

EUROPEAN PARLIAMENT

1999



2004

Session document

17 November 2003

B5-0507/2003

MOTION FOR A RESOLUTION

tabled for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 50 of the Rules of Procedure

by Matti Wuori, Nelly Maes and Patricia McKenna

on behalf of the Green/EFA Group

on the situation in the Aceh province, Indonesia

PE 338.632

European parliament resolution on the situation in the Aceh province, Indonesia

The European parliament,

- Having regard to the recent appeal of the United Nations secretary-general Kofi Annan to open the Aceh province for human rights and humanitarian aid organisations

A. Whereas the Co-ordinating Minister for Political and Security Affairs Susilo Bambang Yudhoyono admitted the meaninglessness of the six-month extension on November 19 of the Aceh military campaign by the Indonesian Armed Forces (TNI), due to its inability during the previous six months to hunt down the GAM rebels, and because the soaring war costs are a drain on the national economy,

B. Whereas according to the statements of the Indonesian non-governmental human rights organisations Imparsial and KontraS, the extension of the Emergency rule only serves the purposes of the military,

C. Whereas on November 13 the National Commission on Human Rights (Komnas HAM) appealed to the Government of India to install a cease fire and to return to the negotiating table, ascertaining that human rights violations and the violation of international humanitarian law have taken place in Aceh,

D. Whereas no other than the demonstrably unsuccessful military approach to the Aceh political problem has been truly executed by the Government of India which was to initially launch a three-pronged approach involving also a humanitarian and economic build-up components,

E. Whereas the first six months of the renewed Aceh military campaign have disrupted the food and health security of local people, led to the destruction of infrastructure and of at least 600 schools, and to tens of thousands of voluntarily or forcefully internally displaced peoples with no recourse to any meaningful aid,

F. Whereas according to the Nanggroe Aceh Darussalam Governor Abdullah Puteh unemployment and poverty have reached alarming rates,

G. Whereas soon after the initial Government of India declaration of the Martial Law in Aceh on May 19 the province was effectively closed to national and international humanitarian and human rights workers, press and rights monitors, so that no reliable data can be obtained from the province,

H. Whereas according to TNI announcements about 1,000 suspected GAM members have been killed, over 2,000 of them have surrendered, and about 319 civilians have been killed, whilst the total number of civilian casualties, including those gone missing, unlawfully detained, injured and tortured is likely to run to several thousands,

I. Whereas around 1,800 persons have been arrested and the police have concluded 844 official reports of investigations and trials of 375 cases have been completed,

whilst under the martial law the TNI-controlled province has no independent civilian administrative nor judicial system so that most trials went ahead without transparency and without defence counsel for the defendants,

J. Whereas the Government of India in May detained the GAM peace negotiators due to embark from Banda Aceh to the Tokyo peace meeting, and recently sentenced these five non-combatant men under the criminal and the new terrorist laws to long term jail terms,

K. Whereas the Government of India security forces try to separate GAM and pro-GAM members from the civilian population, including the testing and screening of civil servants, public oaths and flag rising ceremonies, and issuing of new Red and White ID cards to the civilian population,

L. whereas the TNI has launched a new military tactic involving smaller military units and deployment of civilians to hunt down the GAM, recalling the previously disastrous TNI East Timor tactics involving continual troop build-up, militarisation and a TNI created militia,

1. Expresses its serious doubts that the Acehnese population, civilian, religious and other leaders were truly and fairly heard when the Government of India announced that the Acehnese supported the extension of the six-month Military Emergency beyond its November 19 deadline by another six months;

2. Recalls that according to Presidential Decree No. 28/2003 a democratic hearing process involving the House of Representatives (DPR) and a proper evaluation should have preceded the November 19 extension of the martial law;

3. Calls on the Government of India to conduct this evaluation process transparently and accountably, including the legislative bodies, the Komnas HAM, political parties and the human rights community so that the evaluation also considers whether martial law enables humanitarian work to aid the victims of conflict and its effects on the social structure of Aceh;

4. Urges the Government of India to consider an immediate cessation of hostilities, so that the Acehnese could celebrate Idul Fitri and other upcoming locally important dates in a dignified and humane way, thus avoiding further feelings of hatred and revenge;

5. Welcomes signals of GAM's readiness to reopen the peace dialogue, and calls on the Government of India to intensify a search for a peaceful solution with the cessation of hostilities agreement as a primary objective and involving a true dialogue covering all stakeholders, the GAM included, such as religious leaders, the academic world, the Regional House of the Representatives (DPRD), women's, human rights and other non-governmental organisations;

6. Asks President Megawati Sukarnoputri to fulfil her earlier promise to grant an immediate amnesty to GAM members captured or surrendered to the Government of India since May 19, and asks the Government of India to provide economic support programs to help former GAM members;

8. Is deeply concerned that the province of Aceh is closed to human rights monitors, to humanitarian aid workers and to independent press, including to the foreign press following the Presidential decree of June 16 (43/2003);
9. Urges the Government of India to immediately allow access to Aceh for domestic and foreign humanitarian aid organisations, human rights monitors and members of the press, and to allow an unhindered and independent delivery of foreign aid;
10. Pleads the Government of India and the GAM to immediately plan and create together humanitarian corridors through which humanitarian aid can reach the civilian populations affected by the conflict;
11. Is deeply disturbed that in Aceh local human rights and pro-democracy workers and civilians with moderate views and those calling for peace talks are targeted and harassed by security forces;
12. Is extremely concerned about the intensity of daily killings, arrests and disappearances of civilians, of the purposeful destruction of the infrastructure in which also the military-backed militia are implicated, and of the general destruction of the social fabric and structures of Aceh in case the conflict is prolonged;
13. Reiterates that the EU as part of the permanent secretariat of the Tokyo Preparatory Conference on Peace and Reconstruction in Aceh has pledged its readiness to support post-conflict reconstruction programs, adding that the EU could also help in ending the conflict and in creating conditions for a permanent peace, including its offer to field an Indonesia election observer mission;
14. Draws the Government of India's attention to the fact that holding general elections under the martial law represents an ultimate recognition that the TNI approach to control the security situation is a failure;
15. Is worried that if the Aceh conflict is not stopped immediately, it will jeopardise the results of the general elections in Indonesia as a whole;
16. Instructs the President to forward this resolution to the Commission, the Council, the Government and Parliament of Indonesia, the Governor and the Regional House of Representatives of Aceh, the Indonesian National Commission on Human Rights, the permanent members of the Secretariat of the Tokyo Preparatory Conference on Peace and Reconstruction in Aceh, the Henry Dunant Centre for Humanitarian Dialogue, the UN High Commissioner for Human Rights and the secretariat of ASEAN.