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19 November 2003

B5-0491/2003 }
B5-0496/2003 }
B5-0497/2003 }
B5-0501/2003 }
B5-0507/2003 }
B5-0508/2003 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 50(5) of the Rules of Procedure, by

- John Bowis and Charles Tannock on behalf of the PPE-DE Group
- Margrietus J. van den Berg and Linda McAvan on behalf of the PSE Group
- Ole Andreasen on behalf of the ELDR Group
- Didier Rod, Matti Wuori, Nelly Maes and Patricia McKenna on behalf of the Verts/ALE Group
- Giuseppe Di Lello Finuoli, on behalf of the GUE/NGL Group
- Ulla Margrethe Sandbæk on behalf of the EDD Group

replacing the motions by the following groups:

- PSE (B5-0491/2003),
- EDD (B5-0496/2003),
- ELDR (B5-0497/2003),
- PPE-DE (B5-0501/2003),
- Verts/ALE (B5-0507/2003),
- GUE/NGL (B5-0508/2003),

on Aceh

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PE 338.615}
PE 338.620}
PE 338.621}
PE 338.625}
PE 338.632}
PE 335.633} RC1

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European Parliament resolution on Aceh

The European Parliament,

- having regard to the recent appeal by the UN Secretary-General, Mr Kofi Annan, to open up the Aceh province to human rights and humanitarian aid organisations,
 - having regard to its previous resolutions on the situation in Indonesia, and in particular its resolution of 5 June 2003 on the situation in Indonesia, particularly in the Aceh province,
 - having regard to its resolution of 13 December 2000 on the communication from the Commission to the Council and the European Parliament on developing closer relations between Indonesia and the European Union,
 - having regard to the joint EU, Japan and US statement issued on 6 November 2003 following Jakarta's decision to extend martial law in Aceh for the next six months,
- A. whereas the Indonesian government has extended martial law in the province of Aceh for a further six months,
- B. whereas the province has been effectively closed to national and international humanitarian and human rights workers, the press and rights monitors,
- C. deeply concerned by the fact that hundreds of combatants and civilians have died since the crackdown was launched in May,
- D. recalling 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 19 November extension of martial law,
- E. whereas the Indonesia military and police personnel in Aceh is estimated at 45 000 and the number of rebels at 5000, 2000 of the latter having been killed, wounded or captured during the past six months, according to official figures,
- F. whereas the GAM negotiators arrested after the collapsed peace talks in May 2003 have been condemned on terrorism and rebellion charges and sentenced to terms ranging from 11 to 15 years by the court, and the death penalty was requested on 5 November against a captured GAM leader,
- G. whereas only minor prison sentences have been passed against the military personnel found guilty of torture,

- H. whereas about 12 000 Acehese civilians have perished during the 26 years of war, and whereas the Cessation of Hostilities Agreement (COHA) signed on 9 December 2002 between the Free Aceh Movement (GAM) and the Government of Indonesia was an attempt to bring peace to the province,
 - I. whereas the first six months of the renewed Aceh military campaign have disrupted the food and health security of local people, and led to the destruction of infrastructure and of at least 600 schools, and to tens of thousands of people being voluntarily or forcibly internally displaced with no recourse to any meaningful aid,
 - J. whereas the distribution by the military of humanitarian aid is not acceptable under international standards.
 - K. whereas according to the Nanggroe Aceh Darussalam Governor Abdullah Puteh unemployment and poverty have reached alarming rates,
 - L. whereas the disruption on 20 October 2003 by the police of the training in human rights monitoring organised in Banda Aceh by the Komnas HAM (Komisi Nasional Hak Asasi Manusia, National Commission for Human Rights) illustrates the difficulties faced by human rights activists in the province,
 - M. having regard to the Commission's decision to grant EUR 8.5 m in aid to Indonesia for economic and social recovery,
1. Is deeply concerned at the extension of martial law and military operations in Aceh and the ongoing violence, including armed skirmishes, kidnappings, killings and other acts of violence, particularly outside the major towns of Aceh;
 2. Calls on the Indonesian Government to stop the offensive and resume talks with the Free Aceh Movement and to fully involve civil society – and in particular Acehese women – in the dialogue and peace process;
 3. Expresses its concern at the raid carried out by the military and the police, on 19 October 2003 in the province of Aceh, against a training programme in human rights monitoring organised by a governmental body, the National Human Rights Commission (Komnas HAM
 4. Calls on the Council and Commission to assist Indonesia in order to resume talks with the GAM;
 5. Calls on the GAM, on the basis of the Geneva Agreement, to pursue its cause through the democratic process and decommission its weapons, and calls on the Indonesian army to withdraw;

6. Calls on the elected political authorities to operate strict surveillance of military activity in the province, especially in order to ensure respect for the international laws on the protection of civilians;
7. Calls on the Indonesian Government to take the necessary measures in order to ensure that international humanitarian law and human rights standards are respected during operations by the security forces;
8. Urges the Indonesian Government to provide immediate and unimpeded access throughout Aceh for all humanitarian agencies, independent human rights observers, diplomatic representatives (including any from the Tokyo group), journalists and other parties with a legitimate interest;
9. Calls on the GoI to conduct the legally foreseen evaluation process transparently and accountably, including in its scope the legislative bodies, the Komnas HAM, the 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, as well as its effects on the social structure of Aceh;
10. Calls on the Indonesian Government to bring to account those responsible for violations of human rights in Aceh, as well as other parts of the country, whether committed by civilians, separatist groups, militias, paramilitary forces or the military;
11. Calls on the Indonesian Government to provide access to UN agencies and non-governmental organisations that can assist in the protection of civilians, particularly displaced persons;
12. Calls on the Indonesian Government to allow UN monitors to visit the province, in particular the UN Special Representative on Human Rights Defenders, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the UN Special Representative on Internally Displaced Persons and the UN Special Rapporteur on Torture;
13. Calls on the Indonesian Government to ensure that the International Committee of the Red Cross has comprehensive access to prisoners in police and military detention;
14. Asks the Indonesian Government to allow humanitarian aid to be delivered directly to those in need, rather than all aid having to be routed through the authorities;
15. Calls on the Indonesian authorities to work in collaboration with other actors in order to provide better capacity to deal with humanitarian needs and to care for internally displaced persons;

16. Appeals to the Indonesian Government to prevent attacks on humanitarian agencies and their workers and to take appropriate action against those implicated in such attacks, in accordance with its responsibilities under the UN Declaration on Human Rights Defenders of 9 December 1998;
17. Calls on the Indonesian Government to guarantee the right to a fair trial and access to defence counsel, and to reform and strengthen the judiciary so that the law can provide protection against human rights violations;
18. Calls for freedom of religion and condemns the restriction on freedom of the press provided for under martial law;
19. Requests that the European Commission assists the Indonesian Government in its efforts to implement the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the recommendations made by the Committee against Torture, and the recommendations made by the UN Special Rapporteur on the independence of judges and lawyers;
20. Instructs its President to forward this resolution to the Commission, the Council, the Government and Parliament of Indonesia, the Governor and the Regional House of Representatives (DPRD) of Aceh, the Indonesian National Commission on Human Rights (Komnas HAM), the permanent members of the Secretariat of the Tokyo Preparatory Conference on Peace and Reconstruction in Aceh, the Henri Dunant Centre for Humanitarian Dialogue, the UN Secretary-General, the UN High Commissioner for Human Rights, and the ASEAN Secretariat.