operations.

“It was 1998. I don’t remember the exact day, date and month. I don’t remember anymore. But at exactly 7:00am my husband was preparing to go to the Pulo Keunari Military Post. At that time, I was eight months pregnant. From the Pulo Keunari Military Post, they headed to Mount Cot Beurandeh. When they got to the mountain, they encountered GAM and armed contact was inevitable. Unarmed villagers ran for their own safety. My husband was shot in the back and died on the spot. I don’t know who shot him, soldiers or GAM.

“The incident happened at 10:00am, and at 11:00am the news of the incident had spread and was being talked about in the village. My husband was taken to Sigli Hospital to determine the cause of death. Afterwards, his body was brought home by villagers who participated in the operation with my husband. Earlier, people who fled the battle went to Keude Gampong Baro. When they realised that not everyone was present, they returned to the scene and collected the killed victims.” - NN46

283. The killing of civilians on the move in and around the forest was also a major feature of the killings by these Indonesian military mobile combat units. A resident of Bandar Baru, who lost her husband in 2001 after he was shot dead by Rajawali Troops, testified to the Commission:

#### Testimony 47. Killing of farmers, 2001

“My name is NN47, I live in Abah Lueng, Bandar Baru, Pidie Jaya District. I am 39 years old. Every day I work as a farmer. I am a victim of the conflict. I lost my husband in 2001.

“I remember it was the 9<sup>th</sup>, but I don’t remember what month it happened. That day my husband and older brother went to the gardens. They would cut wood to make fence posts, because it was approaching Ramadan. They needed the fence posts because they were going to plant cucumbers.

“While they were busy cutting wood in the forest, a group of soldiers with red headbands approached them. If I’m not mistaken, they were soldiers from the Rajawali Unit, who combed our village almost every day to find GAM. The soldiers asked my husband and brother for identity cards, and they handed them over. A soldier read out my husband’s name, B. They asked my husband the origins of the person he was married to. My husband said that he was married to someone from Paru Village. One of the GAM members being sought by the military at that time was also named B and was also married to a resident of Paru.

“The soldier immediately accused my husband of being the GAM member he was looking for. My husband and brother were instructed to follow them to the hut where GAM stored rice, in the middle of the forest. The place has been burned down and the rice has been thrown away. On the way, a soldier whispered to my brother, ‘I can’t help. You have to run when you reach Simpang Rambutan. Because if you are taken all the way to the mountain, your body will not be found because you will be shot.’ Hearing that, my brother prepared to run.

“Arriving at Simpang Rambutan, my brother pulled my husband’s hand, but unfortunately the soldiers pulled him by his other hand and they shot him in his legs. My brother was also shot, but he was only injured in his ear because a mob of buffaloes gave him cover. They shot so many buffaloes. My brother kept running all the way to my in-laws’ house. He said that my husband had been shot in Simpang Rambutan. My mother-in-law fainted.

“Hearing the news, several sisters and my mother-in-law and I decided to find my husband. There were seven of us, all women. I

was eight months pregnant. No men dared to go along because they would have been targeted by the army.

“My husband had been taken around 10:00am. We searched for him in Simpang Rambutan by following the trail of blood floating on rainwater flowing from the mountains. We continued searching until we finally found him tied to a fence in the forest. I saw that my husband’s body was covered in lacerations made by machetes, with cuts on his shoulders and waist. Two gunshot wounds marked his head. He was still alive. I was able to guide him in reciting the *shahadah* [a profession of Islamic faith]. But my husband could not be saved.

“We didn’t wait long to bring my husband’s body down to the village. I asked one of my sisters to take off her sarong. We put his body in the sarong and we lifted it with wood, like a stretcher. We carried it slowly because we were all women and his body was heavy. Blood dripped the entire way we walked. We often stopped so that the body did not fall. When I got home, I washed my husband’s body with my brother who was an *Imam* [religious leader] in the *gampong*. The family prepared all the necessities for the body which was brought from Lueng Putu.

“After my husband passed away, I went to the army post and asked for my husband’s identity card which they had taken. I saw the news in the newspaper that they said it was a GAM member who was shot. I also reported to the sub-district office that my brother and husband were not GAM. I don’t want my husband to be thought of as a person who wronged the country.” - NN47

284. Combat troops also often used methods such as shooting and burning their victims. The reasons behind this method are unknown. According to witnesses who testified to the Commission, this was a strategy to cover up the killing of civilians from the public.

#### **Testimony 48. Killing of S, Kuala Lancok, 1990**

“At the time of the incident, in 1990, my son S was 25 years old. My son was shot in Kuala Lancok, in the sub-village of Lancang. He was sleeping there. He was still single.

“At around 5:00am I heard a lot of gunshots. But I fell back asleep. A few moments later, I woke up. Someone said that the gunshots

came from the Kuala area. I went straight there. I saw flames that were burning in the hut, and my son was in there.

“I don’t know why my son was shot. There were four victims, including my son. They were sleeping in there, and here had been no clashes at all. My son was shot first. When he was dead they just burned his body and the hut with everything inside. Even though none of my family was involved with any organization.

“The Marines shot my son. I don’t know if anyone ordered the shooting and house burning. They seemed to be marching around. There were a lot of them, about 30 or 40 people. Because it was still dark, it was not very clear.” - NN48

285. Extrajudicial killings were also often perpetrated by mobile combat units in retaliation for guerrilla raids against them. The following is the testimony of an eyewitness.

**Testimony 49. Summary execution of 11 civilians of  
Lhok Meulaboh, 2002**

“My husband and I worked as farm labourers. We got paid from working on other people’s farms. We have two children, the eldest was in second grade at elementary school. The incident occurred on Monday, 7 February 2002.

“Early in the morning there was a dawn attack that frightened all the villagers. TNI soldiers descended on the village patrolling people’s homes and shooting anyone they suspected. The sound of gunfire forced me and my children to take shelter in my parents’ house not far from the local mosque. My husband went to check the situation. According to information from eyewitnesses, there were victims in the courtyard of the local mosque. When TNI saw my husband, they chased and shot him. My husband died on the spot.

“The bodies of 11 people who were killed were collected at the local mosque, along with many other injured victims. They used all kinds of torture. Some people were hacked in the neck and head. Some were even run over, using motorcycles.

“They also ransacked the contents of the local mosque and tore up the Koran. Not long afterwards the bodies of the 11 people were taken away in a car. No one knows where they took them.

“At 9:00am, when it was safe, I went out to find my husband. I saw people gathered in the local mosque. Many of them were crying because their relatives were victims. That’s when I found out that my husband had been killed. I was devastated. My husband was just an ordinary farmer and was not involved with armed organizations.

“The community continued to search for the bodies of 11 victims and reported it to the Takengon Regional Command office. But to no avail.

“Only in 2005, the 11 bodies were found in the forest of the village of Gelampang, Linge District. Ten people were buried in a single hole, while my husband was in a separate hole. My husband’s body could be identified by the photo on his identity card. They returned the 11 bodies to the village.” – NN49

286. Extrajudicial killings became the most dominant events and were the source of the most horrific stories during the conflict. Killings were carried against civilians on wanted lists, for being suspected of being members of the GAM clandestine network. Most of those killed were taken from their homes and detained at SGI posts. Later they were executed in specific locations. The following is a testimony about the killing of 13 civilians by SGI personnel from Leung Peutu Post in 1990.

**Testimony 50. Summary execution of 13 people,  
Lueng Putu, 1990**

“On 2 November 1990, I had just finished making the seedling nursery. I was resting in the shop. Before long, I saw a yellow Fuso truck approach. Some said that it was just a pick-up truck for bamboo. People in the shop sat back and relaxed playing chess.

“A little bit later, some people climbed to the peak of the hill. In front of the shop was like the top of a hill. But Kopassus soldiers, who had descended from Lamlo, rounded them up and took them to Panteun Beurasan. The soldiers questioned them and then sent them back home. But some did not return home: four Teumanah people namely U, A, MI, MG. The four of them were taken to the Danramil’s office [Sub-district Military Commander], and soon after to Lamlo. They were detained in Lamlo for three months.

“A was just an ordinary person, not GAM, but the soldiers accused him of being GAM.

“One of the four men, who was named U, was with my brother, and said that they were questioned and tortured. They were asked about things that they didn’t know anything about. They were stripped naked and beaten with electric wires. Three were transferred from Lamlo, but not U. A man named B told us that on the eve of Ramadan he was taken out and moved eastward.

“Based on this information, we searched everywhere. We heard that there was a shooting of 13 people in Pantan Labu. With our family, we went to Pantan Labu. The village head there told us that one of the victims who had been buried resembled A. Then he took us to the grave which they believed to be A’s. They also had the victim’s clothes, and material used to tie him with, all wrapped in plastic. They handed this over to us. Every Eid, we still make a pilgrimage there. As for his child, I raised him. Now, he is an adult and works as a builder.” - NN50

287. Other testimonies provide similar information about extrajudicial killings by Kopassus troops from Indrapuri Post.

#### **Testimony 51. Killing of M, Indrapuri, 2003**

“The victim was my husband named M. I will explain what happened, the torture and shooting of my husband.

“The incident happened at 6:00am. They picked him up at the house and took him for three days and three nights. My husband was taken to the Indrapuri Kopassus headquarters.

“When they brought him back to the village, the soldiers buried him in the ground, half his torso, while he was alive. They told the villagers to throw dirt at my husband. He stayed like this for less than a day, because the owner of the land came and lifted him out and brought him back to the village. At the village, they told my husband to run and then shot him. This happened near the back of my house, about 50 metres away.

“My first house was on my father’s land. I’ve only lived two years in my current house, where the shooting took place. When they shot him, I didn’t know any details. I only knew that my husband was dead. The perpetrators were 12 Kopassus from Indrapuri. I do not know who the individual perpetrators were. The person who saw the shootings said that it was Kopassus who shot my husband.

“When my husband was shot, I was at home. It was just six days after I gave birth. My son was born on 27 November 2003. My husband was killed on 3 December. After my husband was shot, I didn’t know anything. My husband’s body was taken to his mother’s house. I was not given permission to see my husband. I just saw his body on top of the casket.

“Before being shot, my husband was often beaten during 2002 and 2003. Whenever they saw my husband, the soldiers would beat him. I don’t know why they beat my husband. If soldiers asked him questions, my husband couldn’t answer because he couldn’t speak Indonesian. They would kick him. Soldiers beat my husband. I don’t know which unit they belonged to. Some say they were from Unit 112. I never saw who the perpetrators were because I was at home. It’s just what people told me.

“When my husband was beaten, I was pregnant with my first and only child. I was very sad when I heard that my husband had been killed, especially since we were newly married. I felt very sick, especially since my child had not experienced anything yet with my husband.” - NN51

288. Aceh’s combat and territorial intelligence forces were also frequently engaged in extrajudicial killings of civilians suspected of being GAM members or of providing political and financial support to the insurgency. The patterns of the killings vary. They arrested people who were related by blood or marriage to members of GAM and executed people caught doing what they considered suspicious activities in food gardens and forests.

#### **Testimony 52. Killing MN, 1990**

“The incident that I will tell you about happened to my father named MN on 17 November 1990. My father was found tied to a rubber tree in the Alue Itam Indra Makmu area, his head bowed down and lifeless. His condition was gruesome, his face crushed beyond recognition. We don’t know who killed my father.

“On that day my father had gone to the Indra Makmu area to cut grass to feed the cattle that he was tending that belonged to others. He had gone there to look for grass many times. He was cutting grass in someone’s rubber grove.

“I heard this story from my mother. She told me that when I was two years old, on that day my father left home around 8:00am. But

that he still had not returned home by 7:00pm. My mother said she began to get nervous because of the conflict. She asked my brother where my father had gone, but he didn't know.

“That night someone from Alue Itam came to our village. He was Javanese and told us that he saw a corpse in his garden that had been tied to a rubber tree. Many villagers went there. The corpse was beyond recognition, the face had been destroyed. But there was a key on the waist of his trousers. The key was for the door of our house. My mother recognised the key, because they both had the same key. My mother used to go to plant beans and my father would go to find grass, so they would bring their own keys so that whoever came home first did not have to wait to get into the house.

“When she saw the key, my mother knew straight away that it was my father. His condition was very gruesome. Father's clothes had been ripped open, his chest was split and his internal organs such as the heart and other organs, had been removed just like how one would remove the organs from inside a chicken. His genitals were cut off and put in his mouth. His chest and leg hair had been burned. The back of his head was also smashed. It seemed that he had been shot through the mouth and that his brains were scattered and then gathered again.

“They brought my father's body home and buried him the next morning. His grave is behind the house.

“I don't know who treated my father so cruelly. He was just an ordinary citizen, never involved in any organization. However, there was a soldier named Z. He was infamous for being the most brutal. He liked to hit people. People suspected that Z killed my father.” - NN52

289. Another key testimony corroborates killings by BKO forces as a way of punishing Acehnese who were active in forbidden areas.

#### **Testimony 53. Killing of 18 civilians, Bandar Dua, 1990**

“In 1990, at 5:00 one morning, my father was picked up by a group of soldiers commanded by T. They summoned about 80 people to a house at Paya Pisang Klat Village.

“According to the villagers, he was taken to the guard post first and beaten with bricks, punched and tortured until he was bleeding from his ears. Then they loaded him into a Daihatsu Taft vehicle

and took him to Bandar Dua Ulei Gle Koramil headquarters. After leaving the Koramil headquarters, nobody knew where my father was taken. My mother and other family members searched, but they couldn't find him.

“According to eyewitnesses, in 1990, one night, a resident of Paya Pisang Klat was taken to his village. This was probably my father. Then bodies from various places were found. They had been lined up, dressed in fatigues over the top of their own clothes. The bodies were dumped into a pile that looked indistinct from far away. The pile emitted a red light into the sky, so that the nearby villagers wondered what was happening in the rice fields near the Banda Aceh–Medan road. Large numbers of villagers went to check, carrying torches and lamps. When they arrived at the scene, they saw about 18 bodies. The villagers took the initiative to take the bodies to the main village and buried the bodies in the garden of Waqaf Menasah Surau.

“My father's grave is known today as ‘*Makam Teungku Batu Empat*’ (Honourable Grave of the Four Rocks), while the other bodies were buried in the yard of the mosque.” - NN53

290. The practice of extrajudicial killings of civilians in violation of military orders is evident in the testimony of a mother in Gampang Pula Kenari, Tiro. She explained how her teenage son was killed on suspicion of helping buy food for guerrilla groups.

**Testimony 54. Summary killing of three people for breaking curfew, 1990**

“It was 1990. My son was 20 years old. My son was a guard at the night post when the army came to arrest him. We were not aware of this, at home.

“The next day around 9:00am we were called to gather at the mosque. After we gathered, my son was told to stand at the front. There were many soldiers. They shot my son in the head, near his ear. Two people were shot at that time: my son, MG and NU from Timur Village. They shot my son first. I was only about two metres when they shot him. My son collapsed slowly and died. I tried to run towards him but was stopped. My son was shot in front of my eyes from only two metres away.

“After my son died, I stood up to approach his body. But I was held back and told to sit down again. I was told to sit in my original place. I don’t know what happened after that. I don’t even know how I got home.

“My son was taken home in a sarong, and I was taken home by the villagers. My son was buried near Kede Nurm.

“I don’t know why my son was arrested and killed. He was just an ordinary person. He had never been involved in any organization.

“After that incident in 1990, they burned houses. If you ask me who burned them, obviously I don’t know for sure. But I can say that it was soldiers who burned them as they were wearing fatigues. This happened one night in 2000 or 2001. When our house was burned, I was inside with my family. I closed the door thinking there was gunfire outside. I was lying down, then suddenly a beam fell into the door so that it crashed open. Once the door smashed open, I could see that the fire had reached the house. My family and I ran out through the back door.” - NN54

291. Territorial combat/intelligence forces also frequently targeted GAM members who had come down from the mountains due to illness. This contravenes humanitarian law which prohibits warring parties from killing opposing parties who have laid down their arms due to illness. The following is the testimony of a GAM member’s wife, who recounts the killing of her husband by Koramil Cot Goh Montasik officers after he had come down from the mountains.

#### **Testimony 55. Killing of a sick GAM member, 2004**

“The victim was my husband named A. He died at the age of 51. I am NN55, now 63 years old. My husband was killed on Wednesday, 9 September 2004, at the Koramil in Montasik. My husband was an Acehnese fighter. He had long been a member of GAM. He had joined before we were married, and was trained by the Libyans, by Hasan Tiro. At 2:00pm on 9 September, he went home to perform the *Zuhr* [noon] prayer. Then my nephew F came to tell me that my children’s father had been arrested. Straight away I went with my nephew on a motorcycle to the Koramil.

“The people who arrested my husband were members of Koramil Cot Goh Montasik. They took my husband in their car, near the rice mill in Lampoh Shaleh, *Gampong Ule Lhat*. When we got to

the Koramil, we were not allowed to see my husband, and they said that my husband was not inside. The soldier told me, ‘You are a civil servant, you eat state money, but your husband is GAM.’ I replied that I didn’t know that my husband was GAM. I said I married because I wanted to be happy, but that I was not happy in the marriage. From the beginning of the marriage my husband was rarely at home because he was a fighter.

“Only then did I learn that my husband had died. I asked where the grave was. I saw my husband’s body when Koramil brought it to our house for burial. Maybe if it was someone else, they would be put in burlap and thrown into the river. But my husband’s body was delivered home. I said because you killed my husband like this, you will bear my husband’s sins for making me like this. They said my husband had a stroke. I said only God knows if you beat up my husband or not, only God knows.

“The last time I saw my husband before he died, he came down the mountains because he was sick. He hid in people’s homes. This was when I met my husband for the last time, while he was hiding at night. I had no children. While my husband fought, I was at home with my sibling’s children.

“While my husband was alive, I went through alot. Any GAM member who was sick would be brought to my house. Soldiers also often came to my house to eat. My sister would take chicken and give it to them. Once my house was ransacked when I went to work. The bedroom door was opened, the closet doors opened. They saw me coming home at 11:00am from my office. When I got home, they had messed up my house. I told them ‘You won’t find what you’re looking for here.’” - NN55

292. As well as shooting, combat/territorial intelligence forces often killed captured GAM members by brutally torturing. The following is the testimony of the wife of a GAM member tortured to death.

#### **Testimony 56. Killing of S, Padang Kleng, 2003**

“I am willing to talk about the killing of my husband S, known usually as MB. My husband was killed in 2003.

“That night, he did not sleep at home because he was involved in GAM. The soldiers came that night to the rubber plantation, on the road leading to the hut of L. My husband’s eyes were a little blurry,

that's why they caught him. They took him to YL's house, where soldiers beat him.

"The military came in droves in cars, dressed in green camouflage. But we did not know what unit they were from. They carried weapons. They brought him to the house because he wanted to see the child. Then they took him away. He did not confess or name any others. He cried in the car asking to see his child because I had just given birth and the child was in the cradle. Then they took him to Lung Gayo.

"From Lung Gayo he was taken to the Koramil headquarters. At 10:00pm, my in-laws called and told me he was dead. At 9:00 the next morning, my in-laws came to pick up the body at the Koramil headquarters. I learned from my in-laws that my husband had died. I was at the office at that time, and then taken back to *Gampong Baro*. My husband was shot in Padang Kleng. We used to live in *Gampong Baro Market*. He was about 21 years old then.

"I did not report to the *keuchik* or sub-district head because they already knew and the *keuchik* had made no effort to help. There were no bullet wounds, just a swollen face and cigarette burns on his legs. He had not been shot. Face swollen, burned legs, swollen chest, swollen body. We didn't dare look. Others couldn't watch when his body was washed. The top half of his body was so swollen. It's not possible that he was beaten only by hand. They must have used the handle of a gun, because his body was bruised all over. I couldn't look at his face anymore. All that night, I could not look at his face." - NN56

293. Extrajudicial killings by territorial soldiers were sometimes unrelated to the search for GAM members but linked to personal affairs between soldiers and local residents. The following is a sister testimony about the killing of her younger brothers by soldiers from Koramil Trienggading who linked the brothers to the shooting of cattle which belonged to Koramil commanders, after the cows had entered their cocoa gardens.

#### **Testimony 57. Killing of IZ, Trienggading, 2000**

"I will testify about an incident that happened to my two younger brothers, namely IZ and A. IZ was born in 1975 and A was born in 1973. At the time of the killings, my brother IZ was single and lived

in *Gampong* Teumanah. My brother A was married and lived in *Gampong* Kajhu, Aceh Besar. I lived in Medan with my husband. TNI soldiers from Koramil Trienggadeng beheaded my brother on 13 April 2000.

“The background to this killing began with our younger brother named M., who was tending the family cocoa garden on the *gle* [a hill around a village, usually on a mountainside]. He was carrying an air gun. There was a buffalo belonging to D, from the Koramil, that entered the cocoa garden. When D heard about this, he told the soldiers to arrest M. But they arrested IZ instead. They resembled each other, in both their facial looks and because they were both short. D couldn’t tell M from IZ.

“D was the commander of Koramil Trienggadeng in Meunasah Sagoe, Trienggadeng. My brother IZ was arrested at the Trienggadeng gold shop when he was selling gold weighing ten *mayam* [3.33 grams]. The gold was the income from the cocoa garden. IZ told my brother to sell the gold.

“After he was arrested and taken to Koramil Trienggadeng, the family went to Koramil to see him. But when we arrived they wouldn’t show him to us. I think the soldiers tortured him at the Koramil, even though D only ordered them to arrest him. There was no gunshot wound on IZ’s body, but his head was cut off with a knife.

“The TNI buried him in front of the Trienggadeng Health Centre. Apparently, somebody who was going out to sea had noticed his toes sticking up out of the ground, because they were not completely buried. Eventually the community dug him up. My mother and people from *Gampong* Teumamah went to collect the body. Not only did they kill my brother, the proceeds from the sale of ten *mayam* of gold and 400 thousand rupiah in cash also disappeared.”  
- NN57<sup>xx</sup>

294. Militias made up of civilians, formed by Kopassus, were also responsible for some cases of summary killings of civilians suspected of being members or sympathisers of GAM/AGAM. In carrying out the killings, they usually worked with SGI personnel or territorial combat/intelligence units. These killings often took place during 2000-2003. The following is the testimony of a resident from Takengon about the killing of her husband by militia and soldiers in Uyem Pepongoten.

### **Testimony 58. Killing of GAM members by militias**

“My name is NN58 and I live in Kenawat Village, Lut Tawar District, Central Aceh. I work as a farmer. I will try to recount the events I experienced a few years ago during the conflict.

“I had married a man from the same village. Now, since he passed away, I am married to his younger brother. Now I live in Setie Reje. Because in these parts, one cannot marry someone from the same village. If it happens, one person must leave.

“It happened in 2003, in Uyem Pepongoten in the Lhokseumawe area. On the border of Bener Meriah and Lhokseumawe. Deep in the forest. At that time my husband was a member of GAM, his name was R. It was during the Civil Emergency. He and his friend I, the son of S, were returning from Lhokseumawe to Takengon. Suddenly there was crossfire and they were hit by soldiers’ shots.

“When it was safe my husband’s friends, who were also GAM members, came and told me that my husband was dead. One of them was W. He lives in the sub-village of Lah, Kampung Kenawat. My husband was about 30 years old.

“They said that my husband was walking when he was shot. Maybe they had been spying on him for a long time. Soldiers and militias killed him. His head was smashed to pieces. Maybe he was shot in the head. The contents of his stomach had also spilled out. He was not buried. When it happened, they all ran away so there was no time to bury him. They had to abandon his body. Maybe the body had been eaten by monitor lizards, I don’t know. Because only bones were left. We don’t know where his head was. We searched but could not find his head. His body was found near the KKA road.”

- NN58

295. The following testimonies are from a resident of Bener Meriah, about the killing of their older sibling by militia members, and from a resident of Central Aceh about the killing of her husband by a militia group of Javanese civilians.

### **Testimony 59. Killing of residents by militia, 2000**

“I will tell you what happened to my brother in the conflict. His name was I bin Sl. In the 1990s we lived in Simpang Hakim, Pondok Gajah District, Bener Meriah.

“My brother was growing coffee in Takengon. He was returning from the garden on a motorbike with coffee beans, when he was axed in his chest and stomach. On the road.

“When his son S and others found my brother’s body, his head was covered with coffee beans. I did not go to pick up the body, because of its condition.

“At that time things were very tense. I think they killed him because they suspected him of being part of GAM. He was killed by militia who had been formed by the security forces, even though he was not involved in anything. He was just an *Imam* [religious leader] in a local mosque, besides farming coffee.” – NN59

**Testimony 60. Kidnapping and summary killing of Z by militia,  
2002**

“My name is NN60. I was born in Simpang 3 Bies on 1 July 1958. I live in Atu Gajah Reje, Bebesen Sub-district in Central Aceh District. I will tell you about my experience during the conflict.

“My husband’s name was Z. He was born in Meulaboh. At that time, he was about 30 years old. On the night of Sunday, 16 March 2002 we were getting ready to go and pick coffee in the lower garden, my father’s place. We had the equipment ready, so that the next morning we could leave without delay. We also had rice, vegetables and fish prepared so that in the morning we could just eat and leave. Then my husband said he felt hungry, so I gave him some food.

“My husband was smoking a cigarette after he had finished eating. He hadn’t even finished half, when someone knocked on the door shouting, ‘Open the door! Or I’ll kick it in!’ I opened it. They entered and saw my husband, grabbed him and took him outside without even being able to put on sandals. They pointed a gun at him. I screamed at them, saying, ‘Why take my husband? He’s not GAM.’ They got angry at me: ‘Why are you shouting, *Ibu* [madam]? No need to shout!’ they said. Then they came up to me at the door and put a gun to my head and pointed a knife at my stomach. I am still traumatised by this to this day. My son was still young then.

“I thought to myself, if my husband is killed, how will I raise my children. But I just kept silent. They took my husband away. He

looked back at me and the children one last time. I slammed the door and said, ‘You dogs!’

“The militia who took my husband were all Javanese. I knew every one of them. Their names are B, SU, SA, and I forgot some of the others. Even now when they come here to buy coffee, I say to myself, “All of you are dogs!” They saw Acehnese people and people from Gayo as if they were all GAM people. But it’s not true. My husband was from Gayo. It’s just that he spoke Acehnese well. That’s why they think we are Acehnese.

“I used to be an employee, a teacher in Blangkejeren. At that time I wanted to file for my civil servant status. But I could no longer apply because my identity card was a mess, since I changed the name on the card from J to JL. When I was appointed as a civil servant, in the Blang area, it was already very scary. I fled to that area. It was scary because there was a lot of stuff like black magic, sorcery. We were like chickens forced to fight each other. Seventy-one of us were appointed as civil servants there. Thirty-five people died without explanation. When we sat in that chair, it was scary. Some become wives for ten people, for nine people. I can’t even remember anymore. Suddenly you’re about to be married off to someone who already has a wife.

“At that time, my son had just returned from the market selling goods. I met him in Atu Lutu, and this man stared at us so menacingly. Why did he look at us like that? His clothes at that time were a light yellow colour. He wore the same clothes when he came to the house that night. How could we possibly forget? They really were dogs. They were wearing plain clothes. On the tip of the gun, there were red and white marks. I also remember his head, messy and curly hair. I remember everything. They were Javanese from Pilar. Many of them.

“The people who saw the incident say they took my husband on foot through D’s garden. When I asked, they told me to collect my husband’s body in Pulo Aceh. How would I know where to go? I am from Takengon. I have never been to Pulo Aceh. And my husband’s body has never been found to this day.” - NN60

296. GAM guerrilla forces also committed summary executions to kill Indonesian military spies, defectors and village government officials who did not side with their movement, non-Acehnese suspected of being militia

members, and civilians reluctant to pay Nanggore taxes. GAM killings were lesser in number than those by the Indonesian security forces. Summary executions by GAM were mentioned in testimonies as early as 1989. But most testimonies identified cases from 1997, which rose in number between 1999 and 2003. GAM committed these killings in a number of locations. The highest number of GAM killings occurred in Bener Meriah District. The following are testimonies of family members of victims executed by GAM guerrilla units using the pretext of killing Indonesian military spies.

**Testimony 61. Assassination of former village chief of Asan Teumpeudeng, 1997**

“I am a farmer. I will tell you about how my husband, named T, was shot and killed on 7 July 1997.

“It was on the eve of *Mawlid* [the Prophet’s birthday], after *Maghrib* [evening prayers]. My husband went to attend a sermon in Blangtho Village, Titeu. Before the sermon started, there was a shooting. They took my husband. They took him to the *melinjo* tree beside the local mosque and killed him. He was shot in the chest and thigh. Then we took his body home.

“In 1980, my husband had been the village chief. He did not join GAM. I think he was shot by a GAM person. I have no grudges. I have forgiven the perpetrator because that’s just fate. After the killing, my three children got help with a work assistance scheme provided by President Habibie.” - NN61

297. GAM guerrilla forces also frequently targeted pro-Indonesian youth figures. The following is R’s testimony about the killing of her father by GAM members in 1998.

**Testimony 62. Killing of AR, Wih Pesam, 1998**

“I am a resident of Simpang Balek Village, Wih Pesam Sub-district, Bener Meriah District. I am 47 years old. I am a housewife who also offers *kusuk* [massage] services. I will tell you about what happened to my father, AR.

“My father worked as a water regulator in the village. He was also the head of the Pancasila Youth organization. In 1998 the GPK shot him, in our own home. He had been telling me about how the GPK caused trouble in Lhokseumawe. My father complained about his job managing the water quality every day up in Uning Berteh, in Pante Raya. My father also told us not to go far from home, to stay

in the house more often. We were six siblings, and I was the first child. He said, 'I am threatened by GPK. But none of us believed him, because we thought that GPK only existed in other areas of Aceh.

"Two days before the rituals for my brother's circumcision, a car came carrying very scary looking people, like they came from the mountains. They wanted to take my father. My father said, 'Wait for 2-3 days. I cannot leave my children and wife during the celebrations.' Two days after the circumcision rituals, my father asked my husband to check on the water. 'While you do that, see if there's a blue jeep up there,' he said.

"When my husband returned, my father asked about the jeep. My husband said, 'It's there, sir. The blue jeep.' My father replied, 'That's the car that wants to take me.' My father said that they wanted him to join their group. He refused because he was loyal to Indonesia.

"That night, before we went to the celebration place behind the house, my father told me that if someone knocks on the door not to open it. He asked me to help fry crackers. But I was in a hurry and suggested eating the other crackers left over from the celebration the day before. At 10:00pm I went home, because I had to sing again the next day at the celebration. When I went into the yard, I saw that there were three people under the orange tree, whispering to each other. I didn't pay much attention. I just thought that they were from the celebration.

"Later my 3-year-old son wanted to pee, so I opened the outside door. Then I saw them and I asked, 'Who are you looking for, uncle?' 'Is your father here?' they replied. I forgot what my father told me. I told them that my father was inside watching TV. They were big and tall, and they said they were from Kodim. I asked them because I had a bad feeling.

"My father called from inside, 'Who is it, R?' They responded, 'Your friends from Kodim.' My father's face turned pale. Even at the door, the gun was barely concealed under his sarong. But we ignored it. Father asked, 'Where are you from?' They said they were from the company, then they shot him twice. They shot him in the chest and abdomen. Then they ran away. I chased but couldn't catch them.

"On the way to the hospital, my father said that the man who shot him was named A, from Blang Keujeren. He lived in Sukaramai.

“A doctor treated my father at the health clinic, and then told us to take him home. But my father died on the way home. After my father’s passing, the police often summoned me to be a witness. GPK threatened our family, saying that they would kill us if we testified. After that our family decided to move to Medan, where my mother was from.” - NN62

298. GAM guerrilla forces also frequently executed non-Acehnese individuals during “sweeping” operations against civilians who they suspected of being spies or TPOs for the Indonesian military. They carried out these operations on inter-district highways, as demonstrated in the following testimony about the arrest and killing of civilians by GAM in Weh Kanis.

**Testimony 63. Killing of a grocer, Weh Kanis, 2000**

“At the time of the killings in 2000, my husband and my son, PR, were going to the new store to shop for merchandise. We were selling groceries during this time. They left home around 12 noon, after my son came home from school.

“My husband’s friend had invited him to go by motorcycle. But I told my husband not to go by motorcycle since he planned to buy a large water pump. The conflict was getting more heated during these days, and in the end they took the bus.

“My son said that after shopping, they returned home on the bus. But on the way there was a ‘sweeping’ operation. LN of Weh Kanis knew that there was a ‘sweeping’ operation and he chased my husband to warn him. But the bus had already left.

“At Weh Kanis, the bus was stopped by unknown people. They checked all the male passengers. They said, ‘All the Javanese, get off.’ Five people were told to get off, all of them Javanese. My son also got off the bus, but was told to get back on. Then they ordered the bus to go. A woman from Jelobok pulled my son onto the bus. She told my son, ‘If anyone asks, just say you are my child.’ My son obeyed her.

“As they got to Bungul Village, my son went to his aunt’s place, my husband’s sister. His aunt saw him crying and asked, ‘What’s going on, son?’ My son told her that people had taken his father away in a pick-up truck. My son’s grandmother took him home at 6:00 that evening.

“When my son got home, straight away I asked him where his father was. He replied, ‘Mommy, don’t cry. Father was taken by people in a pick-up.’ My son knew who took my husband, but he did not know their names.

“We waited until the evening, but my husband didn’t return. Then a stranger came to the house. I was inside with my son and his grandmother. The man said to me, ‘We are going to burn the house down.’ He burned my house down, along with the homes of other residents of Sepeden. We ran for safety. We didn’t know where to go. With others, we walked to Bur Pepanyi Village. We saw a diesel colt truck, T’s vehicle. We were all taken to the Bandar sub-district office in Pondok Baru. We stayed there for two days. Then, P came and said, ‘Sister, we better run to the Takengon Parliament, G is there.’ We fled to Takengon.

“After five days in Takengon, I was picked up. I don’t know who the person was who picked me up. He said, ‘Madam, go home. Your husband’s body was found in Wih Kanis. There were five bodies, all Javanese.’ My husband, a man from Geresek, and one from Jelobok, those two were father and son. My husband’s body was taken to Panji Mulia 1. We were only allowed to see his body for about two hours. I was with my children. After that we went back to the shelter, where we stayed for about a month and then we returned to Panji Mulia 1. I stayed at my parents’ house with my three children.” - NN63

299. Guerrilla units also identified and executed current or former members who defected to the Indonesian military. The Commission received many testimonies that related stories of GAM members or defectors being subjected to severe torture at SGI posts. GAM leaders ordered their troops to identify and execute the defectors. The following is a testimony of a civilian about the persecution and killing of her husband by GAM members.

**Testimony 64. Persecution and killing of *cuak* in Ule Glee, 1998**

“My first husband was assaulted and killed during the conflict. His name was T.

“My husband was attacked twice before he was finally killed. First, in 1990. He was a member of GAM. He didn’t know where to run, and finally surrendered. We were not yet married then. We got married in 1993. This happened while he was living in Ule Glee.

Kopassus arrested him and took him to their post at Ulee Gle. When he finally returned home, he was wearing only his underwear. I didn't know for sure if they had beaten him.

"The second incident occurred in 1998. GAM accused him of being an informer for the military or police. They killed him. When a GAM member was shot to death, GAM said that my husband had provided the military with the information. But my husband told me this wasn't true. 'I didn't point to anyone. Other people did, who are out to get me.'

"I was pregnant with my second child at that time. GAM ransacked our house, after someone pointed it out. I know who it was. I had just returned from buying fish. I saw them. But they didn't recognise me. They came from a meeting to our house. There was one person who was jealous of us because my husband worked as a woodcutter and had a lot of work at that time. This person provoked everyone, saying that he was a *cuak*.

"Some people came with knives. Someone said that if they catch the person, they will chop him up. One person, his name was NR, a GAM member who is now dead, said that it wasn't possible that T would be a *cuak*, that he is a good person.

"They came as a crowd. and demanded to know where my husband was. I thought they wanted to burn down our house. I was beaten and my hair was pulled, and I was dragged which injured my legs. They also took things from the house, like mattresses and cabinets. They threw rocks at the house because they said this house was built by Kopassus. My mother told them not to stone her daughter's house, that I had mortgaged my land for 19 *mayam* of gold to build this house.

"My husband had just arrived after bringing home fish, because I had asked him to buy chilli at Simpang Beuracan. One of the locals warned him that the crowd was marching to his house, saying, 'Please hide for a while.' My husband hid in Beuriweuh, Meureudu Sub-district, watching the house as the crowd gathered.

"After the crowd left, P came to the house. But I didn't recognise him because he had long hair. I asked him who he was, and he said, 'Don't scratch the sky with the tip of the sickle!' [Don't be ridiculous!]. He wanted to check for himself that my husband had returned. My husband returned home once he saw that it was safe.

“My husband’s elder brother was home and told my husband to hide. My husband went back to his brother’s place in Ule Gle, then he moved around hiding in different places. Sometimes he came home. Even in this situation he still managed to visit me while I was pregnant.

“My husband was killed just after he finished the *maghrib* [evening prayer] from the Kulam local mosque. He had gone to the guard post to sit down and eat noodles. N and P killed him on 22 March 1999 at the guard post of *Gampong* Meunasah Kulam, Beuracan, Mereudu Sub-district. N was from *Gampong* Seunong, Meurah Dua Sub-district, and P was from *Gampong* Meuraksa, Meureudu Sub-district. Both have since died. One died after he was hit by a motorcycle. The other died after security forces shot him. Those two killed my husband by slashing him with a machete. P wielded the machete, slashing him several times. My husband’s clothes were covered in blood. I keep his clothes to this day.” - NN64

300. Guerrilla forces also hunted down non-Acehnese civilians suspected of working as members of pro-Indonesian militias. These guerrillas operated by visiting palm oil plantation camps populated by non-Acehnese people. They often suspected the non-Acehnese people of being TPOs or members of pro-Indonesian militias. The following is a testimony about the killing of six palm oil plantation workers in *Gampong* Seunebok Lapang, East Peureulak Sub-district, East Aceh District in 2001.

#### **Testimony 65. Killings of six palm oil plantation, 2001**

“It happened on Friday night, the 17th on 2001, around 10.30 PM, someone knocked on our door and called for my husband. He was asleep, so I woke him up. The visitor was wearing a mask and dressed in black. They asked my husband to help them push the car, as he worked as my driver for a palm oil plantation (jonder/a John Deere operator).

“My husband went with them, out of pity, to help push their car. He changed his clothes and left with the masked people. There were alot of them, and they all wore masks. My husband was frightened. He asked if he could return home to get a jacket because the night air was so cold. They let him go home.

“When he got home, he told me about it. Then he left again with a jacket. I saw the masked men take my husband and put him into

the car. One of them showed a part of his face. I tried to memorise it. But he quickly covered his face with the mask. They wore cloth masks. From their accents, I guessed they were Acehnese. They also carried weapons. I was getting anxious and worried about my husband's safety.

“Earlier, they had also come for my father at his office when he worked as a duty supervisor at the Blang Simpo regional office, SP 3 Afdeling 5. They asked him for a key that they said was for the goat shed. My father gave them the key, but instead they locked him inside the office. After they took my husband and several other people, they unlocked the office and let my father out.

“When my father was released, he asked the masked men, ‘Have you found the goats, Sir?’ They said that they had, that they had gathered all the goats. Apparently, the goats that they referred to were my husband and the others.

“My father came to me and told me what had happened to him. I told him that the masked men had taken my husband. My heart was a mess. My father tried to calm me down saying that several other people were also taken, not only my husband. My heart calmed down a bit when I heard the news.

“That night, my father searched for information about my husband's whereabouts, until finally they found my husband's body at Afdeeling 4 in Alur Niri. But my father did not tell me that my husband was dead. I was told to go to Langsa Hospital to see my husband, who he said was in good health.

“When I got to the hospital I found out that my husband had passed away. Apparently, my husband was killed along with six others. One of them survived by pretending to faint. He was the one who told the story of these sadistic killings. His name was M. He was traumatised after the incident and was sent home by his work manager to Pekanbaru. Last I heard he died of depression.

“According to M's testimony, before they were shot their hands were tied behind their backs and they were blindfolded. They were shot from behind one by one, from a distance of two metres. But M pretended to faint and his friend who was shot fell across his body. His friend's blood soaked his body. He was wearing a white shirt, and the masked men thought he was dead along with the six

others including my husband. They were all dumped in the Raya River in Tanah Lapang.” - NN65

301. Cases of massacres of civilians by unknown persons occurred between 1999 and 2002. Both the Indonesian military and GAM denied responsibility for the massacres. The following is one example of a mass killing that attracted public attention, namely the massacre of 37 PT Bumi Flora workers in Idi Rayek by unknown people.

**Testimony 66. The killing of 37 workers of PT Bumi Flora**

“I am NN66, a resident of Bandung Jaya Village, Manyak Payed Sub-district, Aceh Tamiang District. I am 45 years old. I will tell you what happened to my husband.

“It started early in the morning, around 6:00am. It was dawn and we were cooking breakfast. The day before had been pay day, and I wanted to go shopping, to Idi Rayeuk by motorcycle. But then suddenly soldiers came.

“The person next to me said, ‘Sis, there are soldiers. Sis. They are telling us to get out.’ ‘What’s wrong?’ ‘I don’t know,’ he said. ‘Gather, everyone gather together. Where is father?’ ‘Everyone inside, come out,’ a soldier shouted. ‘Gather together in front of the office. Call the neighbours. Hey, you, tell those fools to gather together, everyone together.’

“After everyone gathered, they told us to stand in a row in front of the office. A soldier said, ‘Get undressed, squat down!’ My husband was in the front row, and they hit him and then they just shot him. We women were told to enter the office. They yelled at us and threatened to shoot us if we dared to look. We closed the door.

“We watched from between the window bars. ‘Take the blood and lick it up,’ a soldier shouted at my husband. So he licked up the blood. Then my husband called out to his friend to run. His friend left. Later we opened the door and ran. We asked for help from the people of Pulau Tiga. But at Pulau Tiga, there was a shooting incident. People got shot.

“A motorbike came and took my husband. My husband was taken first to Idi, but apparently the hospital could not handle his injuries. After that he was taken to Langsa Hospital, for months. My husband had to have surgery. His cheeks had been smashed by the bullet.

Even the walls had been smashed because he was shot at such close range. They operated on him but he died within a week.

“At that time, he told his friends ‘C’mon, let’s run! He was already bleeding.’ He ran to the motorbike. It was crowded on the motorbike, not everyone could fit.

“My husband had worked as *tukang deres* [tapping tree sap]. Apparently someone suggested to look for work, ‘C’mon, let’s go to Idi, in Rambong’. So we went there. I was pregnant when we went to Idi. They said there were no tree-tappers there. People never left the plantation, they were far from the city.

“My husband worked at PT Bumi Flora plantation in Idi Rayek. We moved there. One child stayed with my mother. When the killing occurred I was pregnant with our second child. That’s why he never met his father. At that time, 37 people were told to line up. They said, ‘This is our revenge, *innalillahi wainnailaihi rojiun* [from God we came, to God we return].’ They were shot. We came over after the killers left.

“We did not go right away. He asked for a drink, said he was thirsty. But the elders said we should not give water if a person has been shot or cut with a machete. ‘We can’t give you a drink. Our friends said not to give you a drink, it’s not allowed.’ We were the ones who guarded the injured person.

“We were called by people on a motorcycle. They were people from Afdeling 3. Afdeling 5 was near the big city. Everyone was there. Afdeling 4 was so small that there were no lights, you had to use flashlights. Afdeling 3 seemed richer. It was so far to walk. There were no cell phones back then. We had to walk or run. We went there as fast as we could. We picked up a plantation bike and went to the hospital. The names of the victims were posted, like RR, for families to search for them. Thirty-three people were brought in by a car. Some were still alive, and some had died.” - NN66

## E.6 Impact on Victims

302. Extrajudicial killings and summary executions were not just random acts but were part of the terror strategies of perpetrators to frighten and traumatise bereaved families. This fear and trauma were used to pressure the civilian population to abandon loyalty to one side or other. Most of the

testimonies of victims' wives and children told of how they were terrified when men in military fatigues or gunmen encountered them, often scolding them. These extrajudicial killings and summary executions have also caused trauma for families who cannot live in peace because they do not know where their family members are buried. Many have experienced acute trauma and today suffer a range of mental disorders, from mild, to moderate through to severe conditions. Below is a testimony about a bereaved family that is suffering from mental disorders.

“The family has not been able to forgive the perpetrators because some members now have mental disorders. What’s more, they kick the Quran and tear it up when they come to the grave.” - **KD9**

303. Some testimonies also indicate that many people experience a drastic decline in health and die. They keep thinking about their family members who were killed or the children and wives who were left behind.

“After a few days, soldiers came to my house and told my father that BT had died. After this, my mother was often sick because she always thought of her son and could not see his body.” - **KD10**

304. Other testimonies told of bereaved family members suffering heart attacks and strokes, because they kept thinking about their family members who were killed. The following are two testimonies that show trauma that led to heart disease and stroke.

“I get terrified when I see soldiers. While my wife got sick thinking of S’s death. A month after S died, TNI Siliwangi moved from Pondok Sayur. Three years later, my wife had a stroke disabling her.” - **KD11**

“My father was shot on the way home around SMA 1 Bukit Tunggul Naru. He was shot under the armpit. I was studying in Banda Aceh at that time. My mother was traumatised and became sick. Now she has heart disease and gets scared easily.” - **KD12**

305. Extrajudicial killings and summary executions very often resulted in families who were left behind falling rapidly into acute and prolonged poverty. Most of the people killed between 1989 and 2004 were the backbone of the family. When they were killed, their families suddenly lost their income and economic security.

“I couldn’t stop thinking. We were well off before my children’s father was kidnapped and killed. Everything was good. But suddenly

all that changed. My husband was taken away from us. Our children lost their father. Our family lost our main pillar, protector and breadwinner. I can't stand thinking about it." - **KD13**

306. This poverty was exacerbated when surviving family members had their homes and property burned down. They were forced to flee to refugee camps or to family members' homes in other villages, sub-districts and even other regencies. Their lives became dependent on the mercy of broader family or others.

"I decided to stay temporarily at my son-in-law's house. However, things got worse. One day, someone from the village, M, reported that TNI soldiers had burned down my house. I went there right away. I could see smoke billowing from a distance. My house was burned to the ground. Nothing was left. I did not know who I should complain to. I conveyed my grievance to GAM once. But they did not respond.

"I continue to live at my son-in-law's house to this day. I get very sad. I cry all the time. I think about how I have not been able to rebuild my house. Despite all of this, I hold no grudges and have forgiven the people who burned down my house." - **KD14**

307. There is no official data on the number of children who dropped out of school due to extrajudicial killings and summary executions. There has been minimal attention to this matter. However, some testimonies said that children were forced to drop out of school because of the killings. Below are two testimonies about children forced to drop out of school after their parents became victims of extrajudicial killings by each of the warring parties.

"My son also had to drop out of school because there was not enough money. My second child only went to junior high school and his brother only graduated from high school." - **KD15**

"I don't know what was supposed to be my parents' fault. My father was just a mechanic. He was Acehnese. My mother was Javanese. I was made an orphan and had to drop out of school. I vowed not to marry an Acehnese, and that is how it is." - **KD16**

308. Discrimination was also a factor in the practice of appropriation of assets owned by victims. Under the pretext that the victims were supporters of GAM or the Indonesian military, gardens, rice fields, and ponds were

seized and handed over to the opposing party. There are many victim and survivor testimonies stating that one of the main obstacles in restoring family finances and economic stability after the killing was the seizure and confiscation of property.

“After my husband’s death, one of my sons made a living by mining sand in the river. He would collect the sand, and then sell about five pushcarts at a time. That was our livelihood, because my fields and gardens on the mountain, inherited from my parents, were seized and controlled by others while I lived in Bener Meriah.” - **KD17**

309. In addition to the direct impact on the loss of life of those targeted, extra judicial killings had a serious impact on the family members left behind. The testimonies of family members of the victims of extrajudicial killings will form the basis for the Commission to formulate reparation programmes that meet their expectations.

## F. Findings and Analysis of Enforced Disappearance

310. This section will present findings and analysis of enforced disappearances for the period 1989-2005 which includes: patterns and variations, territorial distribution, victims, perpetrators and key cases that demonstrate these events. The violation of enforced disappearance was connected to instances of arbitrary arrest and detention, torture and sexual violence. Enforced disappearance signalled the end for victims, especially if they were GAM members wanted by Indonesian security forces or people declared by GAM to be Indonesian military or police informants.

### F.1 Victims’ Profile

311. The Commission collected testimony of 196 acts of enforced disappearance during the period of Operation *Sandi* (1999-2002), with 191 male and 5 female victims. Most of the victims, 111 people, were aged between 26-45 years. There were 48 juvenile victims aged 12-25 years, as well as 23 older victims aged 46-65 years. Three of the victims were over 65 years old, and three were less than 12 years old. The ages of the eight other victims was unknown.

## Number of Victims of Enforced Disappearance by Age

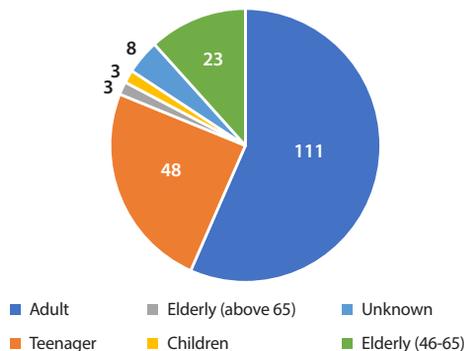


Diagram 19. Number of victims of enforced disappearance by age

312. The victims were not random targets but people who were on the wanted list or who were the targets of Indonesian security force operations because they were GAM leaders, members or sympathisers. Indonesian security forces collected information on people to be eliminated by interrogating them in a cruel, inhumane and degrading manner. Indonesian security forces also compiled the names of persons to be disappeared, from local informants, militias or sympathisers of the government who actively monitored the movements of GAM members and sympathisers in their villages.

313. GAM forces also targeted a smaller number of victims for kidnapping and killing, people they suspected to be local informants, militias or sympathisers of the government. The Commission found that GAM personnel conducted surveillance on their targets by visiting victims' homes or waiting at coffee shops most frequented by the victims, in similar ways to the Indonesian security forces.

## F.2 Regional Distribution

314. Incidents of enforced disappearances during the conflict compiled by the Commission were spread across 17 districts and cities in Aceh. The district with the most reports of enforced disappearance was Bener Meriah District, with 66 cases. Reported case numbers in other districts and cities include: Central Aceh District, 39 cases; South Aceh, 20 cases; Aceh Besar, 16 cases; Pidie, 28 cases; North Aceh, ten cases; and Nagan Raya ten cases;

Subulussalam City, one case; and Southeast Aceh District, one case; West Aceh, five cases; and Aceh Jaya, six cases.

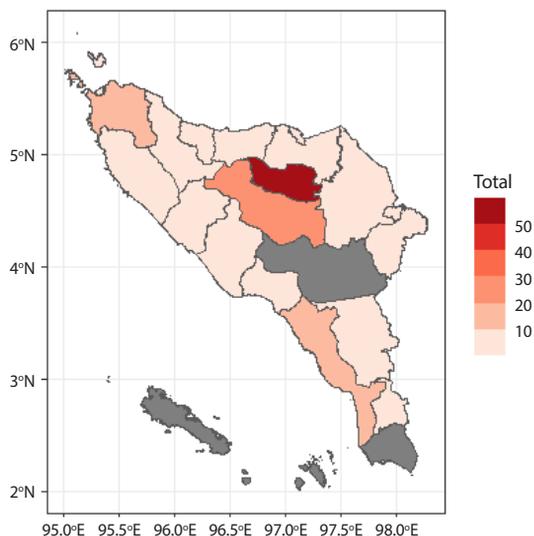


Diagram 20. Distribution of cases of enforced disappearances

### F.3 Perpetrators

315. The Commission carefully studied the testimony of victims about the nature and identity of the perpetrators of enforced disappearances. The dominant perpetrators of this crime were Indonesian security forces based at military posts (BKO/organic forces), territorial command headquarters, SGI/Kopassus forces, airforce, Marines, Brimob, Gegana, as well as pro-Indonesian militias. These forces conducted ambushes and “sweeping” operations along district roads, taking victims from their homes and summoning them for interrogation to military posts and headquarters. Forces operated individually in both overt and covert manners, although some witnesses said they also carried out joint operations that left family members’ whereabouts unknown to this day.

316. The Commission also found reports of perpetrators of enforced disappearance from GAM forces, albeit in very small numbers. Some GAM members were known to have taken alleged accomplices of the Indonesian security forces, their members who became double agents or

defected, and people they deemed not to be supportive of their cause. GAM forces operated in limited numbers, and in many cases often mimicked the methods of the Indonesian security forces.

#### **F.4 Patterns and Methods of Disappearance**

317. The Commission found a pattern of enforced disappearance that began with arbitrary arrest and detention—some cases reported in the form of kidnapping—of victims in their homes, at work, in refugee camps, in coffee shops, in markets and on the streets. The arbitrary arrests, detention and abductions were generally observed by bystanders who then notified the victims’ families. In some cases the Commission found eyewitnesses did not notify victims’ families due to security concerns.

##### ***DOM Period***

318. Most of the missing people during the DOM period were people arbitrarily arrested and detained by Indonesian security forces, especially Kopassus troops based in Sattis Posts. Victim families told the Commission that before their family members went missing, they were picked up by soldiers from Sattis Posts at home or at work. Several witnesses also told the Commission that their family members had returned home covered in torture wounds, and then disappeared after soldiers came back to pick them up or while they were undertaking mandatory reporting at the Kopassus posts.

##### ***Operation Sandi Period***

319. The Commission found that during the period of Operation *Sandi*, enforced disappearances were mostly committed by perpetrators outside victims’ homes, though in some cases the patterns from the DOM period were still apparent. Families of victims stated that victims did not return home from work, praying at the local mosque, or on their way home from outside their village or city. Some witnesses also said their family members failed to return after attending large celebrations outside the village, organized by GAM, after the revocation of the DOM status.

##### ***Martial Law and Civil Emergency Periods***

320. The pattern of enforced disappearances during the Martial Law and Civil Emergency periods was very similar to the DOM period. The

Commission found that missing persons cases began with victims being taken by Brimob, TNI BKO, Koramil/Kodim, SGI, and in a smaller number of cases, GAM. These people never returned home, although their families visited the locations where they were reportedly being held. Victims' families also testified to the Commission about the connection between enforced disappearances and extrajudicial killings. Victims' bodies would be taken and trucked away by Indonesian security forces to unknown locations.

## F.5 Key Testimonies

321. The Commission formed the view that enforced disappearance is a violation that is very difficult to reveal, given that victims' families have very little information. However, despite limited information and evidence the Commission is still able to illustrate the patterns of these violations, as well as the identities and characteristics of the perpetrators. This includes the locations where families and eyewitnesses saw their missing family members. The following key testimonies of victims' families and eyewitnesses represent a selection of cases that the Commission presents to illustrate how those who were declared missing came to be in the control of armed forces.

### *Missing Persons at Sattis Posts and SGI Headquarters*

322. Witnesses giving statements about enforced disappearance during the DOM period generally said that their family members went missing after being picked up by officers from the Sattis Post. One such post was the *Rumoh Geudong* Sattis Post. After the DOM was revoked, these posts were no longer referred to by people as Sattis Posts, but as SGI Posts. The pattern of enforced disappearances generally begins with the victim attending the post to undertake mandatory reporting, never to return.

#### **Testimony 67. Enforced disappearance of GAM at *Rumoh Geudong* post 1997**

“My name is R bint I. I am 61 years old. I work as a farmer. My husband was a member of GPK. I have four children.

“My son was tortured when he was in the 1<sup>st</sup> grade of junior high school. The perpetrator punched my son in the back of the neck in Tangse. When I got home my son complained of pain in his eyes. Day after day my son's illness got worse. His eyes were watery. I

took him to Banda Aceh twice. Surprisingly the results of the examination said my son was colour blind. After two years now my son can't see anymore. He was blind. I also took my son to a psychic in Meulaboh, but for nothing. I pawned ten *mayam* of my gold to pay for my son's treatment.

"I was detained and tortured. I'm still very traumatised. I was slapped, kicked, beaten with the butt of a gun, and told to bite a cut-off testicle. I was also told to lick up blood that a dog had been licking. Every day they would ask me when my husband was coming home. When I responded that I didn't know, they hit me. Even after I was released, I was required to report to Tangse every day. I stopped reporting after peace.

"After my husband came down from the mountains, I was no longer obliged to report. But when he came down, they took my husband. They took him right away to *Rumoh Geudong*. They tried to get him to tell them where the GAM bases were. After that I didn't hear from my husband. I don't even know where his grave is, let alone his body.

"I hope this sort of incident does not happen again and that the government will compensate me for what I sacrificed to treat my son. My son was ostracised by his friends because his father was a GPK." - NN67

323. A similar incident occurred at the Lamlo Sattis Post where the victim disappeared after coming to the post to undertake mandatory reporting.

#### **Testimony 68. Enforced disappearance of A, Lamlo, 1990**

"First there was an incident related to my father, A. He came to Lamlo Post and then the military took him to Mount Blang Pandak, to fight. My father didn't return and supposedly he has died. I don't know where his grave is.

"My incident happened around 1990. I was told to report to Lamlo Post, because they suspected my husband of being a member of GAM although I don't know if that's true. They would ask where my husband was and whether he had come home. The military found my husband, and he never returned. I never saw his body. I don't know where his grave is." - NN68

324. After the DOM status was lifted, Kopassus troops continued to commit enforced disappearances. These disappearances occurred especially when people in rural and urban communities started discussing the referendum. The following is the testimony of a member of a victim's family.

**Testimony 69. Enforced disappearance of S, Simpang Lhee, 2000**

“It happened during the conflict before the tsunami, in the period leading to demonstrations demanding a referendum. The incident started at the kiosk, where the military found my older brother. There were many soldiers. They were on an operation.

“Someone reported that my brother was GAM. The soldiers went right away and asked for my brother's identity card, telling him to come at 8:00am tomorrow to report. Then he went home to tell Mom. She told him, ‘Don't go, son. I don't feel good about this.’ ‘It's okay Mom,’ he replied. ‘I haven't done anything wrong. There's nothing wrong with just going there.’ He went there to report.

“There was a football game that afternoon, so he got there a little late at 2:00pm with RBT. He did not return. Finally, at night our Mom went there and asked the soldiers, ‘My son came here to report. His name is S.’ ‘Oh, he's not here Ma'am,’ they said. ‘Sometimes your son goes to watch football.’ ‘There's no way my son went to watch football,’ she said to them. ‘He came here.’ ‘He's not here. We don't know anything,’ they said. ‘Did you take his identity card?’ she asked. ‘No, we did not take any identity card.’ That's what they said. They pretended not to know. So, the next day my Mom came again, she sat there. Still nothing.

“Weeks passed, until a helper there said, ‘Hey Ma'am, your son was moved. That night your son was moved.’ So, my mother really knew that her son had been there. She kept going back there. Finally, she told them. G, it was him who took the identity card. You know the names.

“Finally, G apologised to my mother. ‘Ma'am, I hit your son. It was wrong of me to hit him. The person who reported him already knew the names of everyone, but they couldn't tell because they had died. He was from this village too. So those people don't run anymore. I don't know, I'm sorry, Ma'am. I brought him to Kuala Simpang. But after Kuala Simpang we don't know where he was taken, because they kept moving him and we didn't know where to look.’

“It was G who told me this and Simpang Lhee people also reported it. My mother also said not to talk about it anymore. That’s what happened.

“Every time a body is found, my mother always goes to check. From east to west, west to east. She spent all her money searching. We always went to Kuala Simpang, but still we haven’t found the body. Because they never told us what area it was in. People who worked there said that my brother was beaten ‘until we cried just looking at him.’ That’s what they said.” – NN69

325. The testimony below describes violations during the Martial Law and Civil Emergency periods. SGI troops stationed in Aceh were responsible for enforced disappearances during this time.

**Testimony 70. Enforced disappearance of B, Lueng Putu, 2003**

“In 2003, my 20-year-old son named B was mentally disturbed. He had not returned home for two nights. On the second day after *dzuhur* [noon prayers], I asked the soldiers based in *Gampung Amud Mosque* for permission to look for him on the edge of the Alue Angen mountain. With my mother, husband, and children, I called out for B on the mountain. But soldiers were conducting operations there. The soldiers threw stones at the roof of a building to get us to run, but we said we were looking for my son. ‘Is my son here?’ A soldier replied that my son, B, was there. He asked, ‘If we tell B to go home will he know the way?’ I said, ‘He knows.’ The soldier replied, ‘Well, we will try to take him home.’ We were told to go home, and they gave us a small plastic bag of *melinjo* fruit that they picked as well as a cooking pot. We didn’t know who it belonged to.’

“The next morning, I came to the Amud Mosque Post and I saw soldiers carrying B to an army vehicle. I saw that B’s face had wounds and was very swollen. B was wearing black striped shirt and grey Lea trousers. I said, ‘Where are you taking my son?’ But the soldier just said B was being taken to Lueng Putu SGI Post to be treated.

“The next morning, I went to Lueng Putu SGI Post. When I arrived at the post the soldiers called me a dog and a pig when I asked to see my son. The soldiers said that me or my husband should stay at the post. But we did not want to, because we were afraid. The soldiers also asked the local leaders from *Gampung Cot Tunong* to

come to the post so that B would be allowed to go home. But none of them would come to the post out of fear.

“I then went to Koramil Glumpang Minyeuk to ask for help to get my son released. But the Koramil soldiers said they couldn’t do anything because it was SGI Lueng Putu who took my son, not soldiers from Glumpang Minyeuk. Because our family was poor, I dared to ask the Koramil soldiers for rice. We did not have any rice at home. Thank God, the Koramil soldiers gave me some rice.

“I went to L, a policeman, one of the people from *Gampong Cot Tunong*, who had become a policeman. But L also couldn’t help, because it was the soldiers who took my son. For three nights B was at Lueng Putu SGI Post. Then I didn’t know where he was taken.

“On the day he was taken by soldiers, a man named N caught a glimpse of my son in the Blang Malu area of Mutiara Timur sub-district. B was in the car, dead, and being taken toward the west.” – NN70

### *Missing Persons at BKO Troop Post*

326. The Commission also recorded facts from key testimonies citing cases of enforced disappearance involving troops from BKO posts during the DOM, Operation *Sandi*, and the Martial Law and Civil Emergency periods. These enforced disappearances usually occurred after arbitrary arrest and detention in the victims’ homes. Victims were targeted for arrest because their names were mentioned by tortured detainees, information was provided by a *cuak*, they were caught in “sweeping” operations on main roads or caught in areas of GAM guerilla activity. The troops mentioned in these testimonies were the Rajawali Squad, the Marines, and BKO. The testimony below is about an enforced disappearance that began when the victim was picked up at his home.

#### **Testimony 71. Enforced disappearance of Mul, Simpang Empat Kota Fajar, 2002**

“It was a Thursday or Friday night around 1:00am in 2002. In the village of Suak Bubeh, *Gampong Jambo Manyang*, North Kluet Sub-district, South Aceh District. A local resident named Mul had been arrested. A group of Marines picked him up at the Simpang Empat Post in Kota Fajar. I saw a group of Marines with their faces painted, with an informant named S, when they came to our house to forcibly pick up my father.

“One of the Marines knocked on the door and smashed it with the barrel of a rifle. Before my father opened the door, he asked who it was. A Marine replied, ‘Just open the door.’ Father opened the door. My youngest sister, Z, was with my father. I was inside with my mother who was pregnant at the time. She is deceased now.

“After my father opened the door, he screamed and the Marines told him to be quiet and forced him to lie down. Some of the other troops entered and went to the second floor. They punched and kicked my father, who asked, ‘What did I do wrong?’ Two Marines cocked their weapons and pointed them at my father while one shouted ‘Shut up! Do you want to live or die?’ They tied my father’s hands and blindfolded him. They even tied my mother’s hands and blindfolded her. They threatened me with a knife, pointing it at my face. S, the informant, who was also wearing army clothes, also threatened us.

“Some Marines were still ransacking the house when others took father away. The Marines also took my father’s belongings, such as his *Rapaatmi* dance equipment which he stored in a suitcase along with clothes, knives and swords used in *Rapaatmi* dance. They untied my mother’s hands and removed her blindfold when they left about 3:00am.

“That night three households were subjected to forced pick-ups, including my father, H and B. I could hear them kicking the victims near the *dayah* [Acehnese religious boarding school], close to our house. I heard the victims were taken through rice fields to the Post that night.

“Our family did not know the whereabouts of my father after they took him. From what local residents said, my father was taken to the Simpang Empat Marine Post, Kota Fajar, North Kluet Sub-district. Our family and the village official came to this Marine Post to ask about my father’s whereabouts. But the soldiers said he wasn’t there. The family also looked for him in other places following information we received from people. We were willing to sell our property to pay for information about father’s whereabouts, from a psychic from Bakongan and *Gampong Air Pinang Tapaktuan* District. We also heard someone say that my father was taken to Java. Some say my father was taken from post to post.” - NN71

327. The Rajawali Troops also frequently carried out enforced disappearances of people they picked up at their homes. The testimony of NN72 told the Commission of family members who disappeared after being taken by these troops to the PTP Plantation Company in 2003.

**Testimony 72. Enforced disappearance of MS, 2003**

“I will tell you what happened to me and my younger brother during the conflict, in 2003. My younger brother was a member of GAM. His name is MS, usually called S. He was born in Le Alem in 1984. My brother had only been married for about six months.

“When he was arrested in the village of Alue Bujok, my younger brother was repairing a bicycle. He was arrested by members of the TNI Rajawali squad, about 15-men strong. He was also tortured. According to information I received from residents of Alue Bujok, the perpetrators stuffed paper into my brother’s mouth and set it alight. Then they took my brother on foot towards PTP, with his hands tied behind his back. At that time, two more people were arrested, N and T. I tried to find my brother at PTP, but I couldn’t. To this day, my brother’s body has not been found.” - NN72

328. The testimony below is evidence of the process of enforced disappearance by BKO troops, called the Rajawali Troops, which started with the arrest of victims during “sweeping” operations on the main roads.

**Testimony 73. Enforced disappearance of K, 2002**

“I want to tell you about the disappearance of my brother during the conflict. To this day there has not been any news of him. His name was K.

“The incident took place around 2002, in the fisheries between GAM and the security forces. He was delivering fish to his in-laws’ house on a motorcycle. He was with three friends. I did not know them. Then when he arrived at Koramil Trieng Meuduro Baroh headquarters, he was arrested by BKO soldiers from the Rajawali Unit, around 40-60 soldiers. He was detained there for several days. Then he was taken to Tapaktuan in a military vehicle.

“We looked for him at the Kodim but didn’t find him. At the Kodim they did not tell us anything. I searched for him for a month, together with RZ who worked at the sub-district office at the time. But I ran out of money and still couldn’t find him. I have no news of him to this day.” - NN73

### *Territorial Command*

329. The lowest level of the territorial command, the Koramil, was responsible for many cases of enforced disappearance, especially during the implementation of DOM and later during the Martial Law and Civil Emergency periods. Enforced disappearances at Koramil headquarters usually began with the rounding up of citizens in a field, people whose names were on their list. They transported these people to their base, and they were never again to be found. The testimony below talks about a younger brother who never returned home after being taken by soldiers to the Trienggadeng Koramil headquarters.

#### **Testimony 74. Enforced disappearance of I bin A, Trienggadeng 1990**

“I want to tell you about my younger brother who was a victim of the conflict. His name was I bin A. At the time of the incident, he was 22 years old. His education was at junior high school level.

“It was early one morning in 1990. Everyone in the village, even babies and children, was gathered in the local mosque of the village of Tamphui Kami. Everyone lined up neatly following directions. My brother arrived late. The briefing was finished by the time he arrived. He joined the line, hands on his waist, it was just his habit, not out of arrogance or acting like a thug. Then, the soldiers saw him and took him to the Ubit local mosque.

“When I asked the Company Commander why my brother was being taken, he said he would only be away briefly, that they would return him home.

“In the evening, from Ubit mosque they loaded him into a car and took him to the Trienggadeng Koramil headquarters. He didn’t return home. One day, one week, then months, he didn’t come back. Our family searched everywhere, all the way to Pantan Labu. We even asked psychics for help to find out his whereabouts.

“My younger brother was the only man in the family. As a result of this incident, mother and father had heart attacks. A year later my parents passed away.” - NN74

330. The Aceh territorial command was also responsible for the disappearance of surrendered members of GAM. These people were reported missing by their families after undertaking mandatory reporting at Koramil headquarters.

**Testimony 75. Enforced disappearance of M bin H, Keude Tangse  
1990**

“Two days after I was released, my husband returned to his village. He was told to report to the Koramil headquarters, then he was released. A week later, on a Friday, my husband reported again, and he was released again. But when he reported for the third time he did not come home. He disappeared. My husband disappeared in 1990, after going to Koramil Keude Tangse headquarters.

“My husband’s full name was M bin H. He was the second of six children. I am three years younger than my husband. He was born in the village of Simpang Teungoh, Blang Pandak, Tangse, Pidie. At the time of his disappearance, he was living there.

After my husband disappeared I was no longer threatened, I was free from the threats. But I had to earn a living and raise five young children alone.” - NN75

331. The testimony of NN76, explained to the Commission a situation where the victim was allowed to be visited by his family while he was held in detention at the Koramil headquarters. But then he went missing, and the military said he had been taken to the South Aceh Regional Command headquarters. He has not been seen to this day.

**Testimony 76. Enforced disappearance of A, Samadua 2002**

“I will tell you about what happened to my younger brother A during the conflict, in 2002. My brother was a member of GAM.

“My brother was coming down from the mountains with three friends, A, B, and F. They were returning home. When A got home, suddenly a large group of Indonesian soldiers turned up. I went inside to tell my brother to run out the back. He ran away and then the soldiers left.

“My brother came back home again. The TNI troops quickly returned, some sitting on the terrace of the house while my brother had gone upstairs to the second floor. Maybe the soldiers saw my brother’s shadow move upstairs, or the lighter spark and cigarette smoke. Because that is when the soldiers entered the house and went up to the second floor. About six soldiers. Three went upstairs and the others waited outside. They arrested A, then slapped him and pushed him into a chair. They yelled at him and hit him. My mother said, ‘No sir, no sir, don’t take my son.’ Then my mother,

who has since passed away, fainted. One of my other brothers spoke up and the soldiers hit him. The soldiers took A in a car to Koramil Samadua.

“Early the next morning my wife took a little boy named W and a younger brother to Koramil Samadua. When my wife went to the Koramil she said to them, ‘We want to see A.’ They called him and told him to come out, saying the family wanted to see him. When my wife saw him, his face was battered and swollen. He didn’t say anything, just bowed his head down. They visited for almost an hour. They were able to chat with him but couldn’t speak about anything related to the problem because the soldiers were there all the time.

“Then my wife asked A, ‘How are you feeling, does it hurt?’ Because my wife brought our youngest child R. She was holding him. He felt scared because he saw that his uncle’s face was so damaged. A asked my wife to bring clothes and his prayer mat.

“About three days later, I brought the prayer mat, clothes and some corn. When I arrived, the soldiers told me that he was no longer there, that he had run away. Some said that A was taken to the South Aceh Regional Command. In my heart I said ‘*Allahurabbi*’ [Oh My God], my brother is gone. Then my wife and mother looked for him at the Kodim. They both tried to find people they knew there. But they were not allowed to enter the Kodim.

“Every time there was news of a dead body being found, my wife and mother would go to look, for example at the hospital in Gunung Kerambil village. Sometimes when she was cooking, whenever there was news that a body had been found, my wife would go to see it. Because we definitely would know the features of our brother’s face, we would know him. To this day my brother A is still missing, and we don’t know where his grave is.” - NN76

332. Other territorial forces were also responsible for enforced disappearances, Aceh organic battalions including infantry, cavalry and artillery. Below are some key testimonies exposing their involvement in these violations.

#### *Testimony 77. Enforced disappearance of AI, 2003*

“I will tell you about what happened to my younger brother named AI, and the mistreatment that I experienced during the conflict in 2003.

“My brother was taken by the army, but to this day he has not been returned. He was taken from our home in the village of Balee. We had previously lived in the village of Kresek.

“At 8:00am four soldiers came carrying weapons. They were troops from the 112 Gunong Mata Ie Post. They came to our house showing a photo of my brother with two other people. One of those in the photo was a GAM member named M. My brother was just taking photos with GAM people, he was not a member of GAM. It’s just that in the photo he was wearing GAM clothes. The photo was found when members of the military were conducting an operation at our house in *Gampong* Kresek.

“The soldiers were looking for GAM people from outside areas who had settled in our village. That’s why the soldiers told us to leave, that if there was armed contact between TNI soldiers and GAM, then the community would be safe. My brother was taken by soldiers two days after they conducted this operation at our home.

“When they took him, my brother was putting out goat food around the house. Four soldiers came up to my brother and said, ‘Brother, you have to come to the post for a while because we need to talk.’ Then they just took him. At an intersection not far from our home they tied my brother’s hands behind his back. They also took my brother’s Honda Super Cub 70 motorcycle. The one who saw them take my brother was SP.

“They took my brother to the TNI Post which was in Mata Ie. After about a week my father and I came to see him at the Post. My brother was placed in a high hut above a mosque. Underneath there was a room, where he was laid on wooden bolsters. His hands were tied behind his back, and his legs were also tied. He only wore shorts and a small shirt. They treated him like he was a monkey.

“My father and I were not allowed to interact with him close up. We could only see my brother from about 50 metres away. My brother could only call us, ‘Father, father.’ That’s all we heard. Then the TNI asked my brother, ‘Do you know them?’ My brother said, ‘I do, that’s my father.’ It was our last meeting with him.

“The commander of the TNI Post was I who came from Java. My father N, 70, and I spoke with the commander, and we asked him why my brother couldn’t go home. I replied and showed me a

photo, 'This photo is proof that he is taking pictures, he is involved with GAM.' That was the commander's explanation to us." - NN77

333. The Indonesian Air Force's special forces, Paskhas, were also among the units reported to be responsible for enforced disappearances. The following is NN78's key testimony showing the involvement of these elite forces in the 2001 enforced disappearance of D in Bakongan, South Aceh.

**Testimony 78. Enforced disappearance of D, Bakongan, 2001**

"I was there when it happened, but I only saw it briefly. He was taken by TNI people, Paskhas, and paraded along the road, tied around the neck with a rope. He had been shot in the thigh. He was only wearing a shirt and underwear. The TNI soldiers were beating him, and asking, 'Where is the family?' He didn't answer. They paraded my brother down the road from Simpang Raja to the police station, Polsek Bakongan. I don't know how far it was.

"Before this, there had been an armed contact incident in Tunoeng in the Peukan [Market] of Bukit Gadeng. Now it's called Kota Bahagia. According to information shared by people from Bukit Gadeng, D ran away because he was afraid when he heard gunshots. He fled and hid in a pile of cloth in someone's house. TNI soldiers searched the house and saw suspicious signs on the pile of cloth and shot into the pile. D was shot in the thigh.

"They said that the soldiers took our late brother on a motorcycle directly to Simpang Raja Bakongan. When he got there his face was bruised, with blood pouring out. We couldn't even recognise his face because it was so damaged. When he was paraded through the street, they hit him with a 2-metre-long piece of wood.

"I only watched it briefly, because I was so upset to see them torture my brother. I went inside the house right away. It was other people who saw him. He was taken back to the police station. People say that he was already dead. Our family just resigned ourselves, when we saw that he had been beaten like that. They just threw his body into a car. In Acehese, we say '*binatang dipeuget*' [treated like an animal].

"To this day we don't know where his body is. We've searched everywhere and found nothing. We searched for him for a very long time. We don't know where else to look and don't know who to ask anymore. We asked the TNI in Bakongan Sub-district but all

of them have moved. If we had asked them before, they would have just taken us all. So enough, we just hope that my brother's body is returned." - NN78

### ***Brimob***

334. The elite police force, Brimob, was also responsible for enforced disappearances of people who they arrested and detained during both the DOM period and the implementation of Martial Law and Civil Emergency periods. Brimob were also responsible for the enforced disappearances of members of GAM after they surrendered. The testimony below is evidence of Brimob's involvement in the disappearance of those they arrested and detained in "sweeping" operations in villages.

#### **Testimony 79. Enforced disappearance of material vendors, 1990**

"My husband worked daily selling building materials. The incident started at 6:00am, when ten armed men in military uniforms came to our house. My husband was sick at the time. The armed men just took him, even though he hadn't had his breakfast. They took him to a local mosque, where they gathered others suspected of involvement with GAM. I know one of the TNI soldiers who accused my husband of being involved in GAM. His name was L.

"All the people were gathered in the local mosque. Some of the others who had been arrested were J, I, H and R. They were all loaded into the vehicle by Brimob officers and taken to the Task Force Post in Lamlo. Soon after, some of the men were released. But my husband was not among them. I was so sad when my son cried because his father didn't come home.

"My husband has never come home. He disappeared without news. There is still no information whatsoever about him. I have reported this incident to the authorities, but to no avail. There are reports circulating that my husband is dead. Some say that he was taken to another place after the others were released. I only saw his clothes and trousers because they were worn by I." - NN79

335. Brimob was also responsible for the enforced disappearances of GAM members after they surrendered, in several locations. Below are testimonies of victims' families to the Commission.

**Testimony 80. Enforced disappearance of AG, Kota Bakti, 1998**

“My family is in constant grief. My 17-year-old brother AG was kidnapped by Brimob during a village raid. They took him and would not return him. He was not involved in GAM. It was the time when they were called the PPRM police riot unit. Before the 1998 evacuation, my brother was kidnapped. There was information that he had been thrown into the river. I searched for weeks for him, but nothing came of it. My brother has been missing without a trace to this day.” - NN80

336. The testimony below shows Brimob’s involvement in 2002 in an enforced disappearance.

**Testimony 81. Enforced disappearance of school guards, 2002**

“My husband worked as a helper at an elementary school in Keude Padang village. They took him at 8:00am. At the time, my husband was raising the red and white flag [Indonesian national flag] at the elementary school house in Keude Padang Village. Brimob took him. Four Brimob officers came on their motorbikes. They took my husband. My husband was put in the middle of the motorbike between Brimob officers. They took him to Pengairan, in Simpang Tiga where there was a Brimob post. Brimob detained him there for several days.

“I visited that place, but I was not allowed to meet my husband. I asked the principal of the elementary school where my husband worked to come with me to the Brimob Post. But the principal did not want to accompany me. I understood that he was afraid. And the principal wasn’t the only reluctant one, no-one else dared to come.

“Then I went to the post again. I met the guard there; I don’t know if he was a Brimob officer. I asked the guard where my husband was. He told me that my husband was not there, that he’d been taken to Tapaktuan. I was told to go to Tapaktuan, so I went. Back and forth for a week, but I didn’t find my husband. I went home again.

“Then I returned to Tapaktuan. They said my husband had been taken to Meulaboh, in West Aceh. I went to find my husband in Meulaboh. But he wasn’t there. There was some news that my husband’s body was in Gunung Potong, next to Subulussalam near

Medan. But he wasn't there either. Then there was also information that my husband's body was in a hospital. I went to the hospital. I left at 8:00am and arrived at the hospital. It turned out not to be my husband. At the hospital I saw the bodies of Manggeng people and Labuhan Haji people. At our house, my family and the community prepared a *kerenda* [boards for covering the body] and also lime to treat the body.

“After searching, our family decided to perform the *Gha'ib* prayer [absentee funeral prayer] and organized a remembrance for my husband for seven days. Then when it coincided with *Eid al-Adha* [an Islamic religious celebration], we performed the *aqiqah* [a goat sacrifice] for my husband.

“I searched for my husband for years. Wherever people told me he was, I went. I even asked a psychic, but to no avail. I knew my husband was taken by Brimob in Pengairan.” - NN81

## GAM

337. GAM forces were also responsible for enforced disappearances, particularly during Operation *Sandi* and the Martial Law and Civil Emergency periods. The following are some examples of cases of GAM involvement in enforced disappearances.

### Testimony 82. Enforced Disappearance of M, 2000

“In 2000 BKO Brimob troops had arrested M, a relative of my husband, in Rasian, during a spot check. He was also from the village of Kandang in South Kluet. Two days later, on 6 March, my husband went to the North Kluet Police Station to help get M released, trying to convince the police that M was innocent. My husband happened to know many of the police officers at the station because his own brother, named MH, had served at the police station as a Deputy Sub-district Police Chief [Wakapolsek]. With my husband's help, M was finally released.

“Two days after M's release, on 8 March 2000, my husband planned to stop by his house, located at *Gampong* Lhok Sialang Rayeuk in Pasie Raja Sub-district. The *gampong* is located toward the direction of the mountain, as you ride a bicycle. My husband left at around 2:00pm. But by nightfall my husband had not returned. I was three months pregnant at the time, so it took me some time to go to M's

house and ask for my husband. M said that my husband had been to his house and then left to return home. He said that he did not see my husband being kidnapped by GAM people.

“It is thought that my husband was kidnapped on the way back home. My family and I suspect that my husband was kidnapped by GAM people. Because, when you think about it, BKO posts did not exist at all at that time. The BKO troops were not deployed very widely and were only placed in the sub-district police stations. It was impossible that police would come all the way down here when it was still a Civil Emergency.” - NN82

338. GAM personnel also often abducted their victims during night watch duties.

### **Testimony 83. Enforced Disappearance of MM, 2003**

“On 9 June 2003, it was my husband’s turn for night watch duty in his office, even though he just completed his turn the week before. As usual, he left home at 6:00pm. The next day, 10 June 2003, by 4:00pm my husband had not returned home. My mind began to wander, thinking about *ayahanda* [the name my children call their father, like ‘daddy’] who had not returned home that day, as well as the oxen in the pen that had not been fed. My husband raised oxen in his spare time after finishing his office duties. I couldn’t feed the oxen because it was only 80 days after giving birth to my second child, DD.

“It was already late afternoon and my husband had not returned home, so I asked my uncle, who is a policeman, to call my husband’s office and ask about him. But the lights went out at that time, so the telephone network also didn’t work. The electricity only came back on at 8:00pm. My uncle could only call then. I was shocked when we got word from my husband’s office that he had gone home at 6:00am as usual. My uncle contacted the police station and the Brimob headquarters, which was one of the places where people were detained at that time. At 1:00am, my uncle again informed me that my husband was not at the Brimob headquarters.

“I also asked my father to meet with GAM people to find out information about my husband. My father went to see Panglima Sagoe [the head of GAM at the sub-district level]. After telling him about my husband not returning home, the GAM leader said that they knew nothing about it.

“A few days after my husband went missing, the TNI Raider troops came and set up their post in the sub-district, at Cotpreh Ujong Blang. At that time everyone was ordered to raise the red and white flag [the Indonesian national flag]. These soldiers often entered the village. One day I was berated by them because they thought I had raised the flag at the wrong place. They ordered me to put the flag in another place. At that time one of them came up to me and said that the person who took my husband was from GAM.” - NN83

## F.6 Impact on Victims

339. The most obvious impact of enforced disappearances during the operations was a sense of terror and intimidation felt by the families of the victims. This was not entirely successful, as the family members (often women who were the mother or wife) usually continued to search for victims at various Indonesian military posts from the time they were taken. Only the families of victims who had been *cuaks* did not fully search for their forcibly disappeared family members. GAM's terror, at least, managed to silence the victims' families and force them to leave their villages. The families of these *cuak* victims only returned to their villages after the tsunami and the peace agreement between GAM and the Indonesian Government on 15 August 2005. For civilian families and families affiliated with GAM, losing fathers, younger siblings and brothers encouraged other family members to join GAM.

340. Feelings of resentment continued even decades after peace. For example, M's first son, a resident of Darul Kamal Sub-district, Aceh Besar Regency, once told him that he wanted to avenge his father's disappearance.

“I was so scared to hear it. I shared my son's wishes with his teacher and principal. Maybe it would be easier if he was advised by his teachers. Thank God, he was willing to listen to his teacher's advice and to change his intentions. At the time of his father's passing, my first child was still in third grade. Praise be to God, my two children now have degrees, and the youngest asked to study at the *dayah*.” - KD18

341. Some children in families linked to GAM had to drop out of school due to rumours that their names were on military operations lists. They had to leave their villages.

342. Economic activities of families were also disrupted. Forcibly disappeared men came from poor families of farmers and fishermen who received basic

wages or earned a daily income. After they were forcibly disappeared, their families' economic situation worsened. Wives took on the role of the head of the family, raising children. Savings and property were drained. Families spent money to travel in search of missing family members or their bodies.

343. Violence preceding enforced disappearances was often perpetrated against family members of the person being taken, even leading to killing. For example, in S's case in South Aceh, his father, F, was killed by soldiers for resisting when they took him. His mother, L, was also abused for resisting when soldiers took S out of the house. She was stripped naked and tied up. After the end of armed conflict, L was still trying to convince her family and villagers, including religious leaders and even to the Commission, that she was not raped at the time.

344. During Operation *Sandi*, although the responsibility for these operations was with the police, the practice of enforced disappearances was generally carried out by the TNI. The Commission's data shows that there were 71 cases involving TNI members as perpetrators of enforced disappearances during Operation *Sandi*. Police in charge at district and sub-district police stations were unable to control members of the TNI and joint forces manning temporary posts, such as military posts in schools and sub-district offices.

345. The Indonesian government claimed that the operations carried out in 1999 were a restoration of security that prioritised humanitarian, cultural and religious approaches. But the violence continued. The commander of ABRI at that time, Wiranto, sent riot units (PPRM) with complete combat gear.<sup>17</sup> In their efforts to resolve cases of enforced disappearance, some victims' families were asked to go from one military post to another, from the military Koramil to Kodim, and from sub-district police station (Mapolsek) to district police station (Mapolres), without legal certainty about which agency had responsibility.

346. Some victims' families stopped their search efforts when members of the family were believed to be possessed by the victim's spirit. Those possessed reportedly asked other family members to stop looking for the forcibly disappeared.

.....  
<sup>17</sup> KontraS, *Aceh, Damai Dengan Keadilan? Mengungkap Kekerasan Masa Lalu (Aceh, Peace with Justice? Uncovering Past Violence)*, (Jakarta, 2006), p. 81 (<https://kontras.org/home/WPKONTRAS/wp-content/uploads/2018/09/aceh-damai-dengan-keadilan.pdf>, accessed 23 June 2023)





The memorial monument for the human rights violations at Simpang Kertas Kraft Aceh (KKA) stands tall along the Medan–Banda Aceh highway, North Aceh. Dozens of civilians were killed on May 3, 1999—their names inscribed on the base of this monument—leaving behind a promise for a just and dignified legal resolution for the victims.

Photo: © Asia Justice and Rights/Aghniadi

1. The Helsinki Agreement provided a holistic transitional justice framework and basis for building long-term peace in Aceh. It provided amnesty for people imprisoned because they were considered members of GAM; demobilisation and reintegration of combatants along with the withdrawal of Indonesian security forces; institutional reforms to strengthen accountability and the rule of law; and the formation of local political parties to institutionalise the voice of the Acehnese people. The Helsinki Peace Agreement also constituted an agreement by all parties to fulfil the right to truth and justice, with the promise of establishing a Truth and Reconciliation Commission and a Human Rights Court.<sup>1</sup> A Human Rights Court for serious crimes in Aceh has still not been established, but by revealing the truth the Aceh TRC has taken one step towards the aspiration for accountability.
2. The Aceh TRC was formed with the objectives of: (a) strengthening peace by revealing the truth about past human rights violations; (b) assisting the achievement of reconciliation between perpetrators of human rights violations, both individuals and institutions, and victims; and (c) recommending comprehensive reparations for victims of human rights violations, in accordance with universal standards relating to victims' rights.<sup>2</sup>
3. While the Aceh TRC is not a court with the authority to make legal findings, it has built the foundation for peace by revealing the truth about human rights violations. Revealing the truth by listening to the voices of

<sup>1</sup> Chapter 2 on Human Rights, Articles 2.2 and 2.3.

<sup>2</sup> *Qanun Aceh TRC*, Article 3.

5,000 victims has had two important outcomes: accountability for perpetrators of human rights violations and recognition of victims. Accountability here does not refer to criminal or civil liability – which is the scope of the judicial process. However, the Aceh TRC *Qanun* clearly mandates the Commission “to report findings on human rights violations and alleged gross human rights violations, based on the evidence and facts that have been gathered, including an analysis of the causal factors and underlying events, political and/or economic motivations, actions and actors – state and non-state institutions – and their impacts.”<sup>3</sup> More specifically, revealing the names of the perpetrators associated with human rights violations (Article 10, f). Furthermore, Article 16 paragraph (1) of the Aceh TRC *Qanun* provides that “The Aceh TRC is obliged to prepare a report on human rights violations and gross human rights violations”.

## A. State Obligations for Human Rights Violations

4. Indonesia has constitutional, legal and international obligations to respect, protect, fulfil, uphold and promote human rights. These obligations are carried out by the state and especially the government and include effective implementation in the fields of law, politics, economics, social, culture, state defence and security, and other fields.<sup>4</sup>

5. In the event of a human rights violation, the state is obliged to: (1) ensure that any person whose rights or freedoms are violated obtains effective remedies even if the violation is committed by persons acting in an official capacity; (2) ensure that such recovery must obtain certainty from judicial, administrative, legislative or other competent institutions; (3) develop legal remedy possibilities; and guarantee that the competent institutions will carry out the recovery.<sup>5</sup> Every person whose rights have been violated has the right and can take steps to obtain remedies in various forms and through domestic and international mechanisms.<sup>6</sup>

<sup>3</sup> *Qanun* Aceh TRC, Article 8 (h). As explained in the Legal Framework Chapter, serious human rights violations are crimes against humanity, genocide and war crimes (Article 15).

<sup>4</sup> 1945 Constitution, Article 28I (4); Law No. 39, Year 1999, Article 8; These various state obligations also arise from various international human rights laws that have been ratified or acceded to by Indonesia.

<sup>5</sup> International Covenant on Civil and Political Rights (ICCPR), Article 4, para. (2); see also the CAT, the CPED, and the CEDAW.

<sup>6</sup> Law No. 39, Year 1999, Article 7 para. (1).

6. International law, including human rights law and international humanitarian law, as well as Indonesian laws and regulations, recognise and guarantee the rights of victims of human rights violations. The principal rights of victims include: (a) the right to know the truth; (b) right to justice; (c) right to reparation; (d) satisfaction; and (d) guarantee of non-recurrence.<sup>7</sup>

7. The right to know the truth includes the right of victims to receive information about the human rights violations that have occurred to them. This right entitles the State to carry out various efforts to reveal the truth, including conducting investigations into human rights violations that have occurred.<sup>8</sup> The right to truth is also a collective right and raises the obligation of the state to acknowledge all violations that occurred, including through investigations and truth seeking, preservation of archives and documents related to human rights violations, and so on. The establishment of the Aceh TRC is one of the efforts to fulfil the right to truth.<sup>9</sup> The truth seeking carried out by the Commission requires meaningful acknowledgment which is a very important element to build the dignity of the victims.

8. The right to justice includes the guarantee that victims have access to justice through various judicial mechanisms and other available mechanisms. This right gives rise to the state's obligation to investigate, prosecute and punish perpetrators, as well as the accompanying obligation to provide compensation and other reparations to victims. This right to justice requires that there should be no laws or regulations that hinder access to justice, for example rules regarding amnesty for the perpetrators of the most serious crimes, statutes of limitations<sup>10</sup> for the most serious crimes, as well as rules that acquit perpetrators by order of office, which would give rise to impunity.

.....  
<sup>7</sup> UN Commission on Human Rights, Report of the independent expert to update the Set of Principles to combat impunity, 18 February 2005, E/CN.4/2005/102; UN Sub-Commission on the Promotion and Protection of Human Rights, Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: final report. Submitted by Theo van Boven, Special Rapporteur, 2 July 1993, E/CN.4/Sub.2/1993/8; UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. Resolution adopted by the General Assembly, 21 March 2006, A/RES/60/147.

<sup>8</sup> Ibid.

<sup>9</sup> People's Consultative Assembly (MPR) Decree No. V, Year 2000 on Strengthening National Unity (*Pemantapan Persatuan dan Kesatuan Nasional*); Law No. 26, Year 2000, Article 46; *Qanun Aceh TRC*, Article 3.

<sup>10</sup> Law No. 26 of 2000, Article 46.

The obligations of the state in international criminal law for the occurrence of serious crimes and atrocities are based on the principle of *aut dedere, aut judicare* (Latin for “either extradite or prosecute”), and the state is obliged to prosecute and punish or extradite the perpetrators.<sup>11</sup>

9. The right to reparation<sup>12</sup> includes a series of actions that must be taken by the state to provide reparations to victims of human rights violations.<sup>13</sup> This right covers various aspects, both individually and collectively in the form of compensation, restitution, rehabilitation, apology, and so on. The right to reparation is fulfilled through various mechanisms including judicial, administrative, legislative as well as through other necessary steps. In addition, reparations can also be in the form of symbolic acts, for example letters of apology from state or government leaders, establishing memorials, museums, commemorations, and providing proper burials for victims. This symbolic reparation can strengthen recognition of victims, who are not only victims but citizens and rights holders. Symbolic reparations are also related to collective reparations, for example a public apology by the state government which also strengthens the status of the victims in the community by acknowledging that their rights have been violated.<sup>14</sup> It is important that this form of reparation has two main objectives related to justice: to provide measures for recognising victims and to contribute to the full restoration of their dignity.<sup>15</sup>

10. The right to satisfaction for victims is also a form of recovery for victims. This right includes, *inter alia*, stopping violations of human rights, acknowledging the truth, searching for missing persons – including

.....  
<sup>11</sup> Geneva Convention and Additional Protocol I, 1984 Convention Against Torture, Genocide Convention 1948.

<sup>12</sup> The Aceh TRC *Qanun* defines “reparation” as the victim’s right to repair or restoration which the state must provide to the victim because of the losses they have experienced, in the form of restitution, compensation, rehabilitation, guarantee of non-recurrence and the right to satisfaction. See *Qanun Aceh TRC*, Article 1 Number 21.

<sup>13</sup> UN Commission on Human Rights, Report of the independent expert to update the Set of Principles to combat impunity, 18 February 2005, E/CN.4/2005/102; UN Sub-Commission on the Promotion and Protection of Human Rights, Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: final report. van Boven Op. Cit. UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: Resolution. Op. Cit.

<sup>14</sup> OHCHR, Op.Cit., pp. 23, 25.

<sup>15</sup> *Ibid.*, p. 30.

exhuming mass graves – official declarations or judicial decisions that restore the victim’s dignity, official apologies, sanctions against perpetrators, and tributes to victims through memorials and monuments.<sup>16</sup>

11. Meanwhile, the right to guarantee non-recurrence imposes the state’s obligation to take legislative and administrative steps to ensure that there will be no further human rights violations in the future and to create conditions for the respect, protection and fulfilment of human rights as well as upholding the rule of law. The state is obliged to carry out legal reforms including constitutional reform, institutional reform, law enforcement, as well as other necessary steps including disbanding civilian armed groups, limiting or prohibiting perpetrators of violations from occupying public office through a vetting process and so on.<sup>17</sup>

12. Based on the doctrine of state responsibility, in a transitional or post-conflict context the state is still responsible for human rights violations that occurred during previous administrations. This responsibility requires the state to carry out and implement constitutional, legal and international obligations to human rights. In addition, when the human rights violations that occurred involved the state through its policies and apparatus, then the state – either directly or indirectly – is responsible. This state responsibility is for the actions committed by its apparatus or people and parties who receive “instructions”, directives, or are under the “control” of the state (*de facto organs*), such as militias or armed groups. The state must also be held responsible for violations that occur in the private sphere if evidence is found that the state failed to carry out due process or due diligence to prevent violations.<sup>18</sup>

13. In the conflict in Aceh, within the scope of the Commission’s mandate, it is important to look at the background and context of the violations in a situation of non-international armed conflict (NIAC). This is because the parties who could be held accountable for a human rights violation are not limited to state actors, but also include non-state parties. In the context of the armed conflict in Aceh, international humanitarian law (IHL) provides

.....  
<sup>16</sup> *Qanun Aceh TRC*, Article 1 Paragraph (25). UN General Assembly, Op.Cit., point 22.

<sup>17</sup> *Ibid.*

<sup>18</sup> See Inter-American Court of Human Rights, 1988 at: [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_04\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_04_ing.pdf) In this case, it was discovered that the Honduran Government had a policy of carrying out or tolerating the enforced disappearance of certain people between 1981-1984.

a legal umbrella to hold non-state actors accountable for committing human rights violations.

14. It is known that two non-state groups had different positions during the armed conflict in Aceh. The first is GAM which was fighting for independence from Indonesia through political and armed struggle. The second were militia groups organized by state actors to be used in the fight against GAM. These two non-state groups are subject to IHL.

15. The jurisprudence of the Yugoslav International Criminal Court in the case of *Boskovski and Tarculovski* provides a complete explanation of who can be referred to as a non-state group that is a subject of IHL, namely having the capability of at least one or more of the following:<sup>19</sup> 1) a command structure and disciplinary rules; 2) a command headquarters; 3) facts stating that this non-state group controls a certain territory; 4) the ability to access weapons, military equipment, recruit troops and conduct military training; 5) the ability to plan and carry out military operations, including the deployment of troops and logistics; 6) ability to determine military strategy and combat tactics; and 7) the ability to negotiate or agree to a ceasefire or peace agreement. On this basis, both GAM and the militias formed by the Indonesian security forces are legally subject to IHL.

16. Article 3 of the 1949 Geneva Convention and Additional Protocol II 1977 provides that all parties to an internal conflict have an obligation to comply with the rules of war established by IHL regarding non-international armed conflict. Pursuant to this Article, GAM and militias formed by Indonesian troops are obliged to avoid war strategies and methods that can violate human rights, including refusing – if directed or provoked by the state – the use of cruel war techniques and technology contrary to human rights law and international laws of war. The following are prohibitions for non-state actors referred to in Additional Protocol II 1997: prohibition of targeting non-combatants for military and intelligence operations; prohibition of treating cruelly those who no longer carry arms on the grounds of sickness or health or as prisoners of war; and a ban on the use of anti-personnel mines.

17. Geneva Convention IV 1949 stipulates the prohibition of parties to a conflict from coercing opposing civilians for the purpose of obtaining

---

<sup>19</sup> *The Practical Guide to Humanitarian Law* (<https://guide-humanitarian-law.org/content/article/3/non-state-armed-groups/>, accessed 2 February 2023).

information; causing physical suffering; imposing collective punishment; intimidation, robbery, and terror; acts of reprisal against civilians; and taking civilians as hostages. Chapter IV Additional Protocol II 1977 prohibits parties to the conflict from targeting civilians for military operations; prohibits acts of terror; carrying out forced transfers or evictions; causing famine; and attacking, damaging, moving, or disabling objects necessary for the survival of the civilian population.

## B. Individual Responsibility

18. International criminal law and national criminal law recognise individual criminal responsibility for perpetrators of crimes, including the most serious crimes.<sup>20</sup> In the context of crimes that fall into the category of serious human rights violations based on Law No. 26 of 2000, perpetrators can be held individually accountable in a Human Rights Court or ad hoc Human Rights Court, including the Aceh Human Rights Court.<sup>21</sup> One of the working principles of the Aceh TRC is the rejection of impunity.<sup>22</sup> This means that as well as institutional responsibility, individual perpetrators of human rights violations must be prosecuted.

19. Individual accountability is closely related to accountability for human rights violations through judicial mechanisms. Human rights violations in Aceh occurred in situations of both peace and non-international armed conflict. Therefore, individual accountability in Aceh is closely related to the qualification of perpetrators of crimes who are directly and physically responsible as well as indirect perpetrators. This is because there are modes of liability, including forms of criminal liability because of one's position as a military commander, police superior or other civilian superior. This individual accountability is also related to available judicial accountability mechanisms that are competent and accountable.

<sup>20</sup> Rome Statute Article 25 (2); Law No. 26 of 2000, Article 1 No. 4.

<sup>21</sup> Law No. 26 of 2000, Article 1 para. (4), Article 43; LoGA (Law on the Governance of Aceh), Article 228; Aceh TRC *Qanun*, Article 48 para. (2).

<sup>22</sup> Aceh TRC *Qanun*, Article 4d.

## C. Key Findings

### C.1 Accountability

20. The Commission found that during the conflict period (4 December 1976—15 August 2005), Indonesian security forces committed systematic human rights violations on a mass scale and against civilians. From the thousands of testimonies collected, it can be concluded that the human rights violations that occurred reached the threshold set by international human rights law regarding crimes against humanity and war crimes. The Commission also found that moral, institutional and individual responsibility lies with the Indonesian security forces who carried out unlawful killings, enforced disappearances, torture and sexual violence during the conflict period with almost total impunity.

21. The Commission found that during the conflict period (4 December 1976—15 August 2005) there were several cases of violations by the Free Aceh Movement (GAM) in violation of its obligations to protect civilians under Geneva Convention General Article 3 Additional Protocol II 1997. This article prohibits actions against civilians and combatants who have surrendered weapons, including unlawful killing, violence, torture and cruel treatment or punishment, and actions that are inhumane or degrading to human dignity.

22. Of the 10,652 cases of human rights violations that have been reported to the Commission, only a small number mentioned members of GAM as perpetrators:

- 100 unlawful killings out of a total of 1,143, accounting for 9 percent;
- 109 cases of torture out of a total of 3,355, accounting for 3 percent.

23. This means that only around 2 percent of the total number of human rights violations reported to the Aceh TRC identified GAM as the perpetrator. A special investigation needs to be carried out to find out whether these incidents of violations were known or ordered by the GAM leadership, and whether the perpetrators of torture were sanctioned when they were discovered by the leadership.

24. However, based on the fact that less than 2 percent of reported violation cases were committed by GAM members the Commission did not find sufficient evidence to conclude that the violations were based on orders or policies from the GAM leadership structure. Therefore, the Commission

concludes that violations by members of GAM were isolated incidents that were not part of the policy or orders of the GAM leadership structure. In accordance with IHL, GAM leaders still have authority over their members. The GAM leadership structure knew or should have known that violations of the laws of war had occurred, and it did not take sufficient action to sanction or prevent them.

25. The Commission found that the Indonesian Armed Forces and National Police (Polri) and those under their control were responsible for systematic and widespread human rights violations against civilians. These crimes against humanity and/or war crimes were committed to spread fear to control and subjugate the people of Aceh. Specifically, unlawful killings, enforced disappearances, torture, and sexual violence were used to subdue opponents, obtain information, and punish, threaten or humiliate victims. In general, acts of unlawful killing occurred after the victim had experienced arbitrary arrest and detention, torture, or when they had been taken by force. Meanwhile, acts of torture and sexual violence occurred when victims experienced arbitrary detention by being taken to detention locations, including official apparatus headquarters or secret locations used as places of detention by the military and police. In some cases, torture was carried out in public spaces, for example in a field, with the aim of spreading terror among civilians.

26. The pattern of human rights violations committed by Indonesian security forces is illustrated in data reported to the Commission, in particular:

- 810 counts of unlawful killing out of a total of 1,143, covering 71 percent;
- 348 counts of enforced disappearance cases out of a total of 348, covering 100 percent;
- 4,096 counts of torture cases out of a total of 4,319, covering 96 percent;
- 127 counts of sexual violence cases out of a total of 127, covering 100 percent.

27. Several acts of human rights violations were particularly prominent, not necessarily because they happened often but because they were egregious. These include the following acts:

**Killings and Enforced Disappearance**

- Killing by torture;
- Killing by shooting;
- Mutilating a victim's body parts before disposing of bodies;

- Forcibly disappearing victims by burying them in secret places or throwing them into ravines.

### **Torture**

- Stripping;
- Putting victims in a large barrel filled with water which was put on the ground and then victims being struck with a water hose;
- Tying the fingers of the victim until they become numb;
- Suspending the victim's body;
- Wrapping the victim's head in plastic tied around the neck;
- Placing a chair on the victim's thighs to bear weight in a see-sawing motion;
- Putting the victim's body into a well containing thorny palm leaves;
- Electrocuting the victim's body, including genitals.

Women were targeted with rape and other forms of sexual violence, and men were also targeted with a range of sexual violence. Overall sexual violence included:

- Stripping or forcing to undress;
- Threaten of rape;
- Rape;
- Forcing pregnant victims to lie on the ground and crawl;
- Forcing pregnant victims to sit down with their hands and feet tied;
- Electrocuting the victim's body and genitals.

### **Other Violations**

- Damage, destruction and looting of property;
- Extortion and forced payment of ransom and forced labour;
- Burning of people's houses, schools etc.;
- Forced displacement (where some victims later died in a new location due to the tsunami);
- Arbitrary arrest and detention without undergoing a trial in accordance with the rules of law, as well as being forced to report to security forces.

28. The Commission found that 398 children were victims of human rights violations committed by Indonesian security forces. These crimes include extrajudicial killings, torture, enforced disappearances and sexual violence. These actions were carried out to uncover information about GAM's guerrilla and clandestine networks and create fear among Acehnese

children and teenagers who wanted to join or help GAM. These cruel acts were generally carried out in public spaces, although cases show that Indonesian security forces' posts and headquarters were also used.

29. The Commission also found that 313 women were victims of human rights violations committed by Indonesian security forces. One hundred and fifty-two (152) women were victims of torture, 78 were victims of sexual violence, 76 were victims of extrajudicial killings, and seven were victims of forced disappearances. These crimes were aimed at paralysing guerrilla and clandestine groups, including punishing women for marrying GAM members or giving birth and raising children of members of GAM.

30. From data collected by the Commission, several names of operations and institutions that violated human rights have emerged as triggers for an increase in the number of cases. Further investigations need to be carried out to identify the names of individuals who bear command and superior responsibility for the following operations and institutions:

**Table 13. Names of military and law enforcement operations in Aceh**

Name of Operation	Period
Operation <i>Nanggala</i>	1977 - 1982
Operation <i>Siwah</i>	1982 - 1989
Operation <i>Jaring Merah</i>	May 1989 - 1998
Operation <i>Wibawa</i>	January - April 1999
Operation <i>Sadar Rencong I</i>	May 1999 - January 2000
Operation <i>Sadar Rencong II</i>	February - May 2000
Operation <i>Cinta Meunasah I</i>	June - September 2000
Operation <i>Cinta Meunasah II</i>	September 2000 - February 2001
Operation Law and Order Restoration I	February - August 2001
Operation Law and Order Restoration II	September 2001 - February 2002
Operation Law and Order Restoration III	February - November 2002

Implementation of Martial Law	19 May - 18 November 2003
Extension of Martial Law	19 November 2003 - 18 May 2004
Implementation of Civil Emergency I	19 November 2004 - 18 May 2005
Implementation of Civil Order	19 May 2005 - 14 August 2005

31. The Commission specifically tried to identify the perpetrators of torture based on information from victims in various regions and districts, including East Aceh, Aceh Jaya, Aceh Besar and Lhokseumawe. Victims stated that the majority of the perpetrators of torture were TNI and BKO officers, TNI Organic officers, police officers and Operational Assistance Personnel (TPO). TPOs were civilians used by the authorities as informants and to carry out acts of torture against civilians accused of being GAM.

32. To identify the characteristics and identities of perpetrators, the Commission presented 84 key testimonies in the report which explain concisely and in detail the places and chronology of incidents of torture, sexual violence, unlawful killing and enforced disappearances; the profile of victims; and especially the identity of the troops and the characteristics of the perpetrators responsible for these events.

33. As well as the actors mentioned above, the Commission also found several victims of torture, sexual violence, murder and families of victims of enforced disappearance who still remember the names of the perpetrators of the crimes against them, including:

- SUB058, experienced torture by officers from the Bukit Barisan Military Command 1, North Sumatra. One of the names of the perpetrators that the victim remembered was Lt BZA.
- SUB038, one of the victims at *Rumoh Geudong* remembered the names of the perpetrators of the torture from Kopassus officers, R and Z.
- *Rumoh Geudong* victims: apart from soldiers, the perpetrators were also civilians as informants named RK, ABC, and TD.
- A victim in Alue Rambe Village recognised the perpetrator of the torture named Haji B and his men.

34. On that basis, the Commission urges the competent authorities to immediately carry out investigations into the names of troops and individuals in these key testimonies as part of the state's obligation to hold perpetrators of crimes accountable and provide satisfactory justice for their victims.

35. The Commission also noted the involvement and responsibility of international corporations for war crimes and crimes against humanity that occurred in Aceh, namely the Exxon Mobil Corporation. The Commission's conclusion is in line with the decision of the District Court in the United States which stated that civil lawsuits from victims of violence in Aceh could be carried out at the domicile of the ExxonMobil Corporation. The court stated that there was sufficient evidence that ExxonMobil Corporation should have known that Indonesian security forces were carrying out acts of violence against residents around Arun, and there was sufficient evidence that ExxonMobil Corporation requested special security forces and had control over those forces.<sup>23</sup>

36. In the name of the right to truth, justice and peace, the Commission calls on foreign companies and government institutions that have information about the payment of "security fees", purchases and donations of weapons, equipment and security equipment to share all information with the Aceh TRC. Specifically, the Commission urges ExxonMobil Corporation, as well as its affiliate in Indonesia (PT Arun NGL), to admit their involvement in crimes against humanity that occurred in Aceh and apologise to the victims.

## C.2 Recognition for Victims of Human Rights Violations in Aceh

37. With the findings of crimes against humanity, the Commission supports the importance of immediately providing remedy to victims. This action must ensure there is acknowledgment and recognition for victims. The state must acknowledge the various human rights violations that have occurred and acknowledge the existence of the victims and their status. Victims must be given the opportunity to tell their experiences, and the human rights violations they experienced must be recognised by the state. Public recognition from official state or government bodies will contribute to affirmation and healing. In this way, the Commission will continue to carry out a symbolic form of recognition by providing victim certificates to all victims who testified to it.

---

<sup>23</sup> One week before the trial began, ExxonMobil provided payments to the 11 victims who filed the lawsuit, namely on May 15, 2023 (<https://www.cohenmilstein.com/case-study/exxonmobil-aceh-indonesia>).

Hundreds of people gathered for a memorial event at the former torture site of *Rumoh Geudong*, Bilié Aron, Pidie, on March 3, 2020. Victims, families, and civil society have regularly held this event ahead of the International Day for the Right to the Truth and Dignity of Victims of Gross Human Rights Violations since 2017, praying for those who died or disappeared during the conflict.

Photo: © Asia Justice and Rights/Aghniadi



1. Human rights protections in Indonesia were enshrined in the year 2000 amendments to the 1945 Constitution, with the amendment to the Human Rights Chapter (Article 28). Article 28 G which specifically states that:

“(1) Any person shall have the right to the protection of their person, family, honour, dignity and property under their control, and to security and protection from the threat of fear to do or not do something that is a fundamental right;

“(2) Any person shall have the right to be free from torture or degrading treatment and to political asylum from another country.”

2. The two treaties that Indonesia has ratified, the Convention Against Torture and Other Cruel Inhuman or Degrading Punishment (CAT, 1998) and the International Covenant on Civil and Political Rights (ICCPR, 2005), clearly protect the security and integrity of the human body, with prohibitions of arbitrary detention, torture, inhuman and degrading treatment or punishment, interrogation, obstruction of freedom of movement, and unfair trials.

3. Based on constitutional guarantees that protect all citizens against torture, the torture that took place widely and systematically in Aceh between 1989-2005 must be investigated and perpetrators must be prosecuted according to the rule of law. Victims of human rights violations must get justice, recognition and reparations. Victims of widespread and systematic torture have the right to justice and access to information about violations and mechanisms of remedy for what they experienced.

4. The Commission is mandated to prepare a report regarding human rights violations and allegations of gross human rights violations, based on collected evidence and facts, including analysis of causal factors, underlying events, political and economic motivations, actions and actors of both state and non-state institutions and their impacts. The Commission is required to make recommendations for the protection of human rights as affirmed in Article 16 paragraph (4) as follows:

- 1) legal, political and administrative reforms;
- 2) implementation of reconciliation mechanisms;
- 3) reparations to victims;
- 4) legal action against perpetrators of human rights violations; and
- 5) other actions.

5. The above has also been affirmed in Aceh *Qanun* No. 17 of 2013 Article 16 paragraphs (5) and (6) as follows:

“The recommendations referred to in paragraph (4) point b and letter c must be implemented by the Government, the Government of Aceh, and District/City Governments.” (Paragraph 5)

“The recommendations referred to in paragraph (4) point d must be carried out by state institutions in the field of law enforcement.” (Paragraph 6).”

6. The Commission, during the period 2016-2021, has heard testimonies from victims and victims’ families. Testimonies given through hearings have provided a comprehensive picture to the state, government, society and the international community of events experienced by victims and their families.

7. In particular, the Commission is mandated to recommend measures for just reparations to victims; legal and administrative measures to prevent recurrence of past human rights violations; and ensure that the government implements all its recommendations. This has been affirmed in Article 10 letters l, m, n.

## **Recommendations for Legal, Political, and Administrative Reforms**

8. An important component in promoting state accountability and preventing the recurrence of human rights violations and gross human rights violations is to increase the institutional responsibility of the military,

police and, particularly, the judiciary. To that end, the Commission recommends the following:

### **Legal and Institutional Reforms**

- 1) The House of Representatives of the Republic of Indonesia shall review the final report of the Aceh TRC and ensure intensive oversight of the entire security sector (TNI, police, and intelligence) to take specific and necessary measures to maintain peace, prevent and punish abuses of authority that result in human rights violations.
- 2) The government shall acknowledge the gross human rights violations that had occurred in Aceh and established a security sector reform team mandated with conducting comprehensive reforms to ensure accountability and non-recurrence of human rights violations in Aceh and throughout Indonesia.
- 3) The Indonesian House of Representatives and the government shall immediately pass the draft Torture Bill and ratify the Optional Protocol to the Convention Against Torture (OPCAT) to strengthen the legal framework to prevent and punish acts of torture, as well as review the effectiveness of the implementation of special regulations against torture (Regulation of the Chief of Indonesian National Police No. 8/2009 concerning Human Rights and Regulation of the Commander TNI No. 73/IX/2010), and other mechanisms such as the mandate of the National Police Professional and Security Division (Propam).
- 4) The Government and House of Representatives shall push for judicial reforms and revisions to the military law to ensure that human rights violations by military personnel are tried in civilian courts.
- 5) The government shall strengthen understanding and knowledge of human rights and Aceh local wisdom across all security actors (TNI, INP and intelligence agencies), to respect and protect human rights in the discharge of their duties and authorities.
- 6) The government and the House of Representatives of the Republic of Indonesia shall immediately ratify the Convention Against Enforced Disappearance of Persons; revise Law No. 26 of 2000 to include war crimes in accordance with the Rome Statute, revitalise the Human Rights Court mechanism, and immediately ratify the Rome Statute.

- 7) The Government of Aceh and the Aceh House of Representatives shall ensure that the ratification of the refugee convention is included in local regulations.
- 8) The Chief of Indonesian National Police and the Attorney General shall seek approval from the Governor of Aceh to ensure that the vertical leadership of the security and law enforcement institutions (Provincial Chief of Police and District Attorney) have their track records publicly tested during their nominations. This is to ensure that the security sector leadership in Aceh were not party to any problems during the conflict so that they can carry out their current functions and duties optimally.
- 9) The Commander of TNI shall seek approval and/or consideration from the Governor of Aceh and the Aceh House of Representatives in appointing the Aceh Regional Military Commander by ensuring that a public test of the candidate's track record is conducted.
- 10) TNI and INP shall not station security personnel in Aceh who served there during the conflict (1976-2005), in order to mitigate the traumatic impact on people who experienced human rights violations.

### **Political Policies**

- 1) The House of Representatives of the Republic of Indonesia, the government, the Aceh House of Representatives, and the Government of Aceh to formulate policies (Laws, Presidential Regulations, Government Regulations, *Qanun* and other regulations) that prioritise respect for and protection of human rights and Aceh local wisdom by involving all civil society actors who have been focusing on human rights issues, especially in Aceh.
- 2) The House of Representatives of the Republic of Indonesia and the government shall immediately implement the Law on the Elimination of Sexual Violence to ensure non-recurrence of sexual violations experienced by victims in Aceh.
- 3) *Wali Nanggroe* (the traditional cultural leader, who heads the customary governance structure in Aceh) must ensure that the Aceh House of Representatives and the Government of Aceh place the handling of victims of past human rights violations through the perspective of the special status of Aceh.

- 4) Development policy and planning by the National Development Planning Agency (Bappenas) and Regional Development Planning Agency (Bappeda) must have a human rights perspective, including developing human resources by fulfilling victims' rights, integrating them in every development programme of every Aceh governmental unit, district government unit and ministries, and involve the Aceh TRC.
- 5) The Government of Aceh shall develop policy planning with reference to the Commission's recommendations, integrating them into a development approach with a human rights perspective in the Medium-Term Development Plan (RPJM) of the National Development Planning Agency (Bappenas), the Aceh RPJM, and District/City RPJMs; ensure synergy and constructive coordination between Bappenas and Bappeda (Province and District/City) to implement the Commission's recommendations to fulfil victims' rights to remedy.
- 6) The Government of Aceh and civil society shall support programmes to empower women victims to strengthen peace and security. This includes managing innovative programmes to strengthen victims' access to justice post-conflict, supporting learning and networking activities, and social and economic activities for women victims. The Government of Aceh must also ensure legal assistance in the protection against discrimination and land rights, and support access to justice for cases of gross human rights violations.
- 7) The Government of Indonesia and the Government of Aceh shall immediately establish a claims commission as mandated in the Helsinki Memorandum of Understanding, which provided that "The Government of Aceh and the Government of Indonesia will establish a Joint Commission for Claims Settlement to deal with unresolved claims." Establishing this claims commission is important to handle claims and reparations for victims of human rights violations that have thus far not been resolved.

#### **Administrative Policy**

- 1) The government, Government of Aceh, and district/city governments throughout Aceh shall ensure that public services give precedence to the respect, protection, and fulfilment of human rights to serve

- the public interest, especially those of survivors or victims of human rights violations during the conflict.
- 2) The House of Representatives of the Republic of Indonesia and the House of Representatives of Aceh shall develop government public services that ensure the protection, respect, and fulfilment of human rights, especially for victims of human rights violations.
  - 3) The Ombudsman of the Republic of Indonesia shall maximise its role to ensure that public services respect human rights.
  - 4) The House of Representatives of the Republic of Indonesia and the Senate of the Republic of Indonesia shall continue to strengthen the Aceh TRC institution at the national level.

## Recommendations for Reconciliation Based on Local Wisdom

9. The Aceh TRC has formulated a reconciliation approach based on Acehnese customs and culture by involving customary institutions, and traditional and religious leaders based on Aceh traditions. The presence of customary institutions in the reconciliation process in Aceh is essential to mitigate problems and minimise the potential for recurrence. Traditional dispute resolution has been practised for generations by the Aceh people, even during the reign of the Kingdom of Aceh Darussalam. Traditional dispute resolution that results in reconciliation between parties is also in line with the spirit of Islamic Sharia, which has also long been grounded in the life of the Acehnese people. Reconciling two disputing parties by involving the *tuha peut* (*gampong*-level advisory council) and other *gampong* leaders as mediators is a dispute resolution practice that is a form of local wisdom in Aceh.

### **The Commission recommends the following:**

- 1) The Aceh TRC together with the Government of Aceh and all elements of society shall carry out a reconciliation process based on local wisdom of Aceh, ensuring that parties in the reconciliation process were not those involved in gross human rights violations (serious crimes) as stipulated in the Aceh TRC *Qanun*.
- 2) The reconciliation process must be oriented as part of restoring the honour and dignity of victims and their families, as well as the restoration of the reputation of the perpetrators or alleged perpetrators in the social environment of the community. This

process shall be built upon the recognition and assessment of the truth revealed in this report.

- 3) A justice perspective and sensitivity to the rights of women and vulnerable groups should be key principles in developing future reconciliation approaches. Peace in Aceh includes the elimination of violence against women.

## Recommendations on Reparations

10. From all the interactions and dialogue of the Commission with victims, as well as the documented statements of victims and their families, the urgency of justice for victims is increasingly clear.

The Commission recommends the following:

- 1) To the national government: to formulate national policies in the form of Presidential Regulations, Presidential Instructions, and other regulations so that recommendations for reparation or restoration of victims' rights can be implemented immediately.
- 2) To the Governor of Aceh: to formulate regional policies in the form of Governor Regulations, Governor Instructions, and other regulations to follow up on recommendations for reparation or restoration of victims' rights and make sure they can be implemented immediately.
- 3) To *Bupatis* (Mayors): to formulate regional policies in the form of *Bupati*/Mayoral Regulations and other policies to follow up on recommendations for reparation or restoration of victims' rights and make sure they can be implemented immediately.
- 4) To the House of Representatives of the Republic of Indonesia, the House of Representatives of Aceh and the District/City House of Representatives throughout Aceh (regions where Commission collected victim statements): to provide recommendations to the national government, the Government of Aceh, and district/city governments to follow up on the recommendations of the Aceh TRC through official policies to ensure immediate fulfilment of victims' rights to reparation.
- 5) To the national government and Government of Aceh: to establish a Trust Fund for Victims and other regulations to ensure immediate restoration of victims' rights. This policy should involve victims

and civil society in the preparation, use information collected by the Commission, respect the principle of confidentiality, and comply with the UN Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005).

- 6) The Government of Aceh: shall stipulate urgent and comprehensive reparation recommendations as an official document of the Aceh Government.
- 7) City/district governments, together with the Aceh TRC: to compile a list of sites of human rights violations and alleged gross human rights violations in order to develop memorialisation in the form of signs, monuments and so on.
- 8) The Government of Aceh, together with civil society actors and Komnas *Perempuan*: to support the Aceh TRC in developing a broad reparations programme with a gender perspective and urge the government to develop urgent recovery and reparation mechanisms for victims of sexual violence who require special treatment.
- 9) Urge the national government and the House of Representatives of the Republic of Indonesia to draft an omnibus law on the restoration of the rights of victims of human rights violations and the rights of victims of gross human rights violations.
- 10) The Witness and Victim Protection Agency (LPSK): to develop service and assistance schemes in its internal regulations to accommodate the fulfilment of the rights of victims of human rights violations who have testified to the Commission.

## **Recommendations for Legal Action Against Perpetrators of Human Rights Violations**

11. The lack of a deterrent effect on perpetrators implies that the state has no real intention to stop the cycle of human rights violations. Without serious efforts to bring perpetrators of human rights violations to justice, impunity will remain entrenched in the functioning and culture of the state apparatus. Therefore prosecution of those most responsible for crimes against humanity must proceed.

12. The Commission has conducted a thorough review of the findings from victim statements. However, regarding alleged perpetrators of human rights violations, the Commission has not conducted further investigations due to its limited authority.

13. The Commission has also conducted a review and analysis of the events experienced by victims and their families throughout the armed conflict. Findings on incidents of human rights violations include torture, enforced disappearances, extrajudicial killings and sexual violence.

14. Referring to the above, for events that can reasonably meet the threshold of gross human rights violations, the Commission recommends judicial proceedings against those who have committed serious violations of international human rights law. The Commission recommends to Komnas HAM to follow up such judicial proceedings according to its mandate pursuant to Law No. 39 of 1999 on Human Rights and Law No. 26 of 2000 on Human Rights Court.

The Commission specifically recommends the following:

- 1) The Government and the House of Representatives of the Republic of Indonesia to immediately establish a Human Rights Court to discharge the mandate of Article 228 paragraphs (1) and (2) of Law No. 11 of 2006 concerning the Government of Aceh:
  - (1) To examine, adjudicate, decide, and resolve cases of human rights violations that occurred after the promulgation of this law, a Human Rights Court shall be established in Aceh.
  - (2) The decision of the Human Rights Court in Aceh as referred to in paragraph (1) contains, among others, the provision of compensation, restitution and rehabilitation for victims of human rights violations.
- 2) The Attorney General of the Republic of Indonesia to immediately follow up on the *pro justitia* investigation conducted by Komnas HAM for three cases (*Rumoh Geudong*, *Jamboe Keupok*, and *Simpang KKA*, *Kertas Kraft Aceh*). The House of Representatives of the Republic of Indonesia to immediately establish an Ad Hoc Human Rights Court in accordance with Law 26/2000.
- 3) Komnas HAM to follow up on findings produced by the Commission of cases that should be reasonably qualified as gross human rights violations; in particular, to establish an investigative team to

continue *pro justitia* investigations of security forces and those holding command responsibilities referred to in the Findings and Accountability Section of this Report.

## Recommendations Related to Other Actions

15. History shows that Aceh has experienced prolonged conflict. To maintain lasting peace in Aceh, comprehensive long-term measures must be taken. Acehnese people in general have experienced conflict, been affected by the conflict, and heard stories of violence during the conflict. For these reasons, the people of Aceh need a means to heal and grow collectively and support for a dignified life in the community.

16. The parties need to make efforts to assume a strategic role to strengthen and implement recovery policies. Accordingly, the Commission recommends to the parties the following:

### **Human Rights Culture and Learning**

The Commission recommends:

- 1) Government and civil society to build a culture of legal and human rights awareness through revision of formal and non-formal education curricula based on the Final Report of the Aceh TRC and understanding of international human rights instruments.
- 2) The Regional Education Council to ensure that the curriculum of human rights, peace and knowledge about the Aceh conflict, based on this Findings Report of the Aceh TRC, becomes a subject of Acehnese history at high school and university levels. These curricula should be specific to Aceh's experience as part of its education system. The Council should incorporate a human rights and peace curriculum into formal and religious education in Aceh and integrate learning across generations.
- 3) Civil society to continue strengthening and building its capacity to be in solidarity with and assist victims and victims' families, to ensure that the recommendations of the Aceh TRC are implemented. Civil society should particularly focus on students who are learning about and are involved in human rights movements and victim advocacy.

### *Individual and Collective Trauma Recovery*

17. The impact of conflict and human rights violations on Acehese society has left indelible wounds on communities that have experienced collective trauma. Trauma recovery is part of the foundation of peace in Aceh. The required psychosocial approach must be sustainable (not *ad hoc*), aimed at not only certain populations but accessible to the general public, be able to respond to the needs of communities today, and be integrated with other post-conflict rehabilitation and reparation programmes.

The Commission recommends the following:

- 1) The Aceh government and civil society to improve mental health services, counselling and spaces for survivors to share traumatic experiences. Special attention must be afforded to people who continue to suffer physically and psychologically from torture or other forms of mistreatment experienced during conflict. Their conditions should be professionally diagnosed and supported with counselling and other forms of rehabilitation. The impact of the conflict on children and adolescents and their recovery must also be given attention.
- 2) LPSK (*Lembaga Perlindungan Saksi Korban*, Witness and Victim Protection Agency) to ensure the implementation of witness and victim protection as stated in the Memorandum of Understanding of the Aceh TRC and LPSK, to protect all sources who have testified to the Commission from lawsuits and other actions, and to provide support and assistance for urgent medical and psychosocial services.
- 3) The Aceh Government and House of Representatives shall ensure the effectiveness of adequate mental health services in all health facilities in communities—at least accessible at Community Health Centres (Puskesmas). These services should be accessed affordably or at least covered by public health insurance schemes.
- 4) *Gampong* government bodies to incorporate the recovery of victims of human rights violations and gross human rights violations into Development Planning Consultations (Musrenbang) to enable access to village budgets and funds.
- 5) The Government of Aceh to develop a trauma healing policy that is integrated in all services where people are given a platform to process, discuss, understand, and reinterpret their experiences in times of conflict and how they affect their lives today. This policy

needs to be implemented in a macro, collaborative, and integrated manner involving the Aceh Government Work Units (SKPA), especially related agencies such as the Health Service, Social Service, Education and Culture Service and others.

## Dissemination of the Findings Report in Indonesia and to the International Community

18. It is very important that the truth findings of the Commission's Findings Report be disseminated to all audiences, to serve as a basis for learning for the people of Aceh and Indonesia in maintaining peace and respect, protection, and fulfilment of human rights today and in the future.

The Commission recommends the following:

- 1) The Ministry of Education to collaborate with the Aceh TRC to use the Findings Report in the design of curriculum and other educational materials related to human rights, peace, reconciliation, history, law, gender studies and other relevant subject areas.
- 2) The government and partners of the Aceh TRC to support the production and dissemination of the Findings Report and related materials to ensure the continuity of this education programme.
- 3) The Aceh TRC in the next period of its work to submit the Findings Report to all Aceh peace stakeholders, including through multilingual versions, particularly in English, to the United Nations and international human rights organisations, the ASEAN Human Rights Commission, as well as developing a popular version for the wider public.

## Aceh TRC Archives and a Human Rights Museum

19. Throughout the truth-telling process, the Commission found, collected, and documented numerous testimonies, artefacts, important archival documents and literature on human rights violations during the conflict in Aceh. These are very important and need to be preserved.

The Commission recommends the following:

- 1) The Aceh House of Representatives to pass a *Qanun* which regulates the preservation, organization and use of archives. These archives shall form part of an active human rights centre that will be

developed by the Aceh TRC with the aim of remembering, respecting and learning from the history of human rights in Aceh.

- 2) Government and civil society to develop memorialisation efforts for learning and knowledge to respect victims of past human rights violations. This includes ensuring human rights days, monuments, museums to honour victims of the conflict, both living and deceased, and to have meaningful communal activities in accordance with local culture and customs targeting various age groups and sexes at the village level.
- 3) Government and security institutions to disclose all documentation related to military operations that led to human rights violations against civilians.
- 4) The Aceh TRC takes steps to access court case files (military, criminal, civil), including the ExxonMobil case in US courts, including using Freedom of Information Acts to obtain official records from Indonesia and various countries, particularly the United States of America.

## BIBLIOGRAPHY

- World Bank. (2008). *Dampak Konflik Tsunami dan Rekonstruksi terhadap Kemiskinan di Aceh Tahun 2008* (Impact of Tsunami Conflict and Reconstruction on Poverty in Aceh in 2008). Jakarta: World Bank.
- Badan Pusat Statistik Provinsi Aceh. (2020). *Jumlah Penduduk Miskin Menurut Kabupaten/Kota di Propinsi Aceh 2005-2019* (Number of Poor by Regency/City in Aceh Province 2005-2019.) See <https://aceh.bps.go.id/statictable/2020/02/04/210/jumlah-penduduk-miskin-menurut-kabupaten-kota-di-provinsi-aceh-tahun-2005-2019.html>
- Mansur, T. M. (2018). *Makna Filosofis Adat Bak Poteumeureuhom* (The Philosophical Meaning of *Bak Poteumeureuhom* Tradition). See <https://Geutheeinstitute.com/2018/03/22/makna-filosofis-adat-bak-poteumeureuhom/>
- Reid, A. (2004). War, peace and the burden of history in Aceh. *Asian Ethnicity* 5(3), 301-314.
- Sjamsudin, N. (1990). *Pemberontakan Kaum Republik: Kasus Darul Islam Aceh*. Jakarta: Pustaka Utama Grafiti.
- Nessen, W. (2016). Sentiment Made Visible: The Rise and Reasons Aceh's National Liberation Movement. Dalam A. Reid (Penyunt.), *Verandah of violence: the background to the Aceh problem* (hal. 177-188). Singapore: Singapore University Press.
- Reid, A. (2006). Colonial Transformation: A Bitter Legacy,. Dalam A. Reid (Penyunt.), *Verandah of violence: the background to the Aceh problem* (hal. 96-108). Singapore: Singapore University Press.
- Schulze, K. E. (2004). *Policy Studies 2: The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*. Washington: East-West Center Washington.
- Mashad, D., Raymond, H., Agung, S., & Haris, S. (1999). *Indonesia di ambang perpecahan : kasus Aceh, Riau, Irian Jaya, dan Timor-timur* (Indonesia on the brink of breaking: cases of Aceh, Riau, Irian Jaya and East Timor.) Jakarta: Erlangga.
- Koto, S. (2004). *Pengambilan Keputusan dalam Konflik Aceh* (Decision making in the Aceh Conflict.) (1989-1998). Surabaya: Papyrus.
- Herbani, A. (2014). *Aceh Sebagai Daerah Operasi Militer* (Aceh as Military Zone) (1989-1998). Yogyakarta: Universitas Negeri Yogyakarta.

- Sujatmoko, B. (1998). *Ladang Pembantaian di Aceh* (Killing Fields in Aceh). Jakarta: Gatra.
- Rahmany, D. P. (2004). *Rumoh Geudong, The Scar of The Acehnese*. Jakarta: LSP.
- Amnesty International. (2013). *Time to Face the Past, Justice for Past Abuse in Indonesia's Aceh Province*. Amnesty International.
- Marzuki, N., & Warsidi, A. (2011). *Fakta Bicara: Mengungkap Pelanggaran HAM di Aceh 1989-2005* (The Facts Will Speak: Exposing Human Rights Violations in Aceh 1989-2005.) Banda Aceh: Koalisi NGO HAM Aceh.
- Eda, F. W. (1999). *Aceh Menggugat: Sepuluh Tahun Rakyat Aceh di Bawah Tekanan Militer*. (Aceh Demands: Ten Years of Acehnese People Under Military Pressure.) Jakarta: Pustaka Sinar Harapan.
- Komisi Independen Pengusutan Tindak kekerasan di Aceh (Independent Commission of Inquiry on Violence in Aceh). (1999). *Ringkasan Eksekutif* (Executive Summary.) Jakarta.
- KontraS. (2006). *Aceh, Damai dan Keadilan? Mengungkap Kekerasan Masa Lalu* (Aceh, Peace and Justice? Revealing Past Violence.) Jakarta: KontraS.
- Hutagalung, D. (2004, December). *Memahami Aceh Dalam Konteks: Kajian Atas Situasi Darurat Militer di Aceh 2003-2004* (Understanding Aceh in Context: Study of the Military Emergency Situation in Aceh 2003-2004.) See: [https://www.researchgate.net/publication/242251754\\_Memahami\\_Aceh\\_Dalam\\_Konteks\\_Kajian\\_Atas\\_Situasi\\_Darurat\\_Militer\\_di\\_Aceh\\_2003-2004](https://www.researchgate.net/publication/242251754_Memahami_Aceh_Dalam_Konteks_Kajian_Atas_Situasi_Darurat_Militer_di_Aceh_2003-2004)
- Ishak, O. S. (2013). *Aceh Pasca Konflik: Kontestasi 3 Varian Nasionalisme* (Post-Conflict Aceh: Contestation of 3 Variants of Nationalism.) Banda Aceh: Bandar Publishing.
- Serambi Indonesia. (1998, Juni 10). *Tuntut Hapus DOM, Mahasiswa Mogok Makan* (Demanding to Abolish DOM, Students Go on Hunger Strike)
- Kompas. (1998, Agustus 8). *Dicabut Status DOM Aceh* (Demanding to Abolish Military Zone.)
- Missbach, A. (2012). *Politik Jarak Jauh Diaspora Aceh, Suatu Gambaran tentang Konflik Separatis di Indonesia*. (Long Distance Politics of the Aceh Diaspora, An Overview of Separatist Conflict in Indonesia.) Yogyakarta: Penerbit Ombak.
- Gade, F. (2023, Juni 23). *SBY dan Kisah Penerapan Darurat Militer di Aceh* (SBY and the Story of the Implementation of Military Emergency in Aceh.) See: <https://www.acehtrend.com/2019/05/16/sby-dan-kisah-penerapan-darurat-militer-di-aceh/> ,

- Detik.com. (2004, September 18). *4 Bulan Darurat Sipil di Aceh, 182 Sipil Jadi Korban*. (4 Months of Civil Emergency in Aceh, 182 Civilians Become Victims.) See: <https://news.detik.com/berita/210375/4-bulan-darurat-sipil-di-aceh-182-sipil-jadi-korban>)
- ICG. (2005, Agustus 15). Aceh: A New Chance for Peace. *Asia Briefing N°40*, hal. 1-18.
- Human Rights Watch. (2003). *Aceh Under Martial Law: Can These Men be Trusted to Prosecute War? A Human Rights Watch Briefing Paper*. Human Rights Watch.
- Amnesty International. (2003). *Amnesty International Press Release: Indonesia/ Aceh: Safety of civilians must be the priority*. AI.
- ICRC. (2004, Juli 1). *Indonesia: ICRC operations in Nangroe Aceh Darussalam (NAD) province*. Diambil kembali dari [icrc.org](https://www.icrc.org/en/doc/resources/documents/update/62ghus.htm): <https://www.icrc.org/en/doc/resources/documents/update/62ghus.htm>
- Hutagalung, I. (2005). *Applicability of Common Article 3 and Other Humanitarian Law in Aceh Conflict*. Unpublished.
- Government of Aceh. (2013). *Qanun Aceh No.17 Tahun 2013 Tentang Komisi Kebenaran dan Rekonsiliasi. Lembaran Aceh Tahun 2013 Nomor 17*. Sekretaris Daerah Aceh (Aceh Qanun No.17 of 2013 concerning the Truth and Reconciliation Commission. Aceh Gazette 2013 Number 17. Aceh Regional Secretary.)
- Pemerintah Indonesia. (1999). *Undang Undang No.39 Tahun 1999 Tentang Hak Asasi Manusia. Lembaran Negara Republik Indonesia Tahun 1999 Nomor 165*. (Indonesian government. (1999). Law No. 39 of 1999 concerning Human Rights. State Gazette of the Republic of Indonesia 1999 Number 165.)
- Sooka, Y. (2006, Jun2). Dealing with the past and transitional justice: building peace through accountability. *International Review of the Red Cross*, 88 (862), pp. 311-325.
- OHCHR. (2008). *Rule of Law Tools for Post-Conflict States: Reparations Programmes*. New York and Geneva: OHCHR.
- Pemerintah Indonesia dan Gerakan Aceh Merdeka. (2005). *Memorandum of Understanding Between The Government of Republic of Indonesia and The Free Aceh Movement*. Helsinki.
- Liwangsa, R.-C. (2015). The Meaning of Gross Violation of Human Rights: A Focus on International Tribunals' Decisions over the DRC Conflicts. *Denver Journal International Law & Policy, Volume 44*, 67-81.

- Council of Europe Directorate General of Human Rights and Rule of Law. (2011). *Eradicating impunity for serious human rights violations: Guidelines and reference texts*. Strasbourg: Council of Europe.
- UN Committee on Human Rights. (1993). *Forced Evictions*, E/CN.4/RES/1993/77.
- OHCHR. (2021). *Forced Evictions, Special Rapporteur on the right to adequate housing*.
- Conde, V. H. (2004). *Handbook of International Human Rights Terminology*. University of Nebraska Press.
- van Boven, T. (1993). *Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, Final Report*”, E/CN.4/Sub.2/1993/8.
- Nations, U. (1993). *The Vienna Declaration and Programme of Action*.
- International Criminal Court. (1998). *Rome Statute of the International Criminal Court*.
- UN. (1998). *Contemporary Forms of Slavery Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict, Final Report*” submitted by Gay J. McDougall, *Special Rapporteur on Contemporary Forms of Slavery*. New York: PBB.
- ICRC. (1949). *Convention (IV) relative to the Protection of Civilian Persons in Time of War*. Geneva.
- The Secretary-General of the United Nations. (1984). *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.
- The Secretary-General of the United Nations. (1966). *International Covenant on Civil and Political Rights*.
- ICRC. (1977). *Protocol Additional I and II*.
- The Secretary-General of the United Nations. (2010). *International Convention for the Protection of All Persons from Enforced Disappearance* .
- UN General Assembly. (1979). *UN Code of Conduct for Law Enforcement Officials*.
- Government of Indonesia. (2006). *Undang Undang No.11 Tahun 2006 tentang Pemerintahan Aceh. Lembaran Negara Republik Indonesia Tahun 2006 Nomor 62*. Sekretariat Negara RI.
- UN General Assembly.. (2005). *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*.
- Patino, M. C., & Huhle, R. (2020, Juli 7). *the Rights of the Victims of Enforced Disappearance Do Not Have an Expiration Date*. Diambil kembali dari

- opiniojuris.org: <http://opiniojuris.org/2020/07/07/the-rights-of-the-victims-of-enforced-disappearance-do-not-have-an-expiration-date/>
- Government of Indonesia. (1981). *Kitab Undang Undang Hukum Acara Pidana, Lembar Negara Republik Indonesia Tahun 1981 Nomor 76*. Sekretariat Negara RI. (Criminal Procedure Code, State Gazette of the Republic of Indonesia of 1981 Number 76. State Secretariat of the Republic of Indonesia.)
- Government of Indonesia. (1946). *Undang Undang Nomor 1 Tahun 1946 tentang Peraturan Hukum Pidana*. Sekretariat Negara RI. (Law Number 1 of 1946 concerning Criminal Law Regulations. Republic of Indonesia State Secretariat.)
- UN General Assembly. (1948). *Universal Declaration of Human Rights*.
- The Redress Trust. (2003). *Reparation, A Sourcebook for Victims of Torture or Other Violation of Human Rights and International Humanitarian Law*. The Redress Trust.
- Aceh TRC. (2019). *Peraturan Komisi Kebenaran dan Rekonsiliasi Aceh No.12/P-KRA/V/2019 tentang Tata Cara Baku Reparasi*. (Regulation No.12/P-KRA/V/2019 concerning Standard Procedures for Reparations.)
- National Human Rights Commission.. (2014). *Ringkasan Eksekutif Laporan Penyelidikan Pelanggaran HAM Berat Komnas HAM*. (Executive Summary, Gross Human Rights Violations Investigation Report.) Jakarta: National Human Rights Commission. See [https://perpustakaan.komnasham.go.id/opackomnas/index.php?p=show\\_detail&id=10549&keywords=](https://perpustakaan.komnasham.go.id/opackomnas/index.php?p=show_detail&id=10549&keywords=)
- National Human Rights Commission. (2009). *Laporan Sementara: Tim Kajian Kekerasan di Aceh*. (Interim Report: Violence Study Team in Aceh. Jakarta: National Human Rights Commission.)
- Wahyuningrum, S. L., & Saputra, H. (2023). Memorialisation in the Absence of Justice in Aceh. Dalam J. Melvon, S. L. Wahyuningrum, & A. Pohlman (Penyunt.), *Resisting Indonesia's Culture of Impunity, Aceh's Truth and Reconciliation Commission*.
- Komnas HAM. (2018, September 6). *Kesimpulan Penyelidikan Komnas HAM atas Peristiwa Rumoh Geudong dan Pos-pos Sattis Lainnya di Aceh*. (Conclusion of National Human Rights Commission's investigation into the Rumoh Geudong incident and other Sattis posts in Aceh.) See: <https://www.komnasham.go.id/index.php/news/2018/9/6/608/kesimpulan-penyelidikan-komnas-ham-atas-peristiwa-rumah-geudong-dan-pos-pos-sattis-lainnya-di-aceh.html>

- Cohenmilstein. (2023, May 15). *ExxonMobil - Aceh, Indonesia*. See: <https://www.cohenmilstein.com/case-study/exxonmobil-aceh-indonesia>
- Al-Chaidar, Ahmad, S. M., Dinamika, Y., & Saharso, S. (1998). *Aceh bersimbah darah : mengungkap penerapan status Daerah Operasi Militer (DOM) di Aceh 1989-1998*. (Aceh drenched in blood: revealing the implementation of Military Operations Area (DOM) status in Aceh 1989-1998.) Jakarta: Pustaka Al-Kautsar.
- UN Commission on Human Rights. (2005). *Report of the independent expert to update the Set of Principles to combat impunity*, 18 Februari 2005, E/CN.4/2005/102.
- MPR RI, Parliamentary Upper House. (2000). *Ketetapan Majelis Permusyawaratan Rakyat, Nomor V/MPR/2000 tentang pemantapan persatuan dan kesatuan nasional*. (Decree V/MPR/2000 on strengthening national union and unity.
- Inter-American Court of Human Rights. (1988, JULY 29). See: [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_04\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_04_ing.pdf)

## ANNEX

### Writing Contributors:

Adi Warsidi  
Anne Polhman  
Ati Nurbaiti  
Azriana Manalu  
Delsi Ronie  
Diah Rachmi Larasati  
Faisal Hadi  
Firdaus Yusuf  
Galuh Wandita  
Jess Melvin  
Jesse H. Grayman  
Linda Christanty  
Made Tony Supriatma  
Marty Mawarpury  
Mifta Sugesty  
Natsuko  
Papang Hidayat  
Putra Hidayatullah  
Putri Kanesia  
Raihal Fajri  
Raihan Lubis  
Raisa Kamila  
Reza Indria  
Saiful Mahdi  
Samsidar  
Sri Lestari Wahyuningroem  
Taufik Mubarrak  
Zainal Abidin

### Editors and Aligners:

Azhari Aiyub (Coordinator)  
Dodi Yuniar

Indria Fernida  
Permata Adinda  
Reza Idria  
Sentot Setyasiswanto  
Zainal Abidin

### English Translators and Editors:

Diana Salman  
Dwitri Amalia  
Galuh Wandita  
Karen Campbell-Nelson  
Miki Salman  
Mulki Makmun  
Nick Dobrijevich

### Research and Submission:

#### *Civil society organisations:*

Asia Justice and Rights (AJAR)  
Balai Syura Ureueng Inong Aceh  
Flower Aceh  
International Centre for Aceh and  
Indian Ocean Studies (ICAIOS)  
Jari Aceh  
Koalisi NGO HAM  
Koalisi Pengungkapan Kebenaran  
(KPK) Aceh  
KontraS Aceh  
KontraS Jakarta  
LBH Apik  
LBH Banda Aceh  
PASKA Aceh

Relawan Perempuan untuk  
Kemanusiaan (RPuK)  
Serikat Inong Aceh (SeiA)  
Yayasan Pulih Aceh

*Members of the Aceh TRC Working  
Group (Pokja):*

Abdul Aziz  
Ade Ikhsan Kamil  
Afrita Chandra Kirana  
Agust Surya  
April Saidi  
Aprilian Perdana  
As'adi M Ali  
Budi Aulia  
Burhanis Sultan DM  
Dian Tamara N  
Dini Anyelir  
Eli Nosalvia  
Fithri Angelia  
Fitri Rahmah  
Fitriani  
Helmiadi  
Heriyanto  
Hulaimah  
Ida Fajri  
Ikhwani  
Inka Andera  
Irna Tiban  
Ken Zuraida  
Khairil Arista  
Maini  
Maria Ulfa  
Miftahul Jannah  
Mira Suciyan  
Muhammad Azwir  
Muhammad Reza Fahlevi  
Muhammad Zubir Y  
Mukhlis Sya'ya

Munauwar  
Munzir  
Nashrun Marzuki  
Nuryanti Purba  
Nyak Anwar  
Oni Imelva  
Putri Lestari  
Rasyidin Raden  
Rusmidar  
Sayed Fuadi FR  
Sudarliadi  
T. Agus Saputra  
Yuliati  
Zulaikha  
Zulchaidir Ardiwijaya  
Zulmal Fhasya

Secretariat:

Agus Surya  
Aida Fithria Aidil Asfar  
Arita Darmayanti Arjuandi  
Aulia Firdaus  
Aulia Kurniawan  
Fachriza Syahputra, S. Pd  
Hasrijal, S. Kom  
Hery Firmansyah, S. Kom  
Ikbal  
Ismunandar  
Jazuli  
Muammar Fauza, SE  
Muhammad Sufriзал  
Muslim, SH  
Nurul Izzati, A. Md  
Rasyidin, S. Pd  
Said Asmaul  
Sauful Anwar  
Sayed Asmaul  
Sukarelawati

Surya Darma, SE  
Syarifah Maria Ulfa  
Zalia  
Zulfirman, A. Md

Statement Takers:

Abdul Arif  
Abdul Gani  
Agam Ramadhan  
Agustina  
Armiya  
Badratun Napis  
Baihaqqi  
Chairil Syah  
Dara Masyitah  
Deddy Mulyana  
Deski Rajuni  
Dwita Sarah  
Eka Wulandari  
Ernani Muzaputri  
Evi Yanti  
Fadhil  
Fadhlina  
Fadly Yusda  
Faisal  
Fakhrul Rizal  
Fitri  
Haris Fadilla  
Hermanto  
Ida Fajri  
Ikhwani  
Isna Juwita  
Ita Yani  
Khaidar  
Khairul Umam  
Lina Marlina  
M. Ahsani Taqwin  
M. Nasir Muttaqin

M. Reza Fahlevi  
M. Subhan Biruni  
M. Yahya  
Maisar  
Miftahul Jannah  
Mira Ulfa  
Muhammad Raseuki  
Muhammad Razikon  
Mukhiyar Ali  
Munir  
Muzammil  
Nova Ayunidar  
Noverrizal  
Novita Sari  
Nur Akmal  
Nur Asma  
Nurlela  
Putra Riski  
Radhiah  
Rafsanjani  
Rahmadi  
Ramadhansyah  
Rathi Oktarina  
Ratu Suci Rosa Guna  
Rijal Fahmi  
Rizal Fahlevi  
Rizkina  
Rosmidar  
Rudi Reza Kusuma  
Safrina  
Sahwani  
Said Mustawa Taisir  
Sulaiman Baharuddin  
Tjut Hendra Irawan  
Wilma Afriani  
Yendri Sahputra  
Yuli Yanda  
Yulia Munawarah  
Yusdarita

Yusra Hayati  
Zulfadli  
Zulkifli  
Zulmal Fhasya  
Zusimaira

#### Data Entry Volunteers:

Andrian Samardi  
Apri Iskandar  
Aris Munandar  
As ariah  
Cut Nyak Mehri  
Dayat  
Dewi Rara Maida  
Dhinar Sari  
Evi Yanti  
Febri Palupessy  
Fitra Ramadhan  
Hani  
Hendri Fadhil  
Ici Harmia  
Ilham  
Ipit  
Jaja Juwita  
Khairul Huda  
Khairun Nisak  
Khusnul Khatimah  
Laila Nujmi Burhan  
M. Raseuki  
Masyitah  
Maulidia  
Maya Ulfah  
Muhammad Raseuki  
Murhamma  
Muzdalifah  
Nadia Ulfa  
Nia Robiatun  
Noni Walira

Nur Husna Adilla  
Putri Azuwanna  
Raudhaturrahmi  
Rifky Firnanda  
Rika Yulis Harta  
Rini Marlina  
Riskina Fajriah  
Rizal Jarwo  
Rizqa Fitriana  
Sari Rizki  
Vivi Dina Melani  
Wilda Rahmina  
Yulis Manizal

#### Narrative Writing Volunteers:

Adam Muksal Zainal  
Agam Ramadhan  
Ahmad Tarmizi  
Amanda  
Andriani  
Aris Munandar  
As'ariah  
Azis Azwardi  
Dian Guci  
Elidar  
Elly Misra Devita  
Evi Susanti  
Fahmi Sya'ya  
Firnanda  
Fitra Ramadhan  
Friska Evi Silviana  
Herawati  
Intan Syahra Salisa  
Khusnul Khatimah  
M. Amiruddin  
M. Nazir  
Marniyati  
Masyitah Rivani

Mehram  
Muhammad Amin  
Munawwar  
Muyassir  
Nanda Herlita  
Putri Azuwanna  
Raudhah  
Rika Yusli Harta  
Rizki Maulina

Rizqa Fitriana  
Rukiyah Hanum  
Siti Istiqamah (nida)  
Siti Novia  
Wanti Maulidar  
Wardah  
Yulis Manizal  
Zulhaini Sartika

## ENDNOTE

- i. *Qanun* refers to provincial-level laws passed by the Acehese parliament.
- ii. The Aceh TRC is a permanent body; new commissioners are appointed by the Aceh parliament every 5 years.
- iii. The Aceh TRC submitted its Findings Report to the Aceh parliament on 21 December, 2023. See AJAR's press release "Aceh TRC report *Peulara Damee* reveals the truth and acknowledges crimes against humanity," <https://asia-ajar.org/press-release/indonesia-aceh-trc-findings-report-peulara-damee-reveals-the-truth-and-acknowledges-crimes-against-humanity/>
- iv. See ICTJ report "A Matter of Complicity? ExxonMobil on Trial for Human Rights Violations in Aceh" [ictj.org/sites/default/files/ICTJ-Indonesia-Aceh-Exxon-2008-English.pdf](https://www.ictj.org/sites/default/files/ICTJ-Indonesia-Aceh-Exxon-2008-English.pdf)
- v. The Old Order refers to the period of President Soekarno's rule (1945-1965)
- vi. The New Order refers to the period of President Soeharto's rule (1965-1998)
- vii. *Reformasi* or reformation began with the resignation of President Soeharto in May 1998, in response to a nation-wide student movement demanding his ousting. It signified a period of constitutional and legal reform that introduced direct elections, human rights protections, decentralization, and other reforms to strengthen human rights, justice and democracy in Indonesia.
- viii. These acronyms refer to student-led organizations at the time, namely KARMA (*Kesatuan Aksi Reformasi Mahasiswa Aceh*, Aceh Student Reform Action Unit), Farmidia (*Front Aksi Reformasi Mahasiswa Islam Daerah Aceh*, Aceh Region Islamic Student Reform Action Front); SMUR (*Solidaritas Mahasiswa Untuk Rakyat*, Student Solidarity for the People); FPDR (*Front Perlawanan Demokratik Rakyat Aceh*, Aceh People's Democratic Resistance Front); SPURA (*Solidaritas Pelajar untuk Rakyat*, Student Solidarity for the People); PERAK (*Penyambung Aspirasi untuk Keadilan*, Connecting Aspirations for Justice); HANTAM (*Himpunan Mahasiswa Anti-militer*, Anti-military Student Association.)
- ix. Henry Dunant Center for Humanitarian Dialogue (HDC) is a non-government organization based in Geneva that began facilitating peace-talks between GAM and the Indonesian Government from early 2000's.
- x. Under Indonesia's Law 26/2000 gross human rights violations is narrowly defined as crimes against humanity and genocide. See Section C. Commission's Interpretation: Human Rights Violations, Gross Human Rights Violations and Atrocity Crimes.
- xi. The National Commission on Violence against Women publishes an annual report on reported cases of gender-based and sexual violence. <https://komnasperempuan.go.id/>
- xii. During Reformasi, military reform included separating the police out of military command structure. Other reforms included removing designated military seats from national parliament, and outlawing military-owned business. See ICTJ Report, "Derailed: Transitional Justice in Indonesia since the Fall of Soeharto," (2011)

- xiii. The National Human Rights Commission is mandated to conduct a Pro-justicia investigation, a preparatory investigation to look at possible crimes under Law 26/2000 on crimes against humanity and genocide. Findings of these investigations are then referred to the Attorney General.
- xiv. On 7 August 1998, General Wiranto announced the end of Martial Law in Aceh. On 20 August 1998, Rumah Geudong was burned down. See BBC report "Rumah Geudong: *"Saya disetrum dan digantung dengan kaki di atas; trauma anak muda Aceh [I was electrocuted and hung with my feet up; traumatized young Acehnese]"* <https://www.bbc.com/indonesia/indonesia-65845473> ; Also Kompas, "*Kronologi Tragedi Rumah Geudong [Chronology of Rumah Geudong Tragedy]"* <https://www.kompas.com/stori/read/2021/11/19/120000279/kronologi-tragedi-rumah-geudong>
- xv. The official Bahasa Indonesia version contains an error in this section. After confirming with the report's editors, the Commission documented 165 acts of sexual violence, which were reported by 127 victims. Categorized according to period, there were 40 counts documented during DOM, 55 during the Sandi Operation, and 48 during Martial Law/ Civilian emergency periods. 22 other counts of sexual violence did not specify an exact time. A similar adjustment was made in Paragraph 174 in the English version.
- xvi. Another 8 victims' occupations were unreported.
- xvii. Based on this text, there are two other victims, ages 17 and 43.
- xviii. In some instances, military and police shared locations and thus counted as two locations in the truth commission database, resulting in the disparity between 165 acts of sexual violence and 198 locations. This information is relevant also in Table 11.
- xvix. Historically, AGAM (Angkatan Gerakan Aceh Merdeka) refers to the armed forces of the Free Aceh Movement. In some testimonies and in sections of this report, GAM and AGAM are used interchangeably, as in Paragraph 260.
- xx. In the original version the victim's name was coded as "I." In the English version, this has been changed to IZ for clarity.

