

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

Research Response Number: IDN30882
Country: Indonesia
Date: 1 November 2006

Keywords: Indonesia – Aceh – GAM – Factional splits

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Please provide information on the existence of factional splits in GAM.
2. Please provide information on the progress of the July laws in terms of implementation and political reaction.

RESPONSE

1. Please provide information on the existence of factional splits in GAM.

PLEASE NOTE: The International Crisis Group (ICG) release a report addressing these issues some four weeks after the conclusion of this Research Response. The ICG report is supplied as Attachment 25 and was attached to this Research Response after its completion because of its significance (International Crisis Group 2006, *Aceh's Local Elections: The Role of the Free Aceh Movement (GAM)*, Asia Briefing No.57, 29 November http://www.crisisgroup.org/library/documents/asia/indonesia/b57_acehs_local_elections.pdf – Accessed 30 November 2006 – Attachment 25).

Available country information indicates that *Gerakan Aceh Merdeka* (GAM; or Free Aceh Movement) has, historically, been affected by a number of factional splits including a fissure which has recently developed since the passage of the 2006 Aceh Governance Bill (now the Law on Government of Aceh or LoGA). Little published information is available on the nature of this recent split beyond a few comments which have been made to the press by Dr Sidney Jones of the International Crisis Group (ICG) in late September 2006. According to *The Jakarta Post* Dr Jones has said that: “GAM now is split into the old-guard diaspora led by Human Hamid, and the local resistance group with M. Nazar and Irwandi as their leaders”. *Agence France-Presse* reports that Dr Jones has said that the split has occurred “mostly due to differences over who to nominate as a candidate for governor” in the local elections scheduled to take place in Aceh on 11 December 2006. According to *Agence France-Presse* Dr Jones believes that the “rivalry – which [is] ‘getting really, really down and dirty now’ with both sides trading insults and accusations – reduced the prospect of violence” (‘Polls in

Indonesia's Aceh should not hit peace pact: analyst' 2006, *Agence France-Presse*, 28 September – Attachment 2; Sijabat, R.M. 2006, 'Split may Derail Ex-Rebels' Chances in Aceh Elections', *Acheh-Eye.org* website, source: *Jakarta Post*, 29 September http://www.acheh-eye.org/a-eye_news_files/a-eye_news_english/news_item.asp?NewsID=4364 – Accessed 27 October 2006 – Attachment 1).

The only further information on the recent split that could be located in published sources comes from an August 2006 *Kyodo News* article which reports that Human Hamid's faction is receiving the backing of the "United Development Party" (the *Partai Persatuan Pembangunan* or PPP) an Islam-based national party which is presently allied with the Susilo Bambang Yudhoyono government (although it supported Megawati Sukarnoputri and opposed Susilo in the initial phase of the presidential elections; switching sides for the final presidential run-off). According to *Kyodo News*, it would seem that the Nazar and Irwandi faction are contesting the local elections without the backing of one of Indonesia's national parties (Aceh has been granted unique status insofar as candidates will be allowed to contest elections in the province without the backing of a national party) (Tjandraningsih, C.T. 2006, 'Aceh kicks off 1st step toward historic regional elections', *Kyodo News*, 28 August – Attachment 19; for background on the PPP see: International Crisis Group 2003, 'Indonesia Backgrounder: a Guide to the 2004 Elections', 18 December, pp.9-10 – Attachment 22; for information on the PPP's results in the most recent elections, see: Matsui, Kazuhisa 2004, 'The 1 Short Report', IDE-JETRO website, 18 June http://www.ide.go.jp/English/Publish/pdf/ShortReport_1_revised.pdf – Accessed 14 January 2005 – Attachment 21; see also: 'PBR backs Mega, Susilo woos PPP' 2004, *Jakarta Post*, 24 August <http://www.thejakartapost.com/yesterdaydetail.asp?fileid=20040824.C05> – Accessed 2 February 2005 – Attachment 23).

No information could be located within published sources on the question of whether this split concerns itself, in any substantial way, with the abandonment of GAM's call for an independent Aceh. Requests for information on this issue were sent to a number of experts in the field. Dr Jones could not be reached at this time but advice on this issue was received from Dr Edward Aspinall, a leading expert on GAM from the Australian National University (ANU). According to Dr Aspinall the split "Sidney Jones refers to...has occurred in the mainstream GAM ranks – ie among those who support the Aceh peace process" – and is thus not concerned in any significant way with GAM's abandonment of its demand for an independent Aceh. Nonetheless, according to Dr Aspinall, "[t]here is indeed a split among former supporters of Free Aceh Movement (GAM) outside the country about the Helsinki Peace Agreement, with one (relatively small) group continuing to support independence for Aceh. This split partly continues an early and very bitter division in the movement which developed some years ago between a group called MP-GAM [*Majelis Pemerintahan-GAM* or GAM Governing Council] and the mainstream GAM". According to Dr Aspinall "[t]his split led to bitter acrimony and at least one murder in Malaysia". He further advises that he is "aware that several members of the Acehnese community in Australia are affiliated with this group (or at least share its views) and continue to support Acehnese independence". Dr Aspinall advises that he could not rule out the possibility that "the history of tensions within GAM...would put someone who was affiliated with the minority position (ie support for continued independence) at risk of violence from other GAM members if he/she returned to Aceh" (Aspinall, E. 2006, 'Country Information Request IDN30882: "factional splits in GAM"', 9 November 2006 – Attachment 24; for further background on previous splits in the GAM movement, including the MP-GAM split, see: Aspinall, E. 2005, 'The Helsinki

Agreement: A More Promising Basis for Peace in Aceh?', East-West Center Washington website, pp.18, 60-63 <http://www.eastwestcenterwashington.org/Publications/aspinall2.pdf> – Accessed 27 October 2006 – Attachment 4; and also: Schulze, K.E. 2004, 'The Free Aceh Movement (GAM): Anatomy of a Separatist Organization', East-West Center Washington website, pp.19-24 <http://www.eastwestcenterwashington.org/Publications/psseriespdf2.htm> – Accessed 27 October 2006 – Attachment 5).

In regard to the likelihood for violence that might be engendered by the recent split in GAM, Dr Aspinall advises that: “[t]here is considerable bitterness here...and I have read some reports about intimidation and minor violence resulting from it, but not of very serious violence (eg killings). This does not mean that such violence has not occurred, just that I haven’t heard about it”. Another GAM expert, Deakin University’s Associate Professor Damien Kingsbury, has advised that he does not “believe that anyone has anything to fear from either faction of GAM”; though “[i]f Acehese do advocate independence, they might be persecuted by police or soldiers”. Dr Aspinall is also of the latter opinion and has advised that it is “very likely that if a person was to openly advocate independence, that security forces would find it politically expedient to make an example of such a person” (Aspinall, E. 2006, ‘Country Information Request IDN30882: “factional splits in GAM”’, 9 November 2006 – Attachment 24; Kingsbury, D. 2006, Email to RRT Country Research: ‘Country Information Request IDN30882: “factional splits in GAM”’, 30 October – Attachment 6).

An overview of the available source material follows below.

Factional Splits in GAM – Recent Developments

In the lead up to the local elections scheduled to take place in Aceh in December it has been reported by *Agence France-Presse* that Dr Sidney Jones, of the International Crisis Group (ICG), has “noted that GAM had now split into two rival groups mostly due to differences over who to nominate as a candidate for governor. One centred around ex-leaders who were exiled in Sweden and the other around leaders here”. Jones reportedly expressed the view that “[t]heir rivalry – which was ‘getting really, really down and dirty now’ with both sides trading insults and accusations – reduced the prospect of violence”. The report follows in detail:

The challenge of staging polls in Indonesia’s Aceh this year should not derail a peace pact signed in 2005 between separatists and the government, an analyst said Thursday.

The province is set to hold its first-ever gubernatorial elections on December 11 under the pact, which was signed last August by Jakarta and the rebel Free Aceh Movement (GAM). The agreement ended nearly three decades of conflict.

Voters will also select the heads of Aceh’s 19 districts and mayoralty.

“At this point of time, I don’t think there is anything significant enough (related to the polls) to derail the peace process,” said Sidney Jones, the Southeast Asian director of the International Crisis Group, a Brussels-based think-tank.

She told a public discussion about the polls that one of the main reasons why was that only individuals could run and not political parties, which under the peace deal will have to wait until the next electoral cycle begins in 2009.

Local political parties are outlawed elsewhere in Indonesia, but are to be permitted in Aceh under the deal.

“The safety valve that is built in is the notion that it is actually the 2009 elections that are really important for GAM,” Jones said.

“There will be irritation, disappointment, frustration, resentment, all of the above, if they come out with nothing from the local elections, but because of the higher goal of 2009, it may not have a particularly destabilizing effect,” she said.

Jones also noted that GAM had now split into two rival groups mostly due to differences over who to nominate as a candidate for governor. One centered around ex-leaders who were exiled in Sweden and the other around leaders here.

Their rivalry – which was “getting really, really down and dirty now” with both sides trading insults and accusations – reduced the prospect of violence, she said.

Other elements, such as the Indonesian security authorities, would have more scope to throw money and support behind one candidate and spread disinformation on others than to engage in open violence, Jones added (‘Polls in Indonesia’s Aceh should not hit peace pact: analyst’ 2006, *Agence France-Presse*, 28 September – Attachment 2).

The Jakarta Post also reported on Dr Jones’s comments at this time, providing further detail on the identities involved in the split: “GAM now is split into the old-guard diaspora led by Human Hamid, and the local resistance group with M. Nazar and Irwandi as their leaders’...she told a discussion Thursday”. Dr Jones also provided information on the areas in which GAM leaders were most likely to campaign: “Several GAM leaders have nominated themselves to contest the elections, Jones said, and are expected to win support from their strongholds in East Aceh, Pidie, Central Aceh and Nagan Raya”. The report follows in detail:

Former rebels may lose upcoming direct elections in Nanggroe Aceh Darussalam because they have split into two rival groups, analysts say.

Sidney Jones, Southeast Asia project director for the International Crisis Group, said the split was due mostly to differences over which former leader of the Free Aceh Movement (GAM) should be the group’s gubernatorial candidate.

One faction centred around prominent GAM members exiled in Sweden and the other around leaders living in Aceh.

“GAM now is split into the old-guard diaspora led by Human Hamid, and the local resistance group with M. Nazar and Irwandi as their leaders. In addition to the lack of necessary preparations, these conditions make it difficult for GAM to consolidate,” she told a discussion Thursday.

Jones said their rivalry was “getting really, really down and dirty now”, with both sides trading insults and accusations.

Several GAM leaders have nominated themselves to contest the elections, Jones said, and are expected to win support from their strongholds in East Aceh, Pidie, Central Aceh and Nagan Raya.

She added that the Indonesia Military, which is allegedly backing the nomination of former Iskandar Muda military commander Maj. Gen. (ret.) Djali Yusuf, would have little sway over the gubernatorial election as the Acehnese people were still deeply suspicious of the military.

Jones added that the local elections would be dominated by major political parties, especially the Golkar Party, the Indonesian Democratic Party of Struggle, the National Mandate Party and the United Development Party.

She said the 2009 general elections offered former rebels a good chance to win seats in the provincial and regional legislatures, which would give them more political clout to run in the 2014 elections.

Paul Rowland, resident representative of the National Democratic Institute (NDI), warned of possible violence during and after the elections.

“Like the past elections in other regions, clashes could flare up at all phases of the local elections,” he said in the same discussion.

He said violence could break out if the defeated candidates did not accept their losses.

Problems have already begun in the early phase of the gubernatorial election, as independent female candidate Mediati Hafni Hanum was declared to have failed a Koran reading test. She has disputed the test results.

The test is a requirement for candidates running in the gubernatorial election.

Rowland said problems could also arise if the Independent Election Commission (KIP) produced inaccurate data in registering voters or verifying candidates. Clashes with security forces were also a danger, he said.

“Possible intimidation of voters and candidates by security authorities and personnel could potentially trigger conflicts” (Sijabat, R.M. 2006, ‘Split may Derail Ex-Rebels’ Chances in Aceh Elections’, *Aceh-Eye.org* website, source: *Jakarta Post*, 29 September http://www.aceh-eye.org/a-eye_news_files/a-eye_news_english/news_item.asp?NewsID=4364 – Accessed 27 October 2006 – Attachment 1).

It has recently been reported in the ICG’s *CrisisWatch* bulletin that: “11 teams formally applied to contest 10 December gubernatorial elections in Aceh, including GAM team running as independents and GAM member on another party slate” (International Crisis Group 2006, *CrisisWatch*, ‘Indonesia’, no.38, 1 October, pp.6-7 http://www.crisisgroup.org/library/documents/crisiswatch/cw_2006/cw38.pdf – Accessed 30 October 2006 – Attachment 3).

On 4 September 2006 *Kyodo News* reported on the manner in which a number GAM members have been aligning themselves in preparation for the forthcoming elections:

Ahmad Humam Hamid, a university lecturer with close ties to the Free Aceh Movement, widely known as GAM, is pairing with former GAM member Hasbi Abdullah to seek the governorship and vice governorship in the Dec. 11 voting.

Uniquely, despite past criticism and resistance against the government, they have been nominated by the Muslim-based United Development Party, one of the country’s major national political parties.

Another former rebel, Irwandi Yusuf, now GAM representative on the EU-led Aceh Monitoring Mission, has joined Muhammad Nazar, chairman of the Information Center on Referendum in Aceh, to seek the top posts.

The Center, known by its acronym SIRA, is a nongovernmental organization based in Banda Aceh that consists mostly of students. It has organized mass gatherings in the past demanding a referendum on self-determination for Aceh.

Yusuf and Nazar are running as independents.

Although the recent Law on Aceh Governance says Acehnese can have local political parties, so far no local parties have been established.

The law allows independent candidates to participate in regional elections, but only for the first elections, which will also include elections for mayors and regents.

Also running as independents are the pair of former parliamentarian Ghazali Abbas Adan and SIRA activist Shalahuddin Alfata Krueng Kalee and the pair of former Aceh Military Regional Commander Maj. Gen. Djali Yusuf and local councilor Syauqus Rahmatillah.

Those candidates are expected to compete with strong figures backed by major parties such as a retired military officer expected to be supported by President Susilo Bambang Yudhoyono's Democrat Party and former President Abdurrahman Wahid's National Awakening Party.

Current Aceh Gov. Azwar Abubakar is getting support from the Muslim-based Prosperous Justice Party, which frequently draws huge numbers to its anti-U.S. and anti-Israel rallies, and the National Mandate Party championed by Amien Rais, the former leader of the 25-million-strong Muslim organization Muhammadiyah.

GAM support is being split.

One side, led by former GAM Spokesman Sofyan Dawood, is behind the Yusuf-Nazar pairing, while a side led by former GAM Commander Muzzakir Manaf backs Hamid and Abdullah.

Monday, the prospective candidates began the registration process and next week they must take tests, including reading the Quran, to determine who will be allowed to complete in the actual elections.

The final candidates will be announced within a month (Tjandraningsih, C.T. 2006, 'Aceh kicks off 1st step toward historic regional elections', *Kyodo News*, 28 August – Attachment 19).

In March 2006, prior to the Indonesian decision to make Aceh a special case and allow independent candidates to stand for election, the ICG provided an overview of the various views held within the GAM movement in regard to the conditions under which GAM leaders would be prepared to stand for election in the local polls (a crucial footnote to this overview, n.12, precedes the text of the overview, "Independent Candidates"):

Footnote 12:

In late 2005, as independent candidacies seemed like real options, several well-known Acehnese politicians flirted with "dream teams": they would stand for governor, backed by all the resources of established parties, with a GAM member as a running mate to bring in large numbers of votes. The GAM leadership in Sweden, however, reportedly ruled that GAM would only take part in local elections if it could field separate slates for governor/vice governor and bupati (district head)/deputy bupati in the eighteen contested districts and municipalities (p.3, n.12).

...Independent Candidates:

As noted, whether independent candidates will be able to run in Aceh elections has become a matter of hot debate. The Aceh draft said they could; the government draft, by removing any mention, implies that only candidates of political parties or coalitions of political parties will be allowed to compete. It appears there is still a chance the Indonesian parliament will reinsert the language from the Aceh draft but the politics of the issue changes daily.

Initially, allowing independent candidates was seen as critical to GAM's stake in the peace process. A leading Acehnese intellectual said GAM needed a few early victories at the ballot box to convince its rank-and-file there was some political gain in giving up arms. But if the government version were adopted, GAM members who wished to run for office in the local elections could do so only as members of existing national parties such as Golkar. In early March 2006, GAM leaders said they would not be interested even if the Aceh branches of national parties offered them slots. Either they would run independently or they would sit out the polls.¹² They also made it clear, however, that failure to allow independent candidates would not kill the peace process: it would not bode well for Jakarta's good faith on other issues but it would not send them back to the hills. By the end of March, there were even indications that some GAM members were not so opposed to joining existing parties but it was clear there was no single "GAM" view on the issue.

The debate, however, reveals much about lingering suspicions in Jakarta over GAM intentions. Indonesian intelligence (BIN) and many in the military believe that if permitted to do so, GAM would use political participation, first through independent candidates then a local party, to control "strategic areas" and pursue its independence agenda. BIN conveyed such concerns to the parliamentary commission that handles security issues in a closed meeting on 13 February. Both the essence of the message and the report it was based on were widely leaked. On 6 March, Defence Minister Juwono Sudarsono told the commission GAM was intensifying propaganda efforts to discredit the government. The next day, however, the military commander, Djoko Suyanto, told the press the TNI had seen no systematic efforts by GAM since the Helsinki accords to "twist facts".

One parliamentarian in Jakarta said the problem with GAM running on an independent ticket was that it would in effect turn the elections into a referendum on independence. Whether or not GAM candidates articulated that aim, that is how villagers would see it, he said, and in a free and fair election, a GAM slate could win several districts, perhaps even the governorship. The prospect could lead to intensified intelligence efforts to mobilise an opposition force. "Better for everyone if GAM waits to run as independents until the next local elections", he said (International Crisis Group 2006, 'Aceh: Now for the Hard Part', Asia Briefing no.48, pp.3-4, n.12 – Attachment 8).

Factional Splits in GAM – the Situation for GAM Members Advocating Independence

On 30 October 2006 Associate Professor Damien Kingsbury of Deakin University provided the following advice in regard to the security situation for returning GAM members who might choose to continue to advocate for an independent Aceh (Dr Kingsbury is the author of a number of studies on security in Indonesia and, during the recent peace negotiations which led to the signing of the July 2005 Helsinki Memorandum of Understanding, he acted as an advisor to the GAM delegation):

I don't believe that anyone has anything to fear from either faction of GAM. There has been no indication of violence. If Acehnese do advocate independence, they might be persecuted by police or soldiers, but that is the same as for anywhere in Indonesia – it is simply an

unwise thing to do in public. Anyone making such comments would not be persecuted by GAM members or the organisation.

There continues to be many problems in Aceh, but these are largely as a consequence of the post-tsunami environment, and the slow pace of reconstruction. Of course, the Indonesian military continues to extort money from locals, but it does that everywhere in Indonesia. In this respect, Aceh is now not very much different from any other part of Indonesia (Kingsbury, D. 2006, Email to RRT Country Research: 'Country Information Request IDN30882: "factional splits in GAM"', 30 October – Attachment 6; for the RRT Country Research Email which elicited this advice, see: RRT Country Research 2006, Email to Dr Damien Kingsbury: 'Country Information Request IDN30882: "factional splits in GAM"', 30 October – Attachment 7).

On 9 November 2006, Dr Edward Aspinall of the Australian National University (ANU) provided the following advice on factional splits in GAM and the security situation for returning GAM members who might choose to continue to advocate for an independent Aceh (Dr Aspinall is the author of a number of studies on Aceh, GAM and the relationship between the Acehnese and the state of Indonesia):

1. There is indeed a split among former supporters of Free Aceh Movement (GAM) outside the country about the Helsinki Peace Agreement, with one (relatively small) group continuing to support independence for Aceh. This split partly continues an early and very bitter division in the movement which developed some years ago between a group called MP-GAM and the mainstream GAM (the mainstream was led from Sweden by individuals like Malik Mahmud and Zaini Abdullah). This split led to bitter acrimony and at least one murder in Malaysia. Many (though not all) of the group who now criticize the Helsinki peace agreement and condemn the mainstream GAM leadership for supporting it, were formerly supporters of MP-GAM. For your information, I paste below [see Attachment 24] a declaration made earlier this year by supporters of this group. From my own associations with members of the Acehnese community in Sydney, I am aware that several members of the Acehnese community in Australia are affiliated with this group (or at least share its views) and continue to support Acehnese independence.
2. This split is separate from the one which Sidney Jones refers to. That split has occurred in the mainstream GAM ranks – ie among those who support the Aceh peace process. There is considerable bitterness here, too, and I have read some reports about intimidation and minor violence resulting from it, but not of very serious violence (e.g. killings). This does not mean that such violence has not occurred, just that I haven't heard about it.
3. I do not know if the history of tensions within GAM referred to in point 1 above would put someone who was affiliated with the minority position (ie support for continued independence) at risk of violence from other GAM members if he/she returned to Aceh. I certainly could not rule that out: certainly at the height of the conflict, there were many rumours of such violence taking place and I have heard GAM members themselves say at that time that they would kill members of MP-GAM they found in Aceh. I do not know to what extent that rancour and hostility continues into the post-peace agreement climate. Discussions among Acehnese on various email lists I am party to do reveal that there is much continuing bitterness; it may be possible that this would lead to violence, though I cannot say for sure.
4. I believe that any person who returned to Aceh and campaigned for the independence of Aceh would be at serious risk of arrest. The peace agreement has been possible only because GAM gave up its support for independence. In other parts of Indonesia, advocates of independence for various regions continue to be arrested for violating makar (treason) provisions of the criminal code. Government security force leaders in Aceh have

stated at various times that they are suspicious of, and would like to take action against, former independence supporters who now endorse the peace process, but they have been constrained by the fact that all such persons have carefully avoided stating their support for independence. It is thus very likely that if a person was to openly advocate independence, that security forces would find it politically expedient to make an example of such a person (Aspinall, E. 2006, 'Country Information Request IDN30882: "factional splits in GAM"', 9 November 2006 – Attachment 24; for the RRT Country Research Email which elicited this advice, see: RRT Country Research 2006, Email to Dr Edward Aspinall: 'Country Information Request IDN30882: "factional splits in GAM"', 30 October – Attachment 10).

Requests for advice on this matter were also forwarded to: Dr Sidney Jones at the International Crisis Group; and Dr Kirsten Schulze at the London School of Economics. Information from these sources will be supplied as soon as it becomes available (RRT Country Research 2006, Email to Dr Sidney Jones: 'Country Information Request IDN30882: "factional splits in GAM"', 30 October – Attachment 9; RRT Country Research 2006, Email to Dr Kirsten Schulze: 'Country Information Request IDN30882: "factional splits in GAM"', 30 October – Attachment 11).

Previous Factional Splits in GAM – Further Background

Dr Edward Aspinall, of the Australian National University, provides the following background on factionalism in GAM in a 2005 paper published in the aftermath of the signing of the Helsinki agreement:

It had long been a key objective of the government to split GAM, especially by making separate approaches to the field commanders who, it was widely believed, were more moderate and potentially amenable to persuasion than the exiled leadership in Sweden. With a few minor exceptions, such approaches had always failed. The field commanders were mostly loyal to the Swedish-based leadership and strictly adhered to the policy that the exiled group was responsible for "political" matters. Another factor was doubtlessly the strong culture within GAM of hostility to "traitors" and "informants" (*cuak*) within the ranks, a culture that has repeatedly been reinforced by assassinations and other violent retribution.

...it is unlikely that there would be a full resumption of hostilities at the level experienced in recent years. GAM has already crossed a Rubicon by agreeing to set aside its independence goal. Many of its members, already exhausted by years of unrelenting guerrilla warfare, may find it unappealing to revert to armed struggle once they have been successfully reintegrated into village life and provided with land and monetary compensation. More senior leaders will likely be subject to constant efforts at co-optation by members of the Indonesian elite, including offers of attractive jobs and opportunities for rent-seeking in the bureaucracy. It is hard to imagine that all of them will resist the temptations of the dominant political culture of "money politics," especially as many of them are already well-versed in irregular means of fund-raising. Even if GAM's main leaders (for instance, those located outside of the country) eventually decide that the peace deal is not worth preserving, it is likely that they would not be able to bring all of their former followers with them.

In some places where separatist movements have agreed to accept solutions falling short of independence, radical factions have split away to continue the struggle. In the short term, and in the absence of major problems in the implementation of the political aspects of the accord, major splits in GAM are unlikely. There have been some indications of unhappiness with the MoU among followers of a dissident faction of GAM known as MP-GAM. This group, however, only has a significant following among Acehnese exiles and has never had strong armed support inside Aceh. Throughout the 2005 negotiations, GAM commanders and their

spokespersons in the field repeatedly stated that they were obedient to their leaders in Sweden and would, in the words of Teungku Kafrawi, a spokesman for GAM from East Aceh, “follow any decision made by our political and field leaders. If they ask us to lay down our arms, then we will do so.” In fact, most reports suggested that GAM field commanders, including Muzakkir Manaf himself, favoured compromise.

In Aceh, the lines have sometimes been blurred between GAM members in the field and brigands who use the GAM moniker to engage in predatory behaviour such as robbery, extortion, and kidnapping for ransom. In her analysis of GAM, Kirsten Schulze points to the apparent “criminalization” of the movement, at least in some regions (Schulze 2004: 17, 28–29). While some GAM units with a history of such behaviour will doubtlessly obey orders from their commanders to desist, there are also freewheeling groups whose links to the “official” GAM are more tenuous or even nonexistent. In the weeks following the signing of the MoU, security officials in the province repeatedly warned that “armed groups” or “former” GAM members were still roaming through the countryside and using their weapons to extort pajak nangroe (the term GAM used to describe the “state taxes” it raised from the population) and commit other crimes. Major General Supiadin A.S. warned that if there were still criminal actions taking major splits in GAM are unlikely place after the scheduled GAM surrender of weapons was complete, then the police would carry out “sweeping operations” (Analisa, September 7, 2005). The regional police chief warned that his forces would hunt down former GAM members engaged in criminal acts (Analisa, August 25, 2005).

Such warnings are ominous because similar accusations were central to the sequence leading to the collapse of the Humanitarian Pause and COHA. This time around, however, GAM leaders have responded by disowning extortion and similar acts. For instance, GAM’s chief delegate to the AMM, Irwandi Yusuf, said that GAM members were no longer raising pajak nangroe and that people asked by armed men to pay it should report the incidents (Analisa, September 10, 2005). This attitude contrasts with the behaviour of GAM leaders during the COHA who publicly justified pajak nangroe as a legitimate form of taxation.

Military and police officers have so far refrained from openly accusing GAM as being behind these acts and have instead invited GAM members to join them in hunting down “GAM splinter groups.” Even so, were security officials to become convinced that GAM was not sincere in its abandonment of the independence goal or for some other reason became determined to spoil the agreement, such incidents might become a convenient excuse for taking punitive action (Aspinall, E. 2005, ‘The Helsinki Agreement: A More Promising Basis for Peace in Aceh?’, East-West Center Washington website, p.18, 60-63 <http://www.eastwestcenterwashington.org/Publications/aspinall2.pdf> – Accessed 27 October 2006 – Attachment 4).

Dr Kirsten E. Schulze, of the London School of Economics, provides the following background on factionalism in GAM in a 2004 paper which sought to provide an anatomy of the guerrilla movement in the context of the resumption of hostilities which followed the collapse of the mid-2003 peace negotiations:

There has been much speculation about the extent of factionalisation within GAM. During the negotiations of 2000-2003, the different voices from GAM on the ground not only raised the question of who to talk to but also raised hopes that this factionalisation could be exploited to Jakarta’s advantage. At the same time, the talks also showed that while AGAM/TNA field commanders had operational freedom, the key political decisions were being made by the exiled leadership in Sweden. And none of the leaders on the ground were prepared to challenge Hasan di Tiro, Zaini Abdullah, or Malik Mahmud. This exiled leadership as a whole has pursued an uncompromising stance, displaying neither the wish nor the need for accommodation. At the same time, however, they have supported a strategy of dialogue in parallel with guerrilla warfare.

While Hasan di Tiro has consistently dismissed Indonesia and treated the negotiations purely as a means for reaching out to the international community, both Malik Mahmud and Zaini Abdullah have vacillated between rejecting autonomy and accepting “decolonisation” as a step-by-step process without, however, defining what this process entails.

...The division of Aceh into seventeen wilayah has allowed field commanders to carve out their own fiefdoms, allowed some commanders to become warlords, and allowed those less effective to let their troops run wild. Based on leadership personality, loyalty, and income generation capacity, seven or eight virtually autonomous AGAM/TNA have emerged. Edward Aspinall observes: “Most field commanders seem to be aligned with the Hassan di Tiro leadership. But some rural armed groups have only a loose affiliation with the organisation. Others are simply gangsters who claim GAM credentials in order to extort money from the unfortunate locals” (2000: 7).

Some internal differences, however, have resulted in splinter groups. GAM has undergone several splits “with incessant squabbling among the major groups in exile” (Aspinall 2000: 7). The main breakaway group is Majelis Pemerintahan GAM (MP-GAM), led by Secretary-General Teuku Don Zulfahri, who had been living in Malaysia since 1981 until his assassination in June 2000. Since then it has been led by former GAM cabinet minister Husaini Hasan together with former di Tiro associate Daud Paneuk and the latter’s son Yusuf Daud. Like di Tiro, Husaini Hasan is based in Sweden.

Although the split in GAM leadership dates back to 1987, it was never made public as both parties wanted to safeguard the struggle. Only when Husaini Hasan allied himself with Zulfahri in Malaysia did it become public (Barber 2000: 114). Open conflict between the two emerged in 1999 when the 76-year-old di Tiro’s health suddenly declined, raising the issue of succession. Indeed a power struggle emerged between Zaini Abdullah and Daud Paneuk, who wanted to smooth the path for his son.³⁰ According to *Inside Indonesia*: “The split became public on 30 April 1999, when di Tiro ‘expelled’ Husaini Hasan and his associates Daud Paneuk and Mahmud Muhammad.”³¹ It then escalated into a war of press releases in November 1999, when Indonesian president Abdurrahman Wahid asserted he had held telephone conversations with GAM that turned out to have been with MP-GAM. The power struggle abated with the killing of Zulfahri on June 1, 2000, which MP-GAM attributes to GAM (Hasan 2000) and GAM to the Indonesian military (Barber 2000: 115).

Although the conflict between GAM and MP-GAM was above all a power struggle, there are certain ideological differences between the two factions. MP-GAM – in particular Zulfahri and his associates in Malaysia – saw itself as more Islamic: “One of its spokespersons portrayed di Tiro and his European GAM as secular, alienated from Acehnese life by his long absence, too scared to return home or even address the world media, and therefore no longer genuinely Acehnese” (Hasan 2000). GAM, however, insists that the difference with MP-GAM was not a question of Islam but collaboration with the Indonesian military.

Splits have also occurred on the ground in Aceh. These have been less in the form of power struggles than ideological quarrels resulting in the formation of two very small Islamist splinter groups – both of which were formed during DOM, had no real support base, and since the death of their leader Fauzi Hasbi have effectively ceased to exist. Nevertheless it is worth taking a brief look at them. The key group here was the Front Mujahidin Islam Aceh (FMIA), whose main grievance was GAM’s secular nationalist ideology. This agenda prompted Hasbi to form his own organization in order to return to Daud Beureueh’s Islamic agenda. Under the pseudonym of Abu Jihad, Fauzi Hasbi published a number of booklets in which he criticized GAM for its tactics of “intimidation and terror” and “prolonging the conflict for its own interests.” He accused GAM of having succumbed to arrogance with the result of “not caring about the society of Aceh” and not “fighting for the interests of the Islamic umma in Aceh” as well as having strayed from the “framework of devotion to Allah”

and “the path of Syariah” (Abu Jihad 2000: 2-5). In an attempt to discredit di Tiro, Abu Jihad even asserted that di Tiro had “married a woman of Jewish-Swedish descent” (Abu Jihad 2001: 17).

In addition to FMIA there was a small group using the name of Republik Islam Aceh (RIA), also led by Hasbi, which became the subject of some controversy.

...According to GAM, RIA overlapped to a large degree with FMIA – in particular sharing key leadership personalities such as Fauzi Hasbi, whom GAM sees as a traitor who was “turned” by Kopassus after his capture in 1979. GAM believes that RIA and FMIA, as well as MP-GAM, are all products of Indonesian intelligence apparatus with the specific purpose of discrediting GAM by making it look fanatical and fundamentalist. GAM further alleges that Fauzi Hasbi was directly responsible for the killing of his older brother, GAM minister Dr. Muchtar Hasbi, in 1980 by betraying him to Kopassus (ICG 2002: 9).

RIA and FMIA were propelled into the international spotlight after it was alleged that Hasbi had contact with Al-Qaeda operatives. On December 15, 1999, he is said to have met Omar al-Faruq in Aceh and to have spoken on the phone with Ayman Zawaheri when the latter went to Aceh in June 2000 (ICG 2002: 10-11). It has also been claimed that Hasbi was linked to Jemaah Islamiyya (JI) through Abu Bakar Ba’asyir, whom he met in Malaysia, and Agus Dwikarna, whom he had visited shortly before Dwikarna’s trip to Mindanao in March 2002 (ICG 2002: 10-11).

...since neither MP-GAM, RIA, nor FMIA has a significant indigenous support base, all three can be dismissed as serious challengers to the official GAM leadership in Sweden. GAM alone has political and military authority on the ground, leaving Jakarta with little choice in terms of a negotiating partner (Schulze, K.E. 2004, ‘The Free Aceh Movement (GAM): Anatomy of a Separatist Organization’, East-West Center Washington website, pp.19-24 <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 5).

2. Please provide information on the progress of the July laws in terms of implementation and political reaction.

On 12 July 2006, Associate Professor Damien Kingsbury provided commentary on the passage of the Aceh Governance Bill in an interview on *ABC Radio*. While generally positive in his comments about the manner in which the new laws “create a democratic space in Aceh”, Kingsbury also noted that the laws had “sparked protest”; that “[t]here was a strike called by the Aceh Referendum Information Centre”; that “police have now arrested a number of organisers from this NGO...in contravention...of both the Memorandum of Understanding and Indonesian law”; and that there had “also been a few shootings of civilians in the last few weeks...which have indicated that there were some in the armed forces who were trying to derail the process”. The relevant extracts follow in detail:

ELEANOR HALL: Indonesia has for the first time opened the way for local political parties to be formed in Aceh, as part of a deal with former separatist activists in the province.

...Simon Lauder has this report.

SIMON LAUDER: ...Last August, the Free Aceh Movement, or GAM, agreed to drop its demand for independence in exchange for the Bill that has now passed the Indonesian Parliament. And it delivers more than just peace.

DAMIEN KINGSBURY: Most importantly, what this agreement has done has been to create a democratic space in Aceh, a genuine democratic space.

SIMON LAUDER: Deakin University's Damien Kingsbury was an adviser to GAM during last year's peace talks.

He says the Indonesian Government has opened the way for the people of Aceh to elect their own representatives later this year.

DAMIEN KINGSBURY: The Acehnese will largely have control over their own affairs. Of course, there are some matters which will still devolve to the Government in Jakarta, such as foreign affairs, communications, external defence and so on.

More importantly, I think that there will be a local representative process.

SIMON LAUDER: The new local government of the resource-rich province will get 70 per cent of revenues from Aceh's oil and gas reserves.

But Damien Kingsbury says there's concern the agreement reached last year has been weakened in the final draft.

Associate Professor Kingsbury says the ongoing role of the military is vague under the Bill, which doesn't allow proper prosecution for past human rights abuses and also leaves Jakarta largely in control of Aceh's foreign aid and foreign investment.

He says that's already sparked protest.

DAMIEN KINGSBURY: There was a strike called by the Aceh Referendum Information Centre, which is an umbrella NGO (non-governmental organisation) for groups in Aceh. So they distributed leaflets calling for a general strike, which was largely recognised. Most shops and transport wasn't running yesterday.

But unfortunately the police have now arrested a number of organisers from this NGO, and in contravention, I might say, of both the Memorandum of Understanding and Indonesian law. And these people have been held captive now since Monday, and we don't know where they are.

There's also been a few shootings of civilians in the last few weeks too, which have indicated that there were some in the armed forces who were trying to derail the process ('Aceh gains autonomy after legislation passes' 2006, *ABC Radio*, 12 July <http://www.abc.net.au/worldtoday/content/2006/s1684534.htm> – Accessed 30 October 2006 – Attachment 12).

Extended commentary on the possible implications of the Aceh Governance Bill was published on 26 July 2006 by Dr Pankaj Kumar Jha of India's Institute for Defence Studies (IDS). Some pertinent extracts follow:

The Indonesian Parliament passed the Aceh Governance Bill on July 11, 2006. Dissemination of information about the bill started two days later to ensure that the peace building process, which came into force after the peace accord was signed with Free Aceh Movement (GAM, Gerakan Aceh Merdeka) in Helsinki in August 2005, stays on track. ...The 116-page, 273-article bill clearly stipulates the guidelines for the retention of 70 per cent of Aceh's natural resources within the province, but the contentious issue is that the funds have to be redirected from the central authority in Indonesia. On the other hand, the bill endorses the long held demand of GAM rebels to form a political party in Aceh, which is a special treatment given to

the province since according to Indonesian electoral law a political party can contest elections only if it has branches in half of the country's 33 provinces. In the bill the role of the military is stated to be unclear, and the retroactivity clause which stipulated that Indonesian military personnel could be tried in the human rights tribunal of Aceh for the atrocities committed during the conflict years has been dropped.

Acehnese critics of the bill have been contending that sections of the bill have been left vague so as to accommodate Indonesian aspirations in future. These include: the rule of law, Indonesia's financial interests in the form of taxes, empowerment of army and the deployment of the military in case of unrest in the province, etc. Also, specific queries are being raised with regard to the language of the bill, which states that any laws to be passed by the Aceh provincial government and parliament have to comply with Indonesian norms and regulations. This in a way empowers Djakarta rather than the regional government in Aceh.

On the other hand, nationalist critics of the autonomy clause in the bill are lamenting that Indonesia has given away too much and that this would snowball into an independence movement in Aceh in future. It is also feared that foreign clerics might foment trouble in the name of Islam. At the same time, ultra conservative clerics of Aceh have expressed concerns over the role of Christian missionaries, who they contend wish to convert Muslims in the area through the provision of greater relief to those willing to convert to Christianity. While Indonesian authorities and the Aceh Monitoring Mission (AMM) have managed to pacify critics in this regard for the present, in future the issue might find some takers in Aceh's provincial government. If this issue were to revive, it would adversely affect reconstruction efforts in the province to a certain extent. Moreover, it would not be surprising were Aceh to become a playground for fundamentalist elements.

There is a feeling in certain Indonesian quarters that autonomy might lead to calls for independence in Aceh in future. In addition, the ultra nationalist elements in the Indonesian parliament are wary of the Sharia laws being imposed on the minorities in the province, which could create an unpleasant situation in the future. The new law endorses that Aceh, a conservative orthodox Muslim province, can continue to implement Islamic Sharia law in the province. For the GAM leadership, the ordeal is to form a structured leadership, as a number of GAM leaders are not too pleased with the bill, saying that Indonesia's political elite has not adhered to clauses in the Helsinki accord (Jha, P.K. K. 2006, 'Aceh's Future Challenges', Institute for Defence Studies, 26 July <http://www.idsa.in/publications/stratcomments/PankajJha260706.htm> – Accessed 31 October 2006 – Attachment 13).

At the conclusion of July the World Bank's Conflict and Community Development Program (CCD-Program) published its 'Aceh Conflict Monitoring Update' for the period 1 June – 31 July 2006. "[U]sing a newspaper conflict mapping methodology to record and categorize all incidents of conflict in Aceh as reported in two provincial newspapers (*Serambi* and *Aceh Kita*)" this project has been providing regular assessments of conflict levels in Aceh along with an ongoing assessment of the political situation on the ground (Available at: <http://www.conflictanddevelopment.org/Home.php>). The 1 June – July 2006 assessment found that, while there had been reactions and demonstrations against the Law on Government of Aceh (LoGA), such demonstrations "do not seem to be motivated by serious misgivings with the LoGA. Rather, they appear to indicate that all Acehnese, not just GAM and political elite, have high expectations for the peace agreement and the benefits it will bring them in the future" (p.1). The report also noted the death of one GAM member during this period as a consequence of a clash between GAM members and forces of the Government of Indonesia (GoI). According to the CCD-Program, this was an isolated incident, and "newspaper and AMM [Aceh Monitoring Mission] reports indicate that this

incident is not indicative of a widespread deterioration in security or in GAM-GoI relations. Rather, this type of incident is the result of low military discipline and weak community-military relations” (p.2). This report is supplied as Attachment 14 and, along with its illustrative tables on violence and demonstrations in Aceh, is recommended to the Member in full. Some pertinent extracts follow:

In the past two months, only one GAM-GoI related incident was reported in local newspapers. This incident in Aceh Utara was serious, however, and resulted in one death, two injuries and damage to an AMM vehicle. GAM, military and civil society representatives opted to depart from BRA, the reintegration agency. This development was not totally unexpected and has effectively transformed BRA into a less politicized agency focused on implementation of reintegration programming. The passing of the LoGA on the 11th July was greeted with a mixed response. AMM and its GAM and Government representatives agreed that the law was broadly in line with the contents of the MoU, although GAM felt some articles were unsatisfactory. In contrast, civil society demonstrations were prominent throughout July. Although these are continuing as this Update is being written, they do not seem to be motivated by serious misgivings with the LoGA. Rather, they appear to indicate that all Acehnese, not just GAM and political elite, have high expectations for the peace agreement and the benefits it will bring them in the future (Conflict and Community Development Program 2006, ‘Aceh Conflict Monitoring Update: 1 June – 31 July 2006’ <http://www.conflictanddevelopment.org/resources/documents/Aceh/200608221206000.Aceh%20Conflict%20Monitoring%20Update%20-%20June-July06.pdf> – Accessed 30 October 2006 – Attachment 14).

English language translations of local Aceh media and other Indonesian reports on demonstrations, and reactions, against the Aceh Governance law, have been published on the social activism website of Action in Solidarity with Asia and the Pacific (ASAP), and these are supplied as Attachment 17 and Attachment 16. In addition to these reports on reactions in Aceh, there is also a report of an adverse reaction from “members of the Acehnese community residing in Denmark”, and this is supplied as Attachment 15 (‘Acehnese in Denmark disappointed with Aceh Governance Law’ 2006, Action in Solidarity with Asia and the Pacific website, (source: *Aceh Kita*, trans. J. Balowski), 1 August http://www.asia-pacific-action.org/southeastasia/indonesia/indoleft/2006/acehkita_acehneseindenmarkdisappointed_010806.htm – Accessed 31 October 2006 – Attachment 15; ‘Thousands flood into Banda Aceh to commemorate peace’ 2006, Action in Solidarity with Asia and the Pacific website, (source: *Detik.com*, trans. J. Balowski), 14 August http://www.asia-pacific-action.org/southeastasia/indonesia/indoleft/2006/detik_1000sfloodintobandaaceh_140806.htm – Accessed 31 October 2006 – Attachment 16; ‘Inong Aceh League rejects governance law’ 2006, Action in Solidarity with Asia and the Pacific website, (source: INDOLEFT News Service), 8 August – Attachment 17).

Perhaps most significantly, the ASAP website has published a translation of an *Aceh Kita* bulletin which reports that the Governor of Aceh issued a decree banning a wide variety of pro-democracy, environmental and religious organisations on 21 June 2006. The list included the Aceh Referendum Information Center (SIRA) which has been vocal in its opposition to certain aspects of the Aceh Governance law. The report is supplied as Attachment 18 (‘16 organisations including Walhi declared illegal in Aceh’ 2006, Action in Solidarity with Asia and the Pacific website, (source: *Detik.com*, trans. J. Balowski), 17 July http://www.asia-pacific-action.org/southeastasia/indonesia/indoleft/2006/acehkita_16organisationsdeclaredillegal_170706.htm – Accessed 31 October 2006 – Attachment 18).

Even so, in late August and early September 2006 it was reported that SIRA's chairman, Muhammad Nazar, would be participating in the local elections scheduled for December, as would at least one other SIRA activist, Shalahuddin Alfata Krueng Kalee (see: Tjandraningsih, C.T. 2006, 'Aceh kicks off 1st step toward historic regional elections', *Kyodo News*, 28 August – Attachment 19; and: 'Former rebel group in Indonesia's Aceh joins gubernatorial election' 2006, *People's Daily website*, (source: *Xinhua*) 29 August http://english.peopledaily.com.cn/200608/29/eng20060829_297554.html – Accessed 31 October 2006 – Attachment 20).

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