

Aceh Under Martial Law: Human Rights Under Fire

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After the collapse of peace talks on May 19, 2003, Indonesian President Megawati Sukarnoputri signed Presidential Decree 28, authorizing Indonesia's security forces to launch full-scale military operations against the armed, separatist Free Aceh Movement (GAM).¹ Aceh province was placed under martial law. This ended a six-month ceasefire with GAM that had resulted in a marked decrease in civilian deaths and a return to normality in most parts of the province.

Senior Indonesian military officers have stated publicly that they intend to use military force against GAM to "crush" the separatist movement. The United States, European Union, Japan and others have called on the Indonesian government to seek a political solution, but Indonesia has pressed on with its military campaign.

Human Rights Watch is particularly concerned about the consequences of military action for the civilian population in Aceh. Human Rights Watch has documented serious abuses of international human rights and humanitarian law by both sides in a series of reports over the last decade. Human Rights Watch urges the Indonesian government and GAM to abide by their international legal obligations to protect civilians and noncombatants. They are strictly prohibited from attacking or threatening civilians, and must ensure that the basic rights of the population are respected and that humanitarian assistance reaches the population at risk. Reports to date offer major reasons for concern on each of these fronts.

Indonesia's National Commission on Human Rights (Komnas HAM) announced on June 2 that it would investigate more than twenty cases involving murder, rape and forced displacement in Aceh since the conflict began. Commission member M.M. Billah stated that, "Both warring sides have violated the humanitarian law as stated in the Geneva Convention and the human rights law as well ... We call on both parties to end hostilities and reopen peace talks, and this time the talks should involve civilians."² U.N. Secretary General Kofi Annan has also voiced concern, stating on May 29 "deep concern about the impact of the renewed hostilities on civilian populations in Aceh, Indonesia, particularly by the reports of extrajudicial killings and widespread burning of schools."³

This briefing paper details seven areas of concern: a reported upsurge in extrajudicial executions, school burnings, possible forced relocation of civilians, renewed flows of displaced people in need of humanitarian assistance, crackdowns on nongovernmental organizations (NGOs) and on the press, and use of externally supplied weapons for counter-insurgency operations. Separate sections below discuss each of these issues and include recommendations for steps Indonesia and GAM should take now to prevent further deterioration of conditions.

An immediate imperative is removing far-reaching restrictions on access to Aceh. Since the fighting began, the Indonesian government has succeeded in severely limiting the flow of information from the province. It has denied access to Aceh to diplomats, independent international observers, and international human rights NGOs. It has advised U.N. humanitarian agencies and foreign humanitarian NGOs to leave the province. Indonesian NGO workers

¹ The decree authorizes operations for six months, but this is likely to be extended if the Indonesian military (TNI) has not completed its intended task within this time period.

² "Komnas HAM to probe Aceh violations," *The Jakarta Post*, June 3, 2003.

³ "Indonesia: Annan deeply concerned about hostilities' effect on civilians in Aceh," UN News service, May 29, 2003.

attempting to monitor the situation have been detained by the police. Without offering proof, several have been listed as suspected GAM sympathizers. Local phone service has been disrupted and a series of military checkpoints now controls movement along the main highway in and out of Aceh (from Banda Aceh to Medan in North Sumatra).

Human Rights Watch fears that the lack of access and monitoring by independent observers could create a climate in which military forces on both sides believe they can act with impunity and commit abuses, unreported and away from the public eye.

Lack of access to humanitarian agencies may also foreshadow a humanitarian disaster as supplies run short in the province. The government has insisted that aid be funneled through the government, but donors are concerned about possible corruption and the ability of the government to undertake this difficult logistical task.

Until independent monitors are allowed access to the province, reports of human rights violations will remain difficult to verify. Human Rights Watch welcomes the decision to allow a team from the Jakarta office of Komnas HAM, to Aceh to carry out investigations into alleged human rights violations.⁴ This is a step in the right direction, but is not sufficient. Human Rights Watch urges the Indonesian government to allow immediate access to the province for international human rights groups and observers. Lack of access will only fuel rumors and fear. If Indonesia has nothing to hide, it should immediately open the province to international and national observers.

Human Rights Watch is particularly concerned about the following developments in Aceh in its first two weeks under a state of military emergency:

1. Extrajudicial Executions

Newspaper and NGO reports have detailed numerous extra-judicial executions of civilians by the Indonesian military (TNI) in the first week of hostilities. The most widely reported took place on May 21, when Indonesian soldiers reportedly dragged a group of men and boys out of their hut in the village of Mapa Mamplam. According to eyewitnesses, the soldiers lined the victims up and shot each one dead, execution style. Among those killed were three boys, aged eleven, thirteen, and fourteen.⁵

The TNI immediately rejected these reports and set up a team composed of two soldiers and two Indonesian journalists to verify the allegations. After this investigation, the military claimed that all the villagers, including the three boys, were GAM spies.⁶ Even if true, it would not of course justify the summary execution of the villagers.

The TNI was also reportedly responsible for the summary execution of ten civilians in Bieureun district, two in Pata Mamplam, two in Pulo Raboe, and six in Cot Raboe, including two twelve-year old boys.⁷

⁴ "Rights body to go to Aceh despite government's reservation," *The Jakarta Post*, May 29, 2003.

⁵ "Youths massacred in Aceh Village," BBC News World Edition, May 23, 2003; "Indonesia sends hundreds more troops to Aceh, says 29 rebels killed," Agence France-Presse, May 22, 2003; "Young Blood," *Time Asia*, June 2, 2003.

⁶ "Military inquires into Aceh shootings," *Sydney Morning Herald*, May 26, 2003; "Indonesian army claims shot boys were spies," *South China Morning Post*, May 28, 2003.

⁷ "Indonesian troops accused of massacre," *The Guardian*, May 22, 2003; "Children massacred by military in Aceh," *The Age*, May 23, 2003.

In separate media reports villagers told reporters that on May 25, 2003 government troops had killed three civilians in Peusangan and one civilian in Bukit Sudan.⁸ On May 23 and 24, five men were reportedly shot and killed by Indonesian soldiers in the village of Seunade.⁹

2. School Burnings

UNICEF has reported that 425 schools were burned down from May 19 to May 28 (207 in Pidie, 131 in Bireuen, 28 in Great Aceh, 31 in East Aceh Timur, 15 in Aceh Jaya, the rest in four other districts). UNICEF reported that the school burnings have already affected the education of at least 60,000 children.¹⁰

The Indonesian military and the GAM have accused each other of the arson attacks. Until an independent and impartial investigation is carried out, it will be unclear who should be held accountable for these acts. Eyewitness accounts have consistently stated that the school burnings were undertaken by men in civilian clothing.

International humanitarian law provides that buildings normally dedicated to civilian purposes, such as schools, are protected during armed conflict when not used for military purposes. Deliberate attacks on schools is a serious violation of customary international humanitarian law. Human Rights Watch condemns the burning of schools and urges the government of Indonesia and GAM to provide adequate protection to secure all educational facilities in areas of the province under their respective control.

3. Forced Relocation of Civilians

In an effort to identify GAM members, the Indonesian military has reportedly engaged in operations to physically separate civilians from suspected armed separatists. Human Rights Watch has received credible accounts from Banda Aceh of the creation of camps for this purpose.

General Endriartono Sutarto, the commander of Indonesia's armed forces, has publicly stated that hundreds of thousands of Acehnese may be forced from their homes and interned in camps. He is reported as stating that local government officials were already preparing such facilities, but with an allegedly benign motive: "Our first priority is to separate GAM from the people, because we don't want any people to get hurt. If we have to move them to win this war, we will, but that's a last resort."¹¹

Up to 200,000 people may be moved from their homes and placed in special camps under military guard. Indonesia's Minister of Social Affairs is reported to have said: "We are waiting for an order from the military administration. Should they want to comb a certain area, we will move people from their homes."¹²

⁸ "Indonesia Army Denies Targeting Civilians," Associated Press, May 25, 2003.

⁹ "Summary executions become routine in Aceh as Jakarta's generals break their promises," *The Independent* (UK), May 26, 2003.

¹⁰ "Humanitarian assistance urgently needed for children in Aceh," UNICEF, May 23, 2003; Indonesia: OCHA Consolidated Report 24 May – 29 May.

¹¹ "Indonesia 'Forcing Families to Leave Island,'" *The Guardian*, May 23, 2003.

¹² "Indonesia will intern civilians in war against Aceh rebels," *The Times* (UK), May 22, 2003; "Aceh civilians to be interned in camps," *The Straits Times*, May 23, 2003; "Military sets up camps for thousands of Acehnese, to replace ID cards," *The Jakarta Post*, May 28, 2003.

On June 3, Colonel Ditya Sudarsono, spokesman for the martial law administrator, told reporters that, “It is quite possible for troops to have forced them [civilians] to leave their homes as part of security operations to distinguish them from GAM rebels. But once troops finished combing the area, the residents may return to their homes. Our objective is to protect civilians and to keep them from becoming victims of GAM.” He went on to say that security forces would regard villagers who refuse to be moved as GAM because “that means they are protecting GAM and that makes them GAM members or its supporters.”¹³

Human Rights Watch is concerned about potential mistreatment of civilians who refuse to leave their homes and the use of population movements for military convenience—not, as General Endriartono suggests, as a last resort or solely for the protection of civilians. Human Rights Watch reminds the Government of Indonesia that mass relocation or displacement of civilians solely for the purpose of denying a willing social base to the opposing force is prohibited by international humanitarian law. The government of Indonesia should refrain from ordering the displacement of people unless there are genuine concerns for the security of the civilians involved, or there are imperative military reasons that demand such action be taken. Should such displacements be carried out, all possible measures should be taken to ensure that the sites to which they are relocated offer satisfactory conditions of shelter, hygiene, health, safety and nutrition.¹⁴

Human Rights Watch has also received accounts from NGOs and press sources that GAM forces have been forcibly collecting identification cards from villagers.¹⁵ According to these sources, GAM has done this to protect its members and supporters from arrest by making it impossible for Indonesian forces to separate individuals on government lists of GAM members and supporters from other Acehnese. However, this tactic may put all young males—the most obvious source of potential GAM supporters—at risk of being accused of membership in GAM and suffering ill-treatment as a result. Human Rights Watch has already received reports that soldiers have accused civilians without identification cards of being GAM supporters. The Indonesian authorities have responded by announcing that all Acehnese will be issued with new identification cards.

Human Rights Watch calls on GAM to cease the practice of confiscating identification cards immediately. It also calls on the TNI and other security forces to refrain from taking action against civilians who are unable to produce identification cards.

4. Renewed Flows of Displaced People in Need of Humanitarian Assistance

Decades of conflict in Aceh have resulted in a population regularly forced to flee its homes and seek protection in other parts of the province. Internally displaced persons (IDPs) in Aceh have been a long-term problem that the Indonesian government and international humanitarian agencies have been addressing for many years.

¹³ “Indonesian army says it may have created some of Aceh’s 25,000 refugees,” Agence France-Presse, June 4, 2003.

¹⁴ Geneva Conventions, Protocol II, art. 17, which is considered reflective of customary international law, provides that the “displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand.”

¹⁵ “Probe into Aceh killings,” BBC World News, May 24, 2003; “The World Bank Suspends Assistance Project in Aceh,” *The Wall Street Journal*, May 27, 2003; “Acehnese flee their homes in fear of military sweep,” *The Jakarta Post*, May 29, 2003.

The renewed conflict in Aceh has already created a new IDP problem. Office for the Coordination of Humanitarian Affairs (OCHA) reported that information from the Crisis Centre at the Provincial Health Department on May 28 indicated that there were 5,661 families (21,252 people) who were now internally displaced in Aceh Province.¹⁶ On June 3 the Indonesian government said that 25,000 civilians are now living in sixteen tented camps in nine districts of Aceh.¹⁷ The numbers may be higher. The Indonesian Government has estimated that as many as 200,000 people could eventually be displaced by the renewed conflict and is setting up temporary shelters to prepare for this.¹⁸

Human Rights Watch welcomes the public position of the Indonesian government that an integrated humanitarian operation will accompany military operations in order to minimize the effects that fighting will have on the civilian population. The Indonesian Government has committed itself to providing humanitarian assistance to IDPs in the form of food, shelter and access to medical treatment. The government is ultimately responsible for the humanitarian needs of the population under its authority, including those who are internally displaced. It must act immediately to ensure that the humanitarian needs of the civilian population in Aceh are met and make preparations for their longer-term support.

However, Human Rights Watch is concerned that insufficient preparation for emergency humanitarian assistance had taken place prior to the launching of military operations and that progress since then has been limited.

Since May 19, regular supplies to Aceh from North Sumatra have been restricted, in part due to a lack of drivers willing to drive on the increasingly hazardous road between Banda Aceh and Medan. The result has been a shortage of food, oil and medical supplies. On May 28 the Indonesian Red Cross told reporters that they were already facing a shortage of food and medical supplies.¹⁹ Unless immediate steps are taken to ameliorate this problem, a humanitarian disaster could follow.

The Guiding Principles on Internal Displacement provide basic principles on the state's duty regarding humanitarian assistance.²⁰ According to Principle 18, authorities are obliged to provide displaced persons with food, water, shelter, clothing, and medical services, or to ensure their access to these necessities.

Human Rights Watch is also concerned that the Indonesian government has advised all foreign NGOs, including humanitarian agencies, to leave Aceh because of security concerns.²¹ U.N.

¹⁶ Indonesia: OCHA Consolidated Report 24 May – 29 May.

¹⁷ "Indonesian army says it may have created some of Aceh's 25,000 refugees," Agence France-Presse, June 4, 2003.

¹⁸ "Civilians Feeling Impact of Aceh Fighting," Associated Press, May 28, 2003; "Indonesia warns aid agencies to leave Aceh," *Financial Times* (UK), May 27, 2003; "Highway to Hell," *South China Morning Post*, May 28, 2003.

¹⁹ "Aceh desperate for food, medicine," *The Jakarta Post*, May 28, 2003.

²⁰ The Guiding Principles on Internal Displacement (the Guiding Principles), adopted in September 1998 by the U.N. General Assembly, reflect international humanitarian law as well as human rights law, and provide a consolidated set of international standards governing the treatment of the internally displaced. Although not a binding instrument, the Guiding Principles are based on international laws that do bind states as well as some insurgent groups, and they have acquired authority and standing in the international community.

²¹ "Aid workers leaving Aceh," Reuters, May 27, 2003.

agencies still in Banda Aceh—UNICEF, OCHA and WHO— are not allowed to travel outside of the provincial capital because of security concerns. In a statement issued on May 29, the U.N. secretary-general called on the Indonesian government to “ensure the necessary security conditions to allow international aid organizations safe and unhindered access to affected populations.”²² Human Rights Watch supports this demand. The Indonesian authorities should immediately allow unhindered access to Aceh to impartial humanitarian agencies. Experienced agencies should be allowed to deliver aid directly to needy populations, instead of routing aid through the Indonesian authorities, as the government has insisted.

5. Crackdown on NGOs and Activists

Human Rights Watch is particularly concerned by the Indonesian military’s public pronouncements that it will crack down on civil society groups and members it suspects of being GAM sympathizers.

On June 3, Sayed Musaini, the Aceh provincial police spokesman, said that students and other activists who support separatist guerillas in Indonesia’s Aceh province will face subversion charges. He said that the police had a list of activists who support or assist GAM. “We will use the criminal code article on subversion, which carries up to the death sentence, against them,” said Sayed. Sayed did not specify the number on the list, but said “they number a lot.” He identified some as students at the Ar-Raniry State Institute for Religious Sciences in Banda Aceh, and others as NGO members. He specifically named Kautsar bin Muhammad Yus, son of the head of the provincial parliament, as among the group. He also named the Information Center on a Referendum for Aceh, a pro-independence organization, and Society’s Solidarity for the People.²³

Sayed’s comments followed a briefing on May 21 by Major General Endang Suwarya, who announced that the TNI would arrest members of NGOs who they believed to be supporting separatist activities.²⁴ Suwarya specifically identified two NGOs: SIRA (Sentral Informasi Referendum Aceh, Aceh Referendum Information Center) and SMUR (Solidaritas Mahasiswa Untuk Rakyat, Student Solidarity for the Peoples’ Movement). SIRA and SMUR have long been targeted in Aceh for being aligned with GAM, though no evidence has been produced of any formal political or military link.

Human Rights Watch has also received reports that the Indonesian military has a more comprehensive list of targeted NGOs, which includes the Banda Aceh branch of the established and respected national human rights NGO, “The Commission for the Disappeared and the Victims of Violence”(Kontras).

On May 26 and 27, a uniformed group calling themselves Pemuda Panca Marga attacked the Central Jakarta office of Kontras. Pemuda Panca Marga is a youth group with close links to the military that Human Rights Watch has reported to be involved in numerous incidents of pro-government violence in the past.

At 2:30 p.m. on May 26, approximately twenty members of Pemuda Panca Marga arrived at the Kontras office and accused staff of pro-separatist leanings and opposing a unitary Republic of

²² “Indonesia: Annan deeply concerned about hostilities’ effect on civilians in Aceh,” U.N. News service, May 29, 2003.

²³ “GAM supporters may face death penalty,” *The Straits Times*, June 4, 2003.

²⁴ “Jika Ada Bukti, Aktivis dan Simpatisan GAM Akan Ditangkap,” detikcom, May 21, 2003.

Indonesia. Members of Pemuda Panca Marga physically assaulted Usman Hamid, a senior presidium member of KontraS, and burned a KontraS banner. Four police officers present during the attack refused to intervene despite appeals by KontraS staff.

At 12:30 p.m. on May 27, approximately 100 Pemuda Panca Marga members returned to the KontraS office. They physically assaulted three senior members of KontraS, Coordinator for the Presidium of KontraS Ori Rahman, Public Opinion Coordinator Gian Moko, and Usman Hamid. They also destroyed part of KontraS' offices. During the hour-long attack, the police failed to respond to repeated calls for assistance. Two police officers finally arrived a half-hour after the group had dispersed. Two men have reportedly been arrested for their involvement in the attack.

NGOs have reported several arrests and detentions of civil society members in Aceh. On May 20 Cut Asikin, chair of the Srikandi Aceh women's rights organization, was arrested by the police. The Banda Aceh Police Chief, Adj. Sr. Comr. Alfons, claimed that Cut was the leader of GAM's women's military wing. It is believed that Cut will be charged under Indonesia's new anti-terrorism legislation.²⁵

On May 24, twelve students from IAIN Ar-Raniry University and five others were arrested by members of Brimob (Mobile Police Brigades) while at a student center in Banda Aceh. The military has accused each of being a member of GAM. This has been refuted by other students at the university. Their whereabouts remain unknown, fuelling fears about their safety.²⁶

On May 27, four members of the human rights group Koalisi NGO HAM were arrested and detained at the Banda Aceh police station. They were later released without charge.²⁷

Freedom of association and freedom to engage in peaceful political activities should not be compromised. Human Rights Watch urges the Indonesian government to ensure that civil society groups and human rights defenders are able to continue their work in safety and without fear. Given the poor training of TNI members and other security services, the labeling of NGOs as GAM sympathizers may lead to arbitrary arrests and even violence against civil society members in Aceh. By targeting NGOs, it appears that Indonesia hopes to limit the ability and willingness of local NGOs to conduct human rights monitoring, investigations, and reporting.

6. Press Freedom

Human Rights Watch is alarmed at attempts by the Indonesian military to control press coverage of military operations in Aceh. Indonesia has followed the example of the United States in Iraq by "embedding" Indonesian journalists with TNI units. But those embedded are not allowed to report freely on what they observe. On May 21, Aceh's military commander, Major General Endang Suwarya said, "I want all news published to contain the spirit of nationalism. Put the interests of the unitary state of Indonesia first. Don't blow up the news from GAM."²⁸

In response to press reports that the Indonesian military had executed civilians, including children, TNI spokesman Major General Sjafrie Sjamsoeddin announced that the military intended to sue the Indonesian newspaper, *Koran Tempo*, for running the story. He added that Agence France-Presse may also be sued for the same story. Sjamsoeddin told the *Jakarta Post*

²⁵ "Aktivis Perempuan Aceh Cut Nurasikin Resmi Tersangka Makar," detikcom, May 22, 2003.

²⁶ "Fear for Safety," Amnesty International UA: ASA 21/022/2003, May 28, 2003.

²⁷ Human Rights Watch communication with NGO representative in Aceh, May 27, 2003.

²⁸ "Covering both sides a tough challenge in Aceh war," *The Jakarta Post*, May 23, 2003.

that, “We will officially sue *Koran Tempo* newspaper because it must be held accountable for the headline ... Later development does not rule out the possibility of suing AFP.”²⁹

The New York-based Committee to Protect Journalists (CPJ) has reported that military officials have issued warnings to the newspaper *Serambi Indonesia* and Metro TV for carrying reports considered favorable to GAM. CPJ also stated that the private radio station Nikoya FM in Banda Aceh received a telephoned death threat from someone claiming to be a GAM commander. The caller threatened that GAM would kill a reporter if the station did not start carrying more balanced news.³⁰

Several foreign and national newspapers have also reported that soldiers have barred press access to many areas in Aceh province and that journalists have been fired upon.³¹

Human Rights Watch urges the Indonesian government to respect press freedom and to allow full and independent coverage of the war. Silencing or censoring the media will only fuel misinformation and create conditions for human rights abuses. Human Rights Watch also urges both sides to protect journalists and to respect their physical integrity in this conflict.

7. Weapons Sales and Training

On the first day of renewed conflict the Indonesian military used British- and American-made military equipment to launch the operation. Local media reported that four British Hawks were used to escort transport planes carrying troops to Aceh. They also reported that the rocket attacks on the first day were launched by two American OV-10 Bronco ground attack aircraft and that C-130 Hercules transport planes were used to drop paratroopers at the start of the operation. British-made Scorpion tanks were also seen being loaded onto boats bound for Aceh from Java a few days before the state of military emergency was declared. There is no substantiated evidence so far that British- or American-sold weapons have been used in offensive attacks on civilian populations.

In recent years numerous other countries, including members of the European Union, have approved transfers of military equipment to Indonesia. The U.K. has repeatedly assured human rights organizations that it has obtained undertakings from Indonesia that British equipment would not be used for internal repression or in counter-insurgency operations in Indonesia. The U.S. also currently imposes human rights conditions on lethal arms sales and supplies to the TNI.

In late May General Endriartono Sutarto told the *Guardian* that he was not concerned about promises made to arms-supplying countries before the purchase of weapons. “In order to cover the whole region and complete the job, I am going to use what I have,” he said. “After all, I have paid already ... If we don’t use them [for air-to-ground operations], we don’t use them,” he said. “But who knows?”³²

On June 3, the Indonesian Foreign Ministry rejected the request of a visiting British diplomat to refrain from using British-made Hawk aircraft in the conflict. Indonesian foreign ministry spokesman Marty Natalegawa denied that any agreement existed with the U.K. over the use of

²⁹ “TNI to sue ‘Koran Tempo’ over alleged false report,” *The Jakarta Post*, May 28, 2003.

³⁰ “Indonesia: Military curbs press coverage in Aceh,” Committee to Protect Journalists, May 23, 2003.

³¹ “Military Inquires into Aceh shootings,” *The Sydney Morning Herald*, May 26, 2003; “Don’t shoot the messengers,” *The Jakarta Post*, May 29, 2003.

³² “Military chief defends use of British jets,” *The Guardian*, May 22, 2003.

the aircraft, saying that, “Even if such an agreement does exist, what we are doing in Aceh is to protect our territory and people from terrorist acts by GAM.”³³

Great scrutiny is necessary of the use of weaponry in Aceh. Human Rights Watch has long called for arms transfers to Indonesia to be conditioned on human rights improvements. At a minimum, arms-supplying states must insist that any sales be accompanied by safeguards to ensure the weapons are not used for domestic security operations, such as suppressing separatist movements in Aceh and elsewhere. Arms-supplying countries must also live up to their international commitments not to supply weapons where, for example, they are likely to be used for internal repression or in violation of international humanitarian law.³⁴

In light of concerns about the potential for serious abuses in the Indonesian campaign in Aceh, Human Rights Watch urges arms-supplying countries to consider a moratorium on arms transfers to Indonesia. Those states that have provided Indonesia with military assistance, including weapons, other equipment, and training, have a special responsibility to ensure that such assistance is not used to contribute to human rights violations. As such, they should impose strict conditions on the permitted use of the weapons or other military assistance, consistent with human rights and international humanitarian law standards. They also should put in place effective measures to monitor and ensure accountability for any misuse of the weapons or other assistance. Indonesia has a complementary duty to keep and offer for inspection the documentation necessary to demonstrate how it has used foreign-supplied equipment, and if necessary provide other forms of access to facilitate effective end-use monitoring.

³³ “Indonesia rejects British appeal not to use Hawks in Aceh,” Agence France-Presse, June 3, 2003.

³⁴ Many countries have acknowledged their responsibility as weapons suppliers to adhere to minimum arms export criteria on the observance of human rights and compliance with international humanitarian law. See, for example, the 1993 OSCE Criteria on Conventional Arms Transfers, the 2000 OSCE Small Arms Document, the 1998 European Union Code of Conduct on Arms Exports.

Appendix: International Humanitarian Law Obligations

Indonesian and GAM forces in Aceh are bound by international humanitarian law (also known as the laws of war). The conflict in Aceh is considered to be a non-international (internal) armed conflict, for which the applicable law includes Article 3 common to the four Geneva Conventions of 1949, the Second Additional Protocol to the Geneva Conventions (Protocol II), and the customary laws of war.

Indonesia became a party to the Geneva Conventions in 1958. Although Indonesia is not a party to Protocol II, many if not all of its provisions reflect customary international law. Common article 3 to the Geneva Conventions provides for the humane treatment of civilians and other persons not taking an active part in the hostilities (including captured members of opposing armed forces). Prohibited at all times are murder, mutilation, cruel treatment and torture; taking of hostages; outrages upon personal dignity, in particular humiliating and degrading treatment; and summary trials.

A fundamental rule of humanitarian law is that the civilian population and individual civilians shall not be the object of attack. Acts or threats of violence against the civilian population that spread terror are also prohibited.

In addition to protections from inhumane treatment and direct attack, humanitarian law protects the civilian population in other ways. Armed forces may not destroy objects indispensable to the civilian population. Humanitarian law prohibits attacks that are either indiscriminate or disproportionate. Indiscriminate attacks are those that are not directed at a specific military target or are carried out in a manner or with weapons that cannot be so directed. They are attacks that strike military objectives and civilians or civilian objects without distinction.

Parties to an armed conflict must allow humanitarian relief to reach civilian populations suffering undue hardship owing to a lack of foodstuffs and medical supplies essential for their survival.