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## Considering General Election under Martial Law

### ACKNOWLEDGEMENT

This paper is written by A. Patra M. Zen and Usman Hamid. As a position paper, this report was compiled based on human rights report composed by KontraS through field investigation as well as literature study carried out by the writers in December 2003.

The paper is aimed at conveying this to the decision makers in the legislative and executive branch. KontraS hopes that the imposition of martial law in the entire territory of Nanggroe Aceh Darussalam until General Election 2004, can be reconsidered by concerning to the universal principle of a democratic, free and peaceful general election. In this respect, KontraS would like to underline the importance of civil liberties in Nanggroe Aceh Darussalam and taking place of democratic election as such langsung, umum, bebas dan rahasia-- direct, universal, secret, honest and fairly election. Aside from that, this paper is also subjected to the society at large concerning to KontraS's concern on human rights situation in Nanggroe Aceh Darussalam since martial law being imposed. And also KontraS's view on the probability of general election in Aceh by keeping the imposition of martial law in the entire territory of Nanggroe Aceh Darussalam. KontraS hopes that society at large could also be able to participate in criticising government policy particularly in holding general election under martial law.

KontraS conveys as much as grateful of precious information and numbers of views given by several non-governmental organisation namely Acehnese People Solidarity against Corruption (Solidaritas Masyarakat Aceh Anti Korupsi-SAMAK) and People Crisis Center-PCC and also other organisations that have supported us, so that this pamphlet can be published. KontraS is also giving appreciation to all civil society organisations that have a concern to the human rights situation in Nanggroe Aceh Darussalam all the time. Hopefully, our effort all together to fight for human rights and democracy in this country, a country that is free from fears, oppression, violence and all forms of discriminations and human rights violation.

Wassalam.

"KPU will be more difficult to carry out general election in Aceh if the government then really execute military operation", "Democracy is like water and martial law is like oil, how can be water and oil united?"

Nazaruddin Sjamsuddin, Head of KPU- Komisi Pemilihan Umum (Indonesian Commission for General election)

"DPR is not aware to Aceh problem. DPR is trapped on merely routine events or only interested in some matters related to power interest."

Rodjil Gufron, Member of Republic of Indonesia Parliament (DPR RI)

### Considering General Election under Martial Law

#### An Introduction

In the beginning of December in 2003, the Indonesian government through Minister of Politic and Security Coordinator RI invited numbers of non-governmental organisation which is critical to the developing situation in Nanggroe Aceh Darussalam (NAD), as well being critical to the imposition of martial law in the entire territory of NAD. GoI also invites Indonesian Commission for General Election (Komisi Pemilihan Umum-KPU) and Monitoring Committee for General Election (Panitia Pengawas Pemilu-Panwaslu) both in central and local levels. The arrangement of this meeting can not be separated from the existing difference of views among the government, the parliament and numbers of non-governmental organisation that give attention to situation and condition of human rights in NAD all this time.

In the meeting in Banda Aceh held on 16-17 December 2003, all invited non-governmental organisations, namely CETRO (Centre for Electoral Reform), KPI (Indonesia Women Coalition), CSIS (Centre for Strategic and International Studies) and KontraS (Commission for disappearance and victims of violence), have clearly refused martial law

implementation in the whole territory in NAD, moreover until general election implementation. On the contrary, even though promising to analyse the all of non-governmental organisations' and other elements in society's inputs, the government through Minister of politic and security coordinator and Martial Law Authority seems to still intend to place martial law as appropriate policy framework to face problem in NAD, especially in connection with securing the 2004 General Election implementation in NAD.

From the above-brief description, there is a problem and at once an important question that we need to answer, which is: is the 2004 general election in Nangroe Aceh Darussalam be able to be carried out by martial law? There are the pros and cons of the answer for that question. It is related to the existence of indication of militia organisation established by element in society. At least the report on this militia has been published in several print media and human rights organisations reports, both inside and outside this country. On the other side, general election under military law has also many problems. Military law is a policy that having implication to respecting, furtherance, protection and fulfilment of rights and fundamental freedom for people. Implementing general election – as a form of human rights fulfilment – under martial law becomes important to be studied. At least to acknowledge how far the general election that is hold later on, has contribution to the fulfilment of rights and fundamental freedom of Aceh society.

This writing is not subjected to argumentatively elaborate much to the legal norms of martial law, but more to give description on the internationally process of the development of the human rights fulfilment, under state of emergency. Furthermore, this writing also wants to examine martial law in relation to human rights context and discourse, in particular in the freedom of expression and participate in state organising, through general election process and implementation. In many studies, the implementation of military law policy cause a lot of crimes to the rights to life and any other serious crimes to human rights, including killing, forced disappearance, rape and so on.

So that it is irrelevant to talk about freedom of expression, because of fundamental problem, which is human rights crimes, remains unresolved. Probably that matter that makes general election affair not become the main discussion under state of emergency theme, but more in matters of rights principles that can not be decreased in any kind of circumstances (non-derogable rights) and until how far human rights derogation is allowed – as debated during Covenant on Civil and Political Rights (ICCPR) drafting.

Furthermore, this writing will contend perspectives as well as supported arguments for us to see the context of general election implementation for people living in Nangroe Aceh Darussalam. First Part will describe some experiences from several countries in the world when they hold election in state of emergency (state of exceptional) and some examples of several countries that lifted the policy of state emergency implementation to guarantee implementation of general election fairly. This description is very important to put forward in order to give perspectives on should general election still be held under state of emergency by martial law status level in the whole territory of Nangroe Aceh Darussalam (NAD) where this thing becomes dominant tendency.

Second part will describe condition and situation of human rights in NAD during military law to explain in details that general election in Aceh is becoming important for political parties and politicians who seize key. If the general election is considered as something important for some Acehnese, Ignas Kleden's opinion can be a consideration. According to Kleden, this time there is no significant changes in the context of power orientation of those politicians and political institutions, in the age of reform nowadays because according to him in real politic, there is still attempt to seize power (power building) and not in the affectivity of the use of power.

It is dangerous indeed, if Acehnese are pushed to participate in the general election, and there is no follow up of Acehnese aspiration afterwards that is fought for by political parties and politicians that happen to be both in legislative and executive bodies for the shake of the vote that they are contributed. This writing will show whether general election is exist or not, the ones who enjoy the benefit are officials, bureaucrats and bourgeois : still not for people in Aceh!

Jakarta, January 2004

## **Part I**

General Election in Aceh under Martial Law; International Jurisdiction, Civil Liberties and Trajectory of Aceh General Election

### **A. General Election and International Jurisdiction on State of Emergency**

To explain state of emergency terminology - which is 'abnormal situation'- in legal form, world states use several terminologies, such us 'state of exception', 'state of emergency', 'state of siege', or 'martial law'. In his report, Special Rapporteur on state of emergency using several expressions such us "emergency situation", "state of siege", "state of urgency",

"state of alert", "state of readiness", "state of internal war", "suspension of guarantees", "martial law", "crisis powers", "special powers", "curfew". These terminologies are utilised to appoint government's policy and step to restrain human rights by using restrictions in abnormal situation (properly authorized in normal circumstances).

Political discourse formulation on state of emergency is a product that was delivered from cold war ideology, that is

by many countries in practice, was made use of censoring those who are considered to be opposites in domestic level. Thus, it is not surprising, to repeat the history, that state of emergency at present is related to the ideology of war against terrorism in global level. The similarity is that country exploiting this situation used dominated that is referred to what so-called national security doctrine. Leandro Despouy noted that in many territories this kind of doctrine has provided political and ideological grounds for cruel dictatorships:

"...provided political and ideological grounds for the cruellest and most aberrant dictatorships".

Bad experience of civil society during situation, where state implementing an exceptional condition, has enforced international society works harder. The development of construction of international protection of human rights under state of emergency has been started from the deconstruction of ideological politic of absolute state sovereignty. The absolutism then is ended by legal acceptance that individual becomes an international law subject. The implication of this, that is non-interference in domestic affairs in relation to human rights fulfilment, becomes vague and loses its legitimacy.

Though a lot of berries happen, international society continuously reaches progress in developing mechanism of international human rights monitoring, including in exceptional situation. International humanitarian law that is especially directed to be applied in such kind of situation has been experienced a lot of progress since the adaptation of additional protocol in Geneva Convention. Meanwhile, progress in international human rights is also achieved. Even the fulfilment of human rights in exceptional situation that is formulated in 'public emergency' or 'public danger' as stated in International Covenant on Civil and Political Rights (ICCPR) has been through formulation boundaries that was made in armed conflict under Additional Protocol I of 4 Geneva Convention and Article 4 Geneva Conventions.

International law then formulated norms and principles in state of emergency implementation, such as; principle of legality; principle of proclamation; principle of notification; principle of time limitation, principle of exceptional threat; principle of proportionality; principle of non-discrimination; principles of compatibility, concordance and complementarity of the various norms of international law.; International human rights law has formulated important terminologies on non-derogative rights even in exceptional condition.

At least, there are three states in the world that has ever implemented general election in state of emergency or state of exceptional, both through state construction and world perspective, which are Burma, Zimbabwe and Pakistan. On 18 September 1988, military Burma declared martial law followed by the establishment of the State Law and Order Council (SLORC). On May 1990, general election was held under widespread martial law in Robert Mugabe presidency in Zimbabwe. On 14 October 1999, state of emergency was undertaken in Pakistan. After the 2003 General Election in October, Zimbabwe constitution was restored.

It is important to be noted, in Burma, SLORC has annulled the 1990 General election's outcome. Meanwhile the General Election in Zimbabwe was stated to be held under the situation such as: "...independent and neutrality supervised election are not secured, basic civil rights... in vague terms."

Meanwhile the General Election in Pakistan has never been referred as democratic election in political science.

On the other hand, there are some experiences from other countries that lifted state of emergency policy for the sake of free and peaceful general election. In Sierra Leone, President Ahmed Tejan lifted state of emergency or so-called as "extraordinary security" to give opportunity for political parties to organise general election campaign in 2002.

In Botswana, on 2 September 1999, state of emergency was stated only for the sake of general election registration. Four days later, it was lifted. Hence the election was held on 16 October 1999.

Meanwhile in Nepal, on 26 November 2001, state of emergency was declared without lifting the rights to habeas corpus remedy. Nepal government officially informed that the policy was extended for three months because of threat from Maoist. Furthermore, in the same statement the government gave its commitment to lift that policy in order to facilitate free and peaceful general election. On 20 August 2002, the policy of state emergency was lifted.

## **B. General Election and Civil Liberties**

Constitution has formulated guarantee to the rights of every citizens to participate in public affairs execution as voters or candidates in general election. Basically, general election is done to guarantee accountability of selected representatives to be nominated to have a place in executive and legislative authority, that represent voters interests where organising authority hold general election based on freedom of expression that was enjoyed by all voters. The second amendment of the 1945 rules, chapter VII B, article 22 E on general election stated:

(1) "General election is held directly, generally, freely, secretly, honestly and fairly every five years;

(2) General Election is organised to choose member of Parliament, Local Parliament, President and Vice President and Local People's Council."

Furthermore on preamble consider, letter (c) Rules No. 12/2003 on General Election, parliament, local parliament and people's council were declared:

"indeed general election is necessary to be organised in more quality by as wide as people participation and held based on direct, general, free, secret, honest and fair principle."

How can we put general election into the ground of freedom? From John Rawls, we can borrow formulation of fulfilment of liberty that is shortly defined as: "...the agents who are free, the restrictions or limitations which they are free from, and what it is that they are free to do or not to do".

Martial law policy as 'exceptional state' condition, as clarified by Nicos Poulantzas, is moment of agreement (consent) that is dominated by physical repression.

Poulantzas' opinion is important to be quoted to see state categorization. In NAD province, state hegemony is not underway in stable and strong way, so that a 'legalised policy' to physical repression is needed; martial law policy exist where there is open war in order to dominate class. Therefore, general election organisation in exceptional situation certainly has antagonistic contradiction to "freedom of society" schools – as explained by Rawls.

Under martial law, Aceh society does not enjoy freedom because there is limitation as consequence of martial law application. Presidential Decree No. 28/2003 on Statement of Emergency Situation by Military Emergency Level in all Territories in NAD Province stated the implementation of Chapter 1 Rules No. 23 Prp./1959.

Due to state hegemony crisis, Megawati government re-established rule of regulation that was been 45 years old at age , which in Chapter 25 to 33 gives military authority to decrease and restrict human rights, not only for Acehnese but also for every individual, including foreigners.

Then, how is the general election in Aceh? The answer can be seen from Aceh Governor Abdullah Puteh statement. This NAD Governor has stated that the implementation of general election in his province would not be different from other provinces. During general election, there would be no limitation of black or white areas.

Puteh said, even tough general election implementation in NAD would not be different from other areas, but technically security would be based on condition.

Different thing was revealed by Minister of Political and Security Coordinator, Susilo Bambang Yudhoyono. According to him, general election in Aceh would be held with special treatment.

This special treatment would be stipulated in meeting among local government, TNI/Polri and KPU. However, at least indication of special treatment has been able to be red in the martial law authority statement, Major Jenderal Endang Suwarya. He said that security in Aceh would vary during general election; 'white' area would be guarded by Police and Linmas, and 'black' area would be guarded by TNI. Hence Endang confirmed that security would not 'move closer' to ballot

Whether TNI and Police will "move closer" or "not move closer" to ballot is another thing. The rights given to military under martial law clearly has implication to the fair general election. The followings are exclusive rights of the martial law authority in Aceh according to Rule No. 23 Prp/1959 that directly and/or indirectly related to general election.

First, they have the rights to dominate post equipments and telecommunication tools; telephone, telegraph, radio transmitter and other tools related to radio broadcast and can be used to reach society. (Chapter 25 article (2);

Second, to limit or completely restricts by regulation to change fields or things in fields (Chapter 25 article 3)

Third, to close meeting auditorium and other buildings (Chapter 25 article 3)

Forth, organise, limit or restrict in and out as well as allocation, distribution and transportation of goods (Chapter 25, articles 4 and 5)

Fifth, they have the rights to limit printing, publishing, announcement, delivering, storage, dispersion (distribution) and sticking of writings in any form, painting, negatives of photo and pictures (Chapter 26)

Sixth, to hold or confiscate all letters and other shipments and telegraph (Chapter 27).

Seventh, to commit restriction on rights to have place for living, domiciled and rights to freedom of moving, including to foreigners (Chapter 28, 29, and Chapter 33).

Eighth, to order population to work for the shake of security and defence (Chapter 30);

Ninth, to organise militarisation to office, companies, agricultural or a position. (Chapter 31);

Tenth, to commit capturing and detaining of people (Chapter 32).

Those rights can be used legally by military including during the period of general election process. From democracy system perspective, the danger of general election implementation in Aceh will make us hope on 'heart kindness' of military to not to use their rights.

### **C. Trajectory of the 2004 Aceh General Election**

General election in Aceh has more significant contribution to those state elites, politicians and formal political institutions than for people living in Aceh. Should any views showing the election is not significant for settlement of problem in Aceh in decision of policy in legislative level is negated and considered as important for Acehnese to participate in great numbers in the election. Since inter alia is considered important for state to organize election in Aceh, then some recommendation on scenarios that can be done are as follows:

## 1. Strengthening general election monitoring attempts

Position of general election monitoring can only be carried out as wide as possible by monitoring mode by involving voluntary observers from local and international institutions. Learning from United Nations' experience in general election context, then Indonesia government could ask international authority to assist it in keeping the security as well as monitoring the implementation of general election in Aceh. As Korea peninsula's experience when it organised general election under United Nations Temporary Commission on Korea (UNTCOK) monitoring in 1984. Another example is the establishment of the United Nations Transitional Authority in Cambodia (UNTAC) that carry out monitoring and organize Kamboja general election in 1993.

Certainly, the government was also be able to invite local and international general election monitoring institutions.

In addition, at the technical level of monitoring, monitoring practices can be done through mobile radio as done in Republic of Central Africa in 1997. UN sent peace mission named United Nations Mission in the Central African Republic (MINURCA). Besides undertake monitoring, this mobile radio was also used as voters education. In this context, DaniCom's experience, Danish Radio, that built mobile radio became important to try and probe to probability to apply it in Indonesia.

Those opportunities are open because the government, at the time this report was written, actually has been considering to open opportunities for international observers to do general election supervision in Aceh. This opportunity is also based on Minister of politic and security coordinator, Susilo Bambang Yudhoyono statement that declared: "there is no intention from government to conceal general election implementation in Aceh."

Another opportunity, the government has relatively opened itself since at present there are already 5 international institutions that carry out their activities in NAD, namely: ICRC, UNESCO, UNDP and World Food Program.

## 2. General Election under International Security

In description of Rule No. 12/2003, definition of basis of freedom in holding general election , are as follows:

"Every citizens who entitled to vote is free to determine his/her choice without pressure and force from anybody In implementing his/her rights, every citizens is safety guaranteed so she/he can choose as by his/her consciousness and interest"

By referring to that formulation then it is very essential for every citizens to be guaranteed his/her security. However "security" for citizens is not always formulated to be "state of emergency" policy as Megawati presidency has been constructed. There is a question emerged on whether it has never been thought that "state of emergency" would threaten residents security in NAD province as can be seen in Picture 1. Therefore, it is important to keep security in general election implementation process. However, revision to Presidential Decree on State of Emergency in NAD is needed. The rational form of revision to Presidential Decree 97/2003 that is to lower martial law level to be civil law. Or lifting that decree to apply mechanism of security apparatus mobilisation on the basis of Rule No.3/2002 on self defence. It is important as the fulfilment of principles of legality in implementing martial law in Aceh. Here, troops mobilisation can only be applied in certain territories that are still considered as sensitive so that need extra security. Therefore, even tough the government still insist to implement state emergency as State Defence regulation has given that opportunity by implementing it limitedly both in territorial and time (principle of limitation).

Picture 1

Source. Komnas HAM. The evaluation of Human Rights condition in Aceh. 13 November 2003

The rational choice is based on situation – even tough was rejected by the government and TNI – there is a big probability that another conflict will happen besides the present conflict; which is conflict between Aceh society itself. A member of Komnas HAM, M.M. Billah, quoted the source, the aim of the form of militia is to make communal conflict between Acehnese ethnic group, Moslem and non-moslem, or migrants with native people.

Billah also confirmed that those militias have been prepared since the Cessation of Hostilities Agreement (COHA). Therefore, it is important to see this theme when pushing political discourse such a kind to lift martial law at once. Because in communal conflict to push those who have violence authority as "winner".

As media has published, there was an indication of militia's presence at the attack of Committee of security together in Takengon, Central Aceh The discourse of this militia then became a hot issue after Komnas HAM launched a statement that TNI organized militia from civilian in Aceh. – that bring up out polemic between Komnas HAM and TNI.

Komnas HAM member denied statement from TNI Commander Endriatono Sutarto that accused Komnas HAM to take information from basket bin. statement from Minister of politic and security coordinator, Susilo Bambang Yudhoyono, that used "spontaneous security" terminology. Menkopolkam firmly stated that whoever using this militia terminology imitated western side. In this context, Susilo Bambang Yudhoyono as Menkopolkam certainly did not state that the general election to be held in Aceh pun followed western 'tradition'. However, general election under martial law policy is not western "trend".

## 3. General Election under Ceasefire Tractate

Cessation of fire between GAM and TNI is chapter that better be attempted. In armed conflict, children employing as "soldier" becomes a big problem in many countries. General election momentum can be used to boost government to have a dialogue again and negotiation.

## **Part II**

### **II. General Election Under Martial Law; Will general election end humanitarian crisis in Aceh?**

#### **A. Human Rights Situation in Aceh**

According to monitoring carried out by KontraS from 19 May to 19 November 2003, there had been numbers of human rights violation in Aceh, including crime against Acehnese' right to life. Noted down, 342 civilian were dead , 94 people injured and 101 disappearance people (as 7 October 2003). On the other hand, local police in NAD announced that on 6 September 2003, as many as 319 civilians were dead, 117 people injured, 108 disappearance. Meanwhile, TNI noted (as 25 September 2003) that amounted to 304 civilians were dead and 40 people injured.

Picture 2

Number of dead victims, injured and disappearance (Martial Law Period until October 2003)

Souces: Various sources

#### **1. Violence against Children**

Armed conflict has emerged a lot of victims from civilian and on the other hand threat has continued to living people. Children are forced to be 'combatant' and formed to be soldier figure and buffer for those who are in conflict with, such as become chef, servants, spy and troops in field. Logical consequence that dominate is these children become target of violence operation for those who are in conflict. A case of miscaptured to a child named Indra Saputra (14 years old), a junior high school student in Great Aceh is one of real example. It was a construction of a child that used by party in conflict to gain benefit during the war. On 26 June 2003, numbers of Brimob member captured the misfortunate Indra whereas they actually looked for Indra Budiman, a GAM member. Without confirming the identity of person that they were caught, including age factor of the person, Indra Saputra was captured and detained without any announcement to his parents or family. After 2 weeks in searching, Indra Saputra's parents found their son in Polresta, Banda Aceh. Police then admitted that Indra Saputra was not the one that they were looking for. For information, police kept continuing legal process since the BAP has already made on this unfortunate child.

In the context of children protection, especially in conflict of armed situation as in Aceh, Indonesia as a state that has signed Convention of Children Rights then consequently can take appropriate steps to prevent misuse of children. According to the convention, states are obliged to respect and protect human rights of everyone who are in their jurisdictional territory, including children. Children have to enjoy various kinds of human rights as adults have, from rights to life and rights to freedom of torturing until right to freedom of expression and rights to education. However, since relatively they have a lack of power and are easily to be victims. Meaning, those children tend to less able to claim their rights or refuse those who will violate their rights in comparison with adults. It is state's obligation to protect human rights, in particular in connection with children.

United Nations convention in 1989 on Children Rights is one of more comprehensive instrument of international human rights that specifically elaborate human rights to children. This convention has already signed and ratified by all member states of United Nations, except United States and Somalia that has already destroyed. Indonesia signed Convention of Children Rights on September in 1990.

From this convention, it is obvious that Indonesia has to respect and guarantee the respecting to international humanitarian law that can be in effect for those in armed conflict that is relevant to be applied for those kids. Indonesia has to be able to take any appropriate steps to guarantee that anyone who are not fifteen years old yet will not take any direct parts in hostility.

Optional Protocol from Convention of Children Rights on children involvement in armed conflict aimed at preventing recruitment of children under 18 years old in the state army or any form of army. According to International Amnesty, Indonesia has not signed this protocol. However, Indonesia is not supposed to ignore the fact showed that children become casualties of armed conflict situation in Aceh.

#### **2. Violence against Women**

Besides children, violence operation was also targeted women; wives or mothers, as experienced by Erlinawati (37 years old) in Great Aceh. In early dawn, she was with three of her children who were still under five years old, including a 20-day-old baby, were picked up to Brimob Post. It happened after Brimob troops could not find her husband who were claimed as GAM member. They have ruin the house of that family by excuse that the furniture there bought from nangroe tax that was levied by GAM. Besides, violence operation during martial law to women is realised in the form of sexual and rape crimes. In this case, numbers of perpetrator has been brought to the court even though the incident only considered as ordinary criminal incident and the perpetrators were punished by light penal law, but there are still some who are free and untouchable by the law.

Komnas HAM recorded that in 2 weeks after martial law implementation, there has been torturing and sexual harassments. Those cases happened in Hadu village, Bireun on 23 May 2003; torturing and harassments to Meunasah Krueng villagers on 23 May 2003; rape in Aceh Jaya on 26 May 2003, rape case accusation to a child age 13 years old in Ara Bungong Kampong, Bireun on 26 May 2003 Hence, on September 2003, rape cases accusations that was received by Komnas HAM had been reached 100 cases.

In one of Amnesty International report, it was recorded that Special Rapporteur of United Nations on Violence against Women visited Indonesia from 20 November to 4 December 1998. Eventough this special rapporteur could visit East Timor, his request to enter Aceh and Irian Jaya (that was known as Papua by now) was refused by Indonesia Government. In his rapport he summed that:

- Before May 1998, rape has been used as torturing and intimidations tools by Indonesian Army components in Aceh, Irian Jaya and East Timor, and that the rape are still going on;
- Penal justice system was not gender sensitive, besides, there was denial culture that made difficult to have effective law enforcement;
- Legal working framework that was used related to violence against women did not include standards that have been advocated in international level including with something that connected to rape, violence act and sexual harassment in work place.

Hence, some recommendations made by Special Rapporteur are as follows:

- Government have to ratified all human rights instrument, including International Covenant on Civil and political Rights (ICCPR)
- Indonesian Government has to consider to boost legal reform process and implemented amendment to penal law that reflected the most up-to-date international standards in relation with violence act against women;
- Indonesian government has to take special steps to improve people's confident in penal justice system, especially those that related to violence act against women. Police has to operate independently and security soldiers had to formulate human rights policy and participated in human rights training extensively;
- Member of security soldiers who were suspected to commit rape had to bring to civil court;
- Special assistance had to be given to handle psychological trauma caused by violence act against women.

### **3. IDP's**

Since Aceh was announced to be martial law territory on 19 May 2003 – after the failure of negotiation between Republic of Indonesia and GAM in Japan, there had been refuge wave in quite big numbers. Until 21 August 2003, the total numbers of IDP's has been reached to 107.267 souls who spread out to all Indonesia, in a mean while IDP's who were still in IDP's camps have reached to 10.425 souls or 2.541 families. This number is more than IDP's data in 1999 to 2002 that amounted to 309.927 souls. Then, if we compared it to IDP's at present time, during 4 months of martial law, IDP's rate had been thousands of souls.

Conflict in North Aceh has caused 15.000 residents to do exodus to another territory. The exodus happened since 1999. This number was gained from ration of projection of numbers of North Aceh residents before general election registration and sustainable people data collection (P4B) before it was begun until it was implemented. Before P4B, numbers of residents were projected in amount of 467.000 souls. But until the implementation of P4B was 90% in progress, estimation of real North Aceh residence the time was approximately 450.000 souls.

The migration of people in big amount like that, if we observe it from war strategic perspective, can be categorized as part of military policy to separate people and GAM. Therefore, it is not surprising that there is a claim of commitment from government to provide fund for IDP's in hundreds billion amount of rupiahs. As the matter a fact, evacuation in anywhere has been degradation of people's wealth and ignored economy and social rights, besides civil rights and political crimes experienced by refugee families

### **4. Law Enforcement**

In the amount of 12 suspects from TNI soldiers of 301 Infantry Battalion were released from accusation on torturing tens of villagers in Glumpang West Hulu village and Glumpang East Hulu, North Aceh Dewantara District, 30 August 2003. This fact is an example of weakness of administration of justice in Nangroe Aceh Darussalam. The biggest problem does not lie in verdict but because there is no fair and impartial examination mechanism in ordering process of verdict. Accordingly, martial law condition could shackle administration justice process that both in physical and procedural crimes were fortresssed by standardised justification by national security doctrine. The execution of Head of branch from one of political party, Star Reformation Party in North Aceh, is one of example where NAD police claimed that shooting committed by its apparatus had been in line with procedure, because the victim was caught to have granite in his car. By the time this writing was made, there was no any certain legally continuation to his case.

Only in exceptional situation, procedure and administration of justice, repressive claims became more obvious.

Martial law situation will bring opportunity to realise many forms of crimes against individual rights in investigation process until field examination. Look at how justice process for society members who were accused as GAM member without any strong evidence, legal examination that was not present by witnesses; as well as prosecutor who only red witness statement in BAP, whereas defendant of assault case can be punished by penal law until teens of years. It was recorded that 1.242 assault acts had been investigated and inquired by police apparatus. Amounted to 830 cases dossiers among them had been handed over to attorney. There were 371 cases had been examined in court and defendants had been sentenced. In a meanwhile, legal process to hundreds people who surrendered themselves were still unclear, where they are trained in two places which are Teacher Upgrading Hall (BPG) in Neuhun and Meulabeh, West Aceh District, each in amount of 380 people and 120 people.

There is one striking case to show that there are crisis in process and administration of justice in NAD On 9 June 2003, a villager was captured by Delima Koramil, Pidie. This civilian was captures when he was asked by GAM people to buy them some cigarettes. After he was captured, he was transferred to Pidie Polres. During in Polres, he was tortured to confess that he was GAM member. Even tough he was tortured, he still refused to confess certainly because he did not feel as member of GAM. After 5 days, he was transferred to Reskrim Polres Pidie and was examined until 2 months without accompanying by legal advisor. After the dossier of this case were received by attorney, then this case was examined in Banda Aceh court, because National Court of Pidie was stated to not run its examination activity. It was revealed that public prosecutor, Indrawansyah SH – Jaksa BKO from Pekanbaru – asked victim to say 'no' if judge asked him whether he need a lawyer. Case examination was only done three times without presenting any witnesses and prosecutor only red witnesses statements in BAP – by having excuse that there was impossible to present witnesses to Banda Aceh –. Without any legal advisor accompanied defendants and being examined until 2 months, then the court sentenced him by 3 years in jail on accusation of violating article of 106 jo article of 55, first verse (1) of Criminal Law (KUHP) – act of assault criminal. In addition, Komnas HAM recorded that during martial law there were many capturing without any official letter followed by confiscation of wealth without any official letter as well or plundering

## **5. Rights to education**

Not lesser than 40.000 kids lost their opportunity to study because more than 600 schools or more than 4.029 rooms consisted of study rooms and teachers' offices were destroyed since martial law implementation from 19 May 2003 until 27 October 2003. Data from Komnas HAM showed that from 19 May to 27 October 2003, amounted to 386 school buildings were burnt by those in conflict. Besides destruction, school buildings also were turned to be military posts.

In a meanwhile, data from educational department of NAD showed that in the amount of 130.467 students experienced drop out of school, not including numbers of illiterate population. From the data, at least around 55.000 kids stopped schooling by force because various reasons and around 15.000 kids among them stopped schooling in the age of elementary school.

Educational improvement for learning age is not a priority in exceptional condition. In Pidie District, KontraS's monitoring showed school buildings were damaged because of conflict of interest between local educational department with project leader. In a meanwhile, according to principle of elementary schools of Deudap, Mustafa, all this time students in that school only received aid of 15 school bags from Social Minister when he visited the area in the beginning of martial law. During the conflict, that school principle never had any aids, both for study books and school tools or any other aids.

## **6. Corruption and Poverty problems**

By virtue, we can feel and see the emerge of and the increase of homeless and beggars in Langsa, Lhokseumawe, Bireun, Sigli and Banda Aceh cities. In the city of Banda Aceh, numbers of beggars was estimated not lesser than a thousand people. This condition becomes ironic to be compared to executive and legislative officials in NAD province, who could have vacation and send their children to school outside Aceh.

Dr. Raja Masbar, economy expert from Shiah Kuala University noted that numbers of poor people, jobless and beggars in conflict period has increased drastically. Population of poor and the poorest in Sileulue archipelago until mid 2003 have reached more than 46.000 people or 71 percent of population In 2003, numbers of poor population have reached 1.6 million people or 40 percent of 4.2 million NAD population. In a meanwhile, unemployment rate reached 8 percent of 2.2 million working class. Source of income and distribution of oil and gas profit that reached more than 2 quintillions rupiahs annually was not evenly distributed.

Indication of misuse of billions rupiahs of humanitarian fund in Nangroe Aceh Darussalam province had been published in many medias It was noted that humanitarian fund in the first phase reach 6.6 billions rupiahs – sent to each district government. For second phase, amount of 19 quintillions was planned. In a meanwhile, BPK has stated that there was indication of misuse of recovery fund to Aceh security in amount of 80,5 billions – from 2001 the remain of national Budget (APBN) Exceptional situation, which is martial law has made situation more difficult than normal condition, especially to monitor fund utilisation.

Regional budget (APBD) fund to Aceh development is no separated from misuse assumption. Chairul Ichsan, Head of Agency for regional development (Bapeda) NAD, once stated that until October 2003, physical development realization was still under 50% in average, noted down that around 60 projects had no reports at all yet. The most interesting thing is majority voice in NAD Regional Assembly at regional level (DPRD) LPJ of 2002 budget year conveyed by NAD Governor, Abdullah Puteh.

## **B. Looking into General Election under Martial Law**

### **1. Is general election able to situate political elites to defend of Acehese rights?**

Before martial law was held, Head of General Election Commission (KPU), Nazaruddin Sjamsuddin and member of KPU, Mulyana W. Kusumah stated that: "It will be more difficult for KPU to hold general election in Aceh if government undertake military operation in real."

In consistent, this view was held by Nazaruddin Syamsuddin when martial law has implemented. Nazaruddin gave excellent analogy between "general election" and "martial law" as he said "democracy is like water and martial law is like oil", therefore, Nazarruddin asked all of us to think deep, "how can oil and water can be united?"

According to him, as long as Aceh in martial law situation, general election will not be in effect in democratic way because in principle general election is a democratic process while martial law is an undemocratic process.

Opinion from Ignas Kleden in the first part then becomes relevant. Orientation to chair in fact becomes one of dominant factor of why general election discourse will still be held even tough under martial law. Referring to KPU decision in annex No. 185 of 2002, on 1 November 2002, estimation of population number in amount of 4.573.524, with voters amounted to 1.634.923. Hence, based on information from KPU, numbers of DPRD of Aceh province in 2004 general election will be amounted to 69 chairs. This sum based on total assumption of Aceh population as many as 3.940.695. In meant time, on last 21 August, KPU decided in plenary meeting that NAD province entitled to have 13 chairs in DPR by quota of 325.153,18. This amount based on total estimation of Aceh population as many as 4,227 souls

By 13 chairs only, it is certainly irrelevant to talk about general election and whether the outcomes can improve situation in Aceh in the context of political decision in DPR level, including to prevent presidential decree to issue martial law policy in Aceh, Candidates can be from multiparty, for instance, those who sit in DPR are members of PPP, PDIP or Golkar, however in voting politic, the amount of individual who represent Aceh is only 13 chairs of 550 chairs in DPR RI. It is still not automatically accommodate constituents interest in consistent.

What Rodjil Ghufuron, Chief of FKB, disclosed becomes important to illustrate and strengthen irrelevancy argument of general election in practice. Gufrom criticised DPR's stance by saying "DPR is not sensitive to Aceh's problem. DPR is trapped in merely routine events or only interested in related things to power only." This honest statement presented in DPR Plenary meetings, on 26 April 2003. There was no debate on peaceful settlement in Aceh or in the same words it was dull from interruption of hundreds members of council. Noted down only 2 interruptions done, two of them were statement of care for Aceh from Mawardi Abdullah, Moon Star Party Faction (F-OBB) and Nur Dahri Ibrahim, United Development Party Faction (F-PPP). Nur Dahri conveyed that before government stated policy and military action, MPR Special Meeting have to be implemented by argument referred to MPR Decree No. VI/MPR/2002 that contains recommendation to settle Aceh conflict in peace.

Almost similar opinion has also been proposed by Chief of DPR Reformation Faction, Farhan Hamid in one of discussion in Jakarta. According to Farhan, as quoted in media:

"those political elites let problem happened in Aceh without any efforts to find solution in more entirely. Those political elites, particularly who sit in government, more think of attempts to win 2004 general election than find solution that Acehnesse expect."

Other fact can be seen from protracted discussion on DPR's stance to extension of martial law. DPR on the other hand is 'trapped' in discourse on how long martial law extension will be. In closed meeting, Golkar Party Faction (F-PG) and Resurgence of Nations Faction (F-KB) recommended 4 months. The other 7 factions supported government policy to extent martial law for 6 months.

By seeing those facts, martial law becomes not important for politicians. It is important to seize 18 chairs in DPR from Acehese' voice. This probability is necessary to spread out to Acehese. Hasn't Megawati forgotten her cry for Acehese?

Megawati Soekarnoputri – who claimed herself as Cut Nyak Mega – once promised to not let tears from falling in Aceh anymore: "special to my relatives in Aceh, be patience. When Cut Nyak lead this country, I won't let any blood of people touch rencong land that their service in making Indonesia independence was so big. To you I give my love..." Megawati took here handkerchief and wipe her wet eyes. Political speech of Megawati in head office of PDIP was covered live by as many as televisions on 29 July 1999.

After becoming President, Megawati has ever promised in first official launch of NAD Seulawah air and the opening of Aceh Customary Congress IV in Bandara Sultan Iskandar Muda. Megawati – wearing Moslem dress while cried – stated:

"I will do anything that I can to be always with Aceh people in establishing secure, wealthy, peaceful and advance life in one totality of this beloved family of nation."

Later on we become acknowledged, Megawati gave repressive militaristic authority to protect "totality of this beloved

family of nation", left "secure, wealthy, peaceful and advance life". Viewing Megawati's closeness to military, it seems that Megawati has ever forgotten soldiers' stance to his father and experience of attack case to PDI office at Jl Diponegoro in 1996 that had sacrificed a lot of members and sympathants of the party that she leads.

## **2. Martial Law: who enjoys the profit?**

In martial law as well as in state of emergency, we can recognise fundamental rights and freedom that has been restricted. In theory and practice of international law, there is argument to correct the implementation of that policy. In this context, it is important to see explanation on why martial law being implemented in Aceh. We tried to trace it from elite statements in state institutions, including high military officials, and hence compare it to civil organisations statement. Analysis also used IFIs' documents. This reconstruction aims at analysing signifying practices as one of discursive forms.

Before Presidential Decree No. 28/2003 was issued on 18 May 2003, there were several statements that need to be considered and recalled, such as Megawati statement as quoted from President Megawati Soekarnoputri media that stated: "... Aceh peace settlement can only happen if it is done in framework of the united state of Republic of Indonesia. This principle is fixed cost that can not be bargained." Repressive form of settlement then was chosen: martial law. However, in 6 months, martial law failed to reach the target that has been determined. The fact of this failure that then was responded in the form of the extension of martial law period to strengthen - borrowing Poulantzas – stasism authoritarian practices, that he explained as "intensified state control over every sphere of socio-economic life combined with radical decline of the institutions of political democracy and wit draconian and multiform curtailment of so called 'formal' liberties".

Martial law policy, including its extension, gives benefit for many parties, especially for state elites who experience conflict with their political opponents. Since this policy is followed by state control practices in total – for example through policy and implementation of special research. Everyone who against both local and national individual elites can be easily constructed as state enemy – at least categorised as anti-NKRI – as "national security doctrine". In the beginning of martial law implementation, for instance, the amount of both student and youth organisations have been included in GAM compartment. This thing becomes a big problem for political ideology discourse in reformation era, such as fulfilment of human rights, democracy (civil supremacy) and law enforcement. Therefore, it is not exaggerating if all of those terminologies, borrowing Leandro Despouy, named as 'a contagious disease infecting democratic foundations of many societies...'

By using theoretical framework of Poulantzas and analysis by Richard Robisaon, then presidential decree on martial law that stipulated by President Megawati can be further explained. In this thing, President Megawati needs buffer pillar in politic and economy. Indonesia history in new order buffered itself on two major feet; bureaucracy and military, by using investment and foreign debts as its buffer in economic activities. Politically, bureaucracy can still be dominated by Golkar Part – it is showed by head of second level of local governance that are still dominated by this party. Then, it seems that Megawati using symbiosis mutualism opportunity on military and IFIs, where this opportunity is more open under political ideology discourse at global level that was commanded by United States of America in war against terrorism. For that reason, it becomes something that unsurprised if then GAM is constructed by state elites as 'terrorists'. Here it is clear that there is strong tendency that government tries to construct new definition on terrorism. In its press release, KontraS has ever tried to recall government to not to construct definition of terrorist in Aceh. KontraS worried that the use of the new definition will more legalise violence actions that will only harm civilians. Even KontraS suspected that the use of new definition was government attempt to exploit international sentiment to terrorism to against human rights in purpose. What happen all this time is civilians keep becoming victims caused by violence actions that happened in Nanggroe Aceh Darussalam.

In connection with it, Minister of Justice and Human Rights, Yusril Ihza Mahendra, has stated that Indonesian Police (Polri) in collaboration with International Police has put several names of GAM figures into international wanted list. Yusril then said that he was attempting to put those names into UN list of terrorists as well.

Same thing was also proposed by Hikmahanto Juwono who included Hassan Tiro and friends in UN list of international terrorists using legal basis resolution No. 373/2001. Against terrorism discourse was also clarified by military circle, such as vice of PDMD commander of information task unit, Colonel Lieutenant Firdaus Kumarno who claimed that GAM has committed terrorist action by exploding bomb in new year's eve in Peureulak District, East Aceh

Hence, besides in domestic actor level, it is essential to see that the extension of the repressive policy goes together with IFIs agenda, for example it can be seen from World Bank Report No. 25330.IND/2003. In this report, the challenge for government is to uphold stability. In report executive summary, World Bank ended it by recommending: "(i)f the Government manages to maintain stability and deepen reforms as spelled out in this report, it will be in a position deliver a healthier economy with more growth and less poverty..." International trade and finance authority will very suffer loses if there is no stability in Aceh, bearing in mind the richness of natural resources on the land of Aceh – that will give capital for those who explore and exploit it.

## **3. Money Circulation in Martial Law**

"TNI soldiers or Indonesian Police who are still single after one year of serving in Aceh can save 12 million rupiahs in minimum depending on level of rank, position and location of assignment"

In domestic actor level, martial law policy – and its extension – related to source utilisation including capital that is not little. After Coordination meeting of Martial law authority implementing agency on 23 December 2003, it is

publicly informed that government would form Integrated Monitoring Team that operate during martial law, that in a way aimed at monitoring fund utilisation. Menkopolkam himself stated that this integrated team was formed "so there is no any single rupiahs of fund will deviate from the objective, and there is no corruption practice nor divergence in the entire of this integrated team.

There are various analysis that can be put to the front in connection with integrated team formulation plan, such as: first, fund using in operation that run all this time has never been watched over by constitutional institutions, even though some cases of divergence were examined. In other words 'quintillions war' all this time has never been controlled by legally political authority. Second, there is strong hunch or indication about the existence of fund deviation so special institution is needed to 'check' it. Third, TNI or this integrated team needs another large of fund that is taken from people' money (APBN). Consequently, it needs a tool to legitimise it which is Integrated Team by claim that they will carry out fund controlling function seriously – no matter how big the amount of fund that will be used – every single penny will be accounted for. For that reason, it is necessary to asses statement or claim from Menkopolkam Susilo Bambang Yudhoyono, that this integrated team would be filled by individual with high credibility, even he suggested that it supposed to be led by civil society element. Only for recalling, we have anti-corruption commission that has just established. Certainly that commission can be put in the context of corruption eradication in Aceh.

"NKRI", "Fixed Cost" and "Integrated Team" are government action to construct legalisation of relations and social practices that connected to martial law that is intrinsically political. If this construction continues on then dominant tendency or trend to the future will (still) involve two major themes, which are: operational fund using and the success of TNI in destroying GAM – that TNI Commander General Endriartono Sutarto gives name as 'naughty boy' Unfortunately, the operational fund using is internally controlled by TNI Commander who does not even remember about the number of his own troops. In other words, this TNI Commander has ever forgotten the amount of TNI troops that he sent to Aceh Perhaps he also forgets how much state money that he has already spent for this war.

Picture 3

Description: Routine and Development Budgets (APBN 2003); military emergency fund taken from APBN/D

To make capital issue in this military operation getting clearer, Murizal Hamzah has helped to calculate operational cost needed for a TNI soldier and a police member in Aceh, based on TNI Commander Endriartono Sutarto explanation:

"A TNI soldier receives (food) Rp + (per diem) Rp = 21.500 rupiahs/day. It is not including salary plus other supports from each headquarter. By assuming that Polri also receives the same amount of rupiahs for food and per diem that is 21.500 rupiahs/day, then operational cost for 34.616 souls (22.431 of TNI and 12.185 of Polri) x 21.500 rupiahs/day = 74.424.000 rupiahs/day that minimum must be provided by state to wadge the stomach of hero of nations in NAD. Other costs are also allocated to 'drink' for jet fighter such as O.V 10 Bronco, Fokker 27, Cassa (C-212), Boeing 737, Puma helicopter, air observant jet, Twinpack helicopter, four Hawk-200s, six Hercules, two F-16s, two Fokker 27s and CN-235, 23 jet fighters, 50 armored vehicles, more than 30 tanks scorpio, tens of M-16 bullets, AK-47, mortir and so on. For instance, in one hour of flight, a helicopter spent 10 million rupiahs..."

It is not exaggerating if military operation budget estimated to reach not lesser than 8,5 billion per day and in 6 months, the amount reaches 1,5 quintillion rupiahs On the other hands, TNI Commander Endriartono Sutarto has ever stated that TNI needed 1,23 quintillions rupiahs for 6 months military operation.

Endriartono's request on that budget was almost the same with APBD/NAD for one year – in 2002 APBD period in the amount of 1,567 quintillions rupiahs. The value of budget just increased after Aceh given special autonomy status. In previous year (2001), Aceh APBD was only 533 billions rupiahs. Another comparison, military emergency budget is the same with a half of of military budget for 1 year in 2003 APBN in the amount of 2,41 quintillion rupiahs. TNI also spent 11,536 quintillions rupiahs for their routine from 2003 APBN.

## Conclusion

Whatever state claim to move human rights towards, there will be no benefit if it is confronted by facts that happens in Aceh – and Papua as well. It is naif if we hope that 2004 general election will bring big change to conditional recovery in Aceh. General election is only a moment for examination of human rights – categorised as civil liberties realisation in concept. The real problem in Aceh is more complex, especially related to social justice affair as another root of conflict in NAD.

Let us return to history of Aceh at 28 years ago. Hasan Tiro established Independent Aceh – cornerstone of Free Aceh Movement – at Saturday, 4 December 1976, in Halimun Bukit, Kabupaten Pidie. Twenty-nine days after this moment, government executed Sadar and Siwah Operation (1977-1982). Then in gradual, Red Net Operation (May 1989 – 7 August 1998); Authority Operation (January – April 1999); Rencong Aware I Operation (May 1999-January 2000); Rencong Aware II Operation (February-May 2000); Meunasah Love I Operation (Juni-September 2000); Meunasah Love II Operation (September 2000-Februari 2001); Recovery of Law and Order Operation I (February-Agustus 2001); Recovery of Law and Order II Operation (September 2001-Februari 2002); Recovery of Law and Order III (February-November 2002); Military Emergency Operation I (19 Mei-19 November 2003). Still could not get enough, the execution of martial law was executed. Physical repressive approach has become strong argument, why GAM that in the beginning was only tens in numbers, can be multiplied it in only in 6 months so that can not be 'beaten' by

TNI.

Armed conflict between GAM and TNI is a big problem for democratisation process in Indonesia. Restoration to constitutional mechanism and institution has not yet experienced significant progress. – even move backwards – in armed conflict situation. TNI has given 6 months to organise martial law operation to exterminate GAM. They have failed. Separated from many argumentations to justify the extension of martial law, if this situation is continued then in “principle of proportionality” and “principle of time limit” as proportionate principles and time limit that becomes a basis for justification for martial law policy, it must be examined by Constitutional Court. While human rights organisation inside and outside this country, and also another institution as Komnas HAM keep doing examination to non-derogable rights principle that must be obeyed, event tough in exceptional status of state of emergency.

The biggest challenge for civil society in Indonesia, that is to break repressive hegemony by state, until ‘hegemony crisis’ that gives opportunity to the return of political discourse ideology that once has emerged in 1998:; democracy, rule of law, anti-KKN; and fulfilment of human rights. In that way, elites and official who think about people’s faith will have air among ‘the lack of fresh air’. By this way as also, Aceh problem and other problems in the whole of archipelago can be broken, then in progress moving to social justice and people freedom by non-domination base, free from fear, oppression, violence, discrimination and other forms of human rights violation.

### **Information and things to be done**

#### **Things that can BE DONE**

- a. Share with friends, best-friends and families about our view or stance to government policy that extends martial law in Aceh. Organise and attend every training or education events in the form of discussion in around us, help people to acknowledge what had to be acknowledged and understood.
  - b. Come when peace rally is organised in our territory. It will be better if we initiate it and invite friends, family and neighbourhoods. Establish communication with organisations that in our opinion are important, both civil and student organisation.
  - c. Wear pin, flag, t-shirt, sticker or whatever things that can show our stance to this matter. No need to doubt to convey our position or discuss our stance to anyone who ask about this matter.
  - d. Write letter to our representative members in DPD, DPRD and DPR, as well as President, ministers and related officials, on our stances to general election in Aceh by implementing martial law in the entire territory. Do not forget, be informed how our legislative member take their stances in that matter. To know about it, we can see the summary of press news in this book.
  - e. Write letter to chief of editorial or head of redaction in printed and electronic media, in national level or that exist in around us, if there are something that we need to deliver in connection with new release in their medias. If necessary, ask for their time in that media.
  - f. Carry out material or non-material contribution to organisations or societal, youth and students groups that we support because of their ideas or views, especially when they organise meeting to gain support.
  - g. Deliver our position to officials or our representatives (especially those whom we will select at general election). It is easy, just be in groups with other member of society, ask time availability of officials or our representatives who have place in legislative institution such us DPR, DPRD and DPR; government institutions such us subdistrict head, regent, governor and president; as well as law upholding institution such us Police, Attorney and Judicial Affairs.
  - h. Keep up dating actual information progress and continuously inform our best friends and family about information that we know. Our knowledge is very important in order to make them care to this matter.
  - i. Use our ability; if we are lawyers, then help them who are captured/detained because of political reasons; if we are artists, express our stance through songs, poetry/poem, or theatrical drama. All those things can be done wherever in order to make our neighbourhoods understand the problem and hence take their stance.
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## **ANNEXES**

### **LIST OF ACRONYMS**

APBD : Regional budget  
APBN : National budget  
BAP : Process verbal  
BKO : Under the operational command/order  
Brimob : Police mobile brigade  
BPK : Agency of financial investigation  
Bappeda : Agency for Regional Development  
DPRD : Assembly at Regional level  
DPR : Indonesian legislative Assembly  
DPD : Leadership of political party at regional level  
FKB : Faction of Awakening Nation  
GAM : Independence Aceh Movement  
ICCPR : Covenant on Civil and Political Rights  
Koramil :  
Komnas HAM : National Commission of Human Rights  
KUHP : Criminal Law  
KPU : General election commission  
Menkopolkam : Minister of politic and security command  
NKRI : Unitary state of Republic of Indonesia  
NAD : Nanggroe Aceh Darussalam  
PDMD : Regional Martial Law Authority  
PPP : United Development Party  
PDIP : Struggle Indonesian democratic party  
Polres : Resort Police Department  
P4B : Sustainable people data collection  
Panwaslu : General Election Monitoring Committee  
Reskrim : criminal investigation division  
SLORC : State Law and Order Council  
UN : United Nations