



Australian Government
Refugee Review Tribunal

Country Advice Indonesia

Indonesia – IDN38201 – Aceh – Gerakan Aceh Merdeka – Komite Peralihan Aceh – Tentara Nasional Indonesia – Indonesian intelligence – 2005 Helsinki Memorandum of Understanding – Acehnese in Malaysia – Malaysian citizenship – Refugee Convention signatories – State protection for Malaysian permanent residents – Acehnese independence advocates

4 March 2011

- 1. Please provide relevant information about Gerakan Aceh Merdeka (GAM), including its history and the development of the movement. What is the situation for GAM members or supporters now?**

Gerakan Aceh Merdeka (GAM), in translation the Aceh Freedom Movement, was established as a Acehnese nationalist separatist movement in 1976. Academic experts suggest that the group has gone through three main stages or phases: 1976-79, 1989-91 and 1999-2005, becoming larger and more challenging to the Indonesian authorities each time. Following GAM's signing of the 2005 Helsinki Memorandum of Understanding (MoU) with the Indonesian government – essentially a peace deal in which GAM agreed to relinquish the goal of independence – the group has ceased fighting and members have run in local elections. The peace is generally considered to have held, but some members or supporters of GAM and/or associated groups have been mistreated by Indonesian authorities in recent years.

Formation and development

GAM was founded as a national separatist movement in October 1976 by Hasan di Tiro.¹ Academics often discuss the history of GAM in terms of three distinct periods or phases,²

¹ Janes World Insurgency and Terrorism 2010, "Gerakan Aceh Merdeka (GAM) (Indonesia), GROUPS - ASIA – DORMANT", 20 August, <http://www.janes.com/articles/Janes-World-Insurgency-and-Terrorism/Gerakan-Aceh-Merdeka-GAM-Indonesia.html> – Accessed 15 February 2011 – Attachment 1; see also "Profile: Aceh's separatists" 2002, *BBC News*, <http://news.bbc.co.uk/2/hi/asia-pacific/2558165.stm> – Accessed 15 February 2011 – Attachment 2. GAM's founder, Hasan di Tiro, was a "descendant of a prominent Acehnese ulama family (religious scholars) and grandson of...[a] hero of the anti-colonial struggle against the Dutch" – see Schulze, K 2004, "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization", East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 4.

² See for example: Ross, M 2005, "Resources and Rebellion in Aceh, Indonesia", in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4; Schulze, K 2004, "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization", East-West Center

and during the “first phase”, from 1976-1979, GAM was, in the words of one expert, “a small, tightly knit, ideologically driven organisation...led by a well-educated elite comprising doctors, engineers, academics, and businessmen”.³ This early GAM was quickly crushed by the Indonesian authorities; by the end of 1979 its leaders “were either in exile, imprisoned, or dead” while “its followers were dispersed and pushed underground”.⁴ Hasan di Tiro and some of his top advisers managed to escape from Indonesia and settle in Sweden, where they established an Acehnese “government-in-exile”.⁵

Second phase

GAM re-emerged in Aceh in 1989, after “hundreds of its guerrillas had undergone training in Libya since 1986”.⁶ The movement grew quickly, and GAM was much more aggressive than before, attacking Indonesian police and army units before expanding its targets to include civil authorities and others.⁷ Indonesia began significant counterinsurgency operations against GAM in 1990.⁸ The military targeted both rebels and civilians. Academic expert Dr Kirsten Sculze writes:

[t]he whole period from 1989 until 1998 became known as DOM [which stands for *Daerah Operasi Militar*, “area of military operations”] and was characterized by heavy-handed military reprisals against villages believed to provide...help or sanctuary to the insurgents.⁹

By the end of DOM, thousands of Acehnese had been killed or tortured.¹⁰ As for GAM, it was “virtually wiped out” in Aceh by 1991 – the end of its “second phase”.¹¹ GAM’s

Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 4.

³ Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3.

⁴ Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 4.

⁵ Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4.

⁶ Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 4.

⁷ Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 43.

⁸ Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 44.

⁹ Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 5. Regarding the meaning of the acronym DOM, see Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 44.

¹⁰ Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 5; Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank,

leadership in exile remained safe, however, and many members fled to Malaysia, where GAM “continued to exist as an insurgent movement among the refugees and supported by the Acehese diaspora”.¹²

Third Phase

Professor Michael Ross from the University of California Berkeley has remarked that although the Indonesian campaign against GAM was “successful in the short term”, it had negative consequences for Jakarta over the longer term, “ultimately contribut[ing] to GAM’s third incarnation”.¹³ Dr Sculze writes,

the DOM experience gave rise to a whole new generation of GAM, [as n]early every Acehese family...was represented among the victims, and when after the fall of Suharto [in 1998] nothing was done to address Acehese demands for justice, this ensured that GAM not only reemerged but was transformed into a genuinely popular movement...¹⁴

GAM began to reappear in Aceh from early 1999.¹⁵ In this third phase it grew faster than ever and was better funded.¹⁶ Professor Ross notes that its strategies in this third phase included a pro-Achinese, anti-Javanese propaganda campaign; denunciation (and possibly provocation) of Indonesian military repression; disabling of the local government and civil institutions (such as schools); driving Javanese settlers out of Aceh; and attracting international attention in order to increase pressure on the Indonesian government.¹⁷ Dr Sculze writes that GAM’s operations “focused on five distinct targets in Aceh: Indonesian political structures; the state education system; the economy; the Javanese; and the Indonesian security forces”.¹⁸ During this period a significant portion of GAM’s funding

Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 44.

¹¹ Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 5; Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 44.

¹² Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 5.

¹³ Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 44.

¹⁴ Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 5.

¹⁵ Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 47.

¹⁶ Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 47.

¹⁷ Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 50.

¹⁸ Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 34.

came from donations (particularly from Achenese in Malaysia),¹⁹ but the group also obtained money through nefarious means, such as extortion and kidnapping.²⁰ This legacy of thuggery and criminal activity continues in some sections of GAM today.²¹

GAM and the Indonesian government entered into peace negotiations from 2000.²² These were to continue off and on for several years in a period punctuated by temporary ceasefires and resumed fighting, during which many Acehnese suffered displacement, human rights abuses and/or lost their lives.²³ After peace talks broke down again in May 2003, Indonesia declared a state of martial law and military emergency in Aceh.²⁴

¹⁹ Schulze, K 2004, "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization", East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 24; Aspinall, E 2009, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia*, Stanford University Press, Stanford, http://books.google.com.au/books?id=BU0jOjNsTowC&pg=PA92&lpg=PA92&dq=Daud+Ishak+arrested+by+indonesian&source=bl&ots=PkUcEL_jzr&sig=seUVoUuCmwLy75R5xXWSyLcmk4s&hl=en&ei=j1hkTfHqEdTCcaeFxZ4K&sa=X&oi=book_result&ct=result&resnum=5&ved=0CCoQ6AEwBA#v=onepage&q=Geraka%20Aceh%20merdeka&f=false – Accessed 23 February 2011 – Attachment 5, p 178.

²⁰ See Schulze, K 2004, "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization", East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 24 – 29, Ross, M 2005, "Resources and Rebellion in Aceh, Indonesia", in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 48

²¹ As suggested by, for example: International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 3; Schulze, K 2005, "Gerakan Aceh Merdeka: Freedom Fighters or Terrorists?", in *Aceh Under Martial Law: Conflict, Violence, and Displacement*, Refugee Studies Centre No.24, ed. E Hedman, University of Oxford Refugee Studies Centre website, July <http://www.rsc.ox.ac.uk/PDFs/workingpaper24.pdf> – Accessed 12 November 2008 – Attachment 7, p 36.

²² Schulze, K 2004, "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization", East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 44.

²³ Ross, M 2005, "Resources and Rebellion in Aceh, Indonesia", in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 51;

Human Rights Watch 2004, "Aceh Under Martial Law: Problems Faced by Acehnese Refugees in Malaysia", April, HRW website, www.hrw.org/en/node/12153/section/5 – Accessed 28 February 2011 – Attachment 8; Hedman, E 2005, "A state of emergency, a strategy of war: internal displacement, forced relocation, and involuntary return in Aceh", in *Aceh Under Martial Law: Conflict, Violence, and Displacement*, Refugee Studies Centre No.24, ed. E Hedman, University of Oxford Refugee Studies Centre website, July <http://www.rsc.ox.ac.uk/PDFs/workingpaper24.pdf> – Accessed 12 November 2008 – Attachment 9, p 8-9.

²⁴ On talks breaking down see: Schulze, K 2004, "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization", East-West Center Washington website –

<http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 47. On martial law, see: Hedman, E 2005, "A state of emergency, a strategy of war: internal displacement, forced relocation, and involuntary return in Aceh", in *Aceh Under Martial Law: Conflict, Violence, and Displacement*, Refugee Studies Centre No.24, ed. E Hedman, University of Oxford Refugee Studies Centre website, July <http://www.rsc.ox.ac.uk/PDFs/workingpaper24.pdf> – Accessed 12 November 2008 – Attachment 9, p 7.

2005 Memorandum of Understanding

GAM sustained significant losses in the military offensives conducted during the state of emergency,²⁵ and in December 2004 the Indian Ocean tsunami struck, changing the dynamics of the conflict again.²⁶ In the words of the International Crisis Group (ICG),

[a]lthough efforts to restart the peace process began well before, the... tsunami brought Aceh into the international spotlight, [and] made it politically desirable for both sides to work toward a settlement...²⁷

GAM and the Indonesian government entered into the Helsinki talks from early 2005, and after five rounds of meetings reached an agreement to resolve the conflict: the Helsinki Memorandum of Understanding (MoU) of August 2005.²⁸ The MoU covered “governance, political participation, economy, rule of law, human rights, amnesty and reintegration, security arrangements, monitoring, and dispute resolution”.²⁹ Under its terms, GAM members “put aside their goal of independence, gave up their arms, and ran in elections” for a self-governing Aceh.³⁰ Thus, GAM began to transition from being an armed guerrilla group to an “open political movement”.³¹

GAM, post-MoU

Conciliation Resources, a peace-oriented NGO, notes that as a result of the MoU, “GAM was...confronted with new imperatives: the creation of an effective structure to participate

²⁵ International Crisis Group 2005, “Aceh: A new chance for peace”, ICG website, 15 August, http://www.crisisgroup.org/library/documents/asia/indonesia/b040_aceh_a_new_chance_for_peace.pdf – Accessed 18 August 2005 – Attachment 10, p 1, p 4.

²⁶ International Crisis Group 2005, “Aceh: A new chance for peace”, ICG website, 15 August, http://www.crisisgroup.org/library/documents/asia/indonesia/b040_aceh_a_new_chance_for_peace.pdf – Accessed 18 August 2005 – Attachment 10, p 1, p 4; see also Aspinall, E 2009, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia*, Stanford University Press, Stanford, http://books.google.com.au/books?id=BU0jOjNsTowC&pg=PA92&lpg=PA92&dq=Daud+Ishak+arrested+by+indonesian&source=bl&ots=PkUcEL_jzr&sig=seUVoUuCmwLy75R5xXWSyLcmk4s&hl=en&ei=j1hkTfHqEdTCcaeFxZ4K&sa=X&oi=book_result&ct=result&resnum=5&ved=0CCoQ6AEwBA#v=onepage&q=Geraka%20Aceh%20merdeka&f=false – Accessed 23 February 2011 – Attachment 5, p 14.

²⁷ International Crisis Group 2005, “Aceh: A new chance for peace”, ICG website, 15 August, http://www.crisisgroup.org/library/documents/asia/indonesia/b040_aceh_a_new_chance_for_peace.pdf – Accessed 18 August 2005 – Attachment 10, p 1.

²⁸ International Crisis Group 2005, “Aceh: A new chance for peace”, ICG website, 15 August, http://www.crisisgroup.org/library/documents/asia/indonesia/b040_aceh_a_new_chance_for_peace.pdf – Accessed 18 August 2005 – Attachment 10.

²⁹ International Crisis Group 2005, “Aceh: A new chance for peace”, ICG website, 15 August, http://www.crisisgroup.org/library/documents/asia/indonesia/b040_aceh_a_new_chance_for_peace.pdf – Accessed 18 August 2005 – Attachment 10, p 6.

³⁰ Aspinall, E 2009, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia*, Stanford University Press, Stanford, http://books.google.com.au/books?id=BU0jOjNsTowC&pg=PA92&lpg=PA92&dq=Daud+Ishak+arrested+by+indonesian&source=bl&ots=PkUcEL_jzr&sig=seUVoUuCmwLy75R5xXWSyLcmk4s&hl=en&ei=j1hkTfHqEdTCcaeFxZ4K&sa=X&oi=book_result&ct=result&resnum=5&ved=0CCoQ6AEwBA#v=onepage&q=Geraka%20Aceh%20merdeka&f=false – Accessed 23 February 2011 – Attachment 5, p 3, p 14; 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 11, p 1-2.

³¹ 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 11, p 2.

in civil politics and the reintegration of GAM fighters into civilian life”.³² In response, it set up new structures.³³ According to a 2009 ICG report, GAM has developed into several different structures operating in various areas of political life in Aceh:

The institution at the heart of Aceh’s post-conflict political development is GAM, but over time it has become less of a single structure and more like a sprawling, somewhat dysfunctional conglomerate with several different heads. It now comprises at least four components: GAM, KPA [Komite Peralihan Aceh, or the Aceh Transition Committee], Partai Aceh and parts of the local government.³⁴

The KPA is the post-MoU successor to GAM’s armed wing (for more information, please see question two), and Partai Aceh (“Aceh Party”) is a political party that was founded in 2008 to contest the 2009 elections.³⁵ The ICG notes that the “GAM conglomerate” does not have a centralised leadership, though Malik Mahmud, who heads GAM “in name”, and Acehese governor Irwandi Yusuf, are key figures.³⁶ (Hasan di Tiro died in mid-2010.³⁷)

GAM factionalisation and breakaways

Over the course of its existence GAM has not been an entirely unified movement – a situation likely exacerbated by the distance between the leadership in exile and those on the ground, differences between leaders, and other factors.³⁸ Some internal differences have resulted in breakaway groups.³⁹ The most well-known of these groups is Majelis Pemerintahan GAM (MP-GAM), in English the “Free Aceh Movement Government Council”, which was formed in Malaysia in the late 1980s, though its break with GAM did not become public until 1999.⁴⁰ Around that time the leader of MP-GAM was a

³² Conciliation Resources 2011, “Profiles – Government of Indonesia”, Conciliation Resources website, <http://www.c-r.org/our-work/accord/aceh/profiles.php> – Accessed 1 March 2011 – Attachment 12.

³³ Conciliation Resources 2011, “Profiles – Government of Indonesia”, Conciliation Resources website, <http://www.c-r.org/our-work/accord/aceh/profiles.php> – Accessed 1 March 2011 – Attachment 12.

³⁴ International Crisis Group 2009, “Indonesia: Deep Distrust in Aceh as Elections Approach”, Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 2.

³⁵ International Crisis Group 2009, “Indonesia: Deep Distrust in Aceh as Elections Approach”, Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 3.

³⁶ International Crisis Group 2009, “Indonesia: Deep Distrust in Aceh as Elections Approach”, Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 4.

³⁷ Janes World Insurgency and Terrorism 2010, “Gerakan Aceh Merdeka (GAM) (Indonesia), GROUPS - ASIA – DORMANT”, 20 August, <http://www.janes.com/articles/Janes-World-Insurgency-and-Terrorism/Gerakan-Aceh-Merdeka-GAM-Indonesia.html> – Accessed 15 February 2011 – Attachment 1.

³⁸ Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 19.

³⁹ Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 21.

⁴⁰ Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/pseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 21.

“moderate” who supported negotiating with Indonesia, since he believed this was the path to an independent Aceh.⁴¹

More currently, MP-GAM is among the GAM splinter groups that oppose the Helsinki MoU and continue to advocate Acehese independence, according to Australian National University (ANU)-based Aceh expert Dr Edward Aspinall.⁴² Another such group is the Government of Independent Aceh-Sumatra.⁴³ In November 2008, Dr Aspinall advised the Tribunal these groups were “mostly active in exile...and have few active supporters in Aceh, in part precisely because of the dangers their supporters would face there”.⁴⁴ (For more information on treatment of individuals who are anti-MoU/pro-Acehese independence, please see question nine.)

Situation for GAM members today

Although the peace has mostly held in Aceh,⁴⁵ tensions and suspicion remain between GAM and the Indonesian military (TNI) in the post-MoU period.⁴⁶ In the words of the ICG, “[t]he crux of the problem is the mutual fear and loathing” between these parties, “based partly on perceptions carried over from the conflict and partly on actions since”.⁴⁷ Some members of the GAM conglomerate have been detained and/or mistreated by Indonesian authorities in recent years.⁴⁸ In February 2009, for example, a KPA member

⁴¹ “Exiled Acehese Leader Shot Dead in Malaysia” 2000, *Reuters*, 2 June, reposted on yahoo group “Berita Malaysia”, <http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011 – Attachment 13; “Aceh independence leader murdered” 2000, *BBC News*, 2 June, <http://news.bbc.co.uk/2/hi/asia-pacific/773569.stm> – Accessed 21 February 2011 – Attachment 14; “Assassinated Aceh separatist leader laid to rest as police hunt killer” 2000, *AFP*, 2 June, reposted on yahoo group “Berita Malaysia”, <http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011 – Attachment 15; Hastings, H 2010, *No Man’s Land: Globalization, Territory, and Clandestine Groups in Southeast Asia*, Cornell University Press, Ithaca, http://books.google.com.au/books?id=OKkhEUwkZ9MC&pg=PA131&lpg=PA131&dq=Indonesian+intelligence+acehese+in+malaysia&source=bl&ots=57QFm628Ns&sig=tnI3IIDgVrtz-M8ZVdTrY4xPjo&hl=en&ei=CMphTZakFo6qvOOh7b24Ag&sa=X&oi=book_result&ct=result&resnum=7&ved=0CDQQ6AEwBg#v=onepage&q=Indonesian%20intelligence%20acehese%20in%20malaysia&f=false – Accessed 21 February 2011 – Attachment 16, p 132.

⁴² Aspinall, E 2008, Email to RRT: “Situation in Aceh, and continuing risk of persecution and violence for supporters of Acehese independence”, 5 November – Attachment 17.

⁴³ Aspinall, E 2008, Email to RRT: “Situation in Aceh, and continuing risk of persecution and violence for supporters of Acehese independence”, 5 November – Attachment 17.

⁴⁴ Aspinall, E 2008, Email to RRT: “Situation in Aceh, and continuing risk of persecution and violence for supporters of Acehese independence”, 5 November – Attachment 17.

⁴⁵ International Crisis Group 2009, “Indonesia: Deep Distrust in Aceh as Elections Approach”, Asia Briefing No. 90, International Crisis Group website, 23 March,

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 1; Hillman, B 2010, “Paying Out Aceh’s Peace Dividend”, *Wall Street Journal*, <http://online.wsj.com/article/SB10001424052748704023404575430290841698782.html> – Accessed 25 February 2011 – Attachment 18; Hadi, F n.d., “Human rights and justice in Aceh: The long and winding road”, Conciliation Resources website, <http://www.c-r.org/our-work/accord/aceh/human-rights.php> – Accessed 4 March 2011 – Attachment 19.

⁴⁶ Freedom House 2010, *Freedom in the World – Indonesia (2010)*, June <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7841> – Accessed 10 September 2010 – Attachment 20; ICG 2009 Indonesia – Deep distrust in Aceh as elections approach p 1, p 5

⁴⁷ International Crisis Group 2009, “Indonesia: Deep Distrust in Aceh as Elections Approach”, Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 1.

⁴⁸ See for example: International Crisis Group 2009, “Indonesia: Deep Distrust in Aceh as Elections Approach”, Asia Briefing No. 90, International Crisis Group website, 23 March,

was beaten and abused by military personnel; a day later, a group of Partai Aceh supporters were punched and kicked by soldiers.⁴⁹ In addition, the US State Department reported that:

Other notable killings by police or unknown parties during the year [2009] occurred in Aceh Province. According to nongovernmental organizations (NGOs), on February 2, the Pidie police allegedly killed former Aceh Independence Movement (GAM) combatant Fauzi Bin Syarifuddin. On February 3-4, two members of the Aceh Transition Committee (the successor organization to GAM) were shot and killed in separate incidents.⁵⁰

The 2010 Freedom in the World report also commented on these incidents and the death of an additional GAM-associated individual, stating:

The unresolved murders in February and March [2009] of four members of the Aceh Party, the GAM's political successor organization, bolstered former GAM members' claims that the military had reneged on the peace agreement.⁵¹

These reports offer some indication that GAM-affiliated persons may still be at risk of harm from Indonesian authorities in Aceh in the post-MoU period.

2. What is the Komite Peralihan Aceh (KPA)?

The Komite Peralihan Aceh (KPA) (in English, the Aceh Transition Committee) was formed as a successor to Gerakan Aceh Merdeka's (GAM's) armed wing, the Tentara Negara Aceh (TNA), in December 2005. In the years since, the KPA has developed into a larger organisation with interests in politics and business, "becoming in effect a shadow government".⁵² Some sources refer to the KPA as a successor to GAM at large; this is not strictly accurate, but may reflect Indonesian sensitivities around the use of the term GAM as well as changes to the KPA, among other factors.

Komite Peralihan Aceh – the Aceh Transition Committee

As noted at question one, following the 2005 Helsinki MoU, GAM "established new structures".⁵³ Conciliation Resources describes the KPA as "the most important" of

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 6; US Department of State 2010, *2009 Country Reports on Human Rights Practices - Indonesia*, 11 March – Attachment 21, Sec 1a.

⁴⁹ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March,

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 6.

⁵⁰ US Department of State 2010, *2009 Country Reports on Human Rights Practices - Indonesia*, 11 March – Attachment 21, Sec 1a.

⁵¹ Freedom House 2010, *Freedom in the World – Indonesia (2010)*, June,

<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7841> – Accessed 10 September 2010 – Attachment 20.

⁵² International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March,

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 3.

⁵³ Conciliation Resources 2011, "Profiles – Government of Indonesia", Conciliation Resources website, <http://www.c-r.org/our-work/accord/aceh/profiles.php> – Accessed 1 March 2011 – Attachment 12.

these.⁵⁴ It was set up in December 2005 to be the successor to GAM's armed wing, the Tentara Negara Aceh (TNA).⁵⁵ In the words of International Crisis Group (ICG), it was the TNA "without the weapons but with an essentially unchanged structure".⁵⁶

Sources indicate that in the years since the MoU, the KPA has grown into something more than a successor group to the TNA. In 2009 the ICG stated:

The KPA has evolved into a broader organisation, in some areas recruiting new members, in others incorporating both former military and civilian GAM members and becoming in effect a shadow government. In many areas it controls the selection of village heads and continues to collect...[unofficial] taxes, ...[in relation to which] there is rarely any accounting and non-payment is not an option.⁵⁷

KPA has become involved in politics above the village level, in part through Partai Aceh (the Aceh Party), a political party and part of the "GAM conglomerate".⁵⁸ Partai Aceh was "formed in 2008 to contest the 2009 elections", and the ICG has reported that it is controlled by the KPA at the local level.⁵⁹ It is worth noting that the head of the KPA, Mazakkir Manaf, is the formal leader of Partai Aceh as well.⁶⁰ The KPA has also become involved in business, particularly infrastructure projects, and "[m]uscle and intimidation" are a feature of its efforts to secure "contracts, employment, and money".⁶¹

⁵⁴ Conciliation Resources 2011, "Profiles – Government of Indonesia", Conciliation Resources website, <http://www.c-r.org/our-work/accord/aceh/profiles.php> – Accessed 1 March 2011 – Attachment 12.

⁵⁵ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 2-3. See also: Janes World Insurgency and Terrorism 2010, "Gerakan Aceh Merdeka (GAM) (Indonesia), GROUPS - ASIA – DORMANT", 20 August, <http://www.janes.com/articles/Janes-World-Insurgency-and-Terrorism/Gerakan-Aceh-Merdeka-GAM-Indonesia.html> – Accessed 15 February 2011 – Attachment 1.

⁵⁶ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 2-3.

⁵⁷ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 2-3.

⁵⁸ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6.

⁵⁹ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 3.

⁶⁰ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 2, p 3.

⁶¹ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6; quotation is from: Aspinall, E 2009, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia*, Stanford University Press, Stanford, http://books.google.com.au/books?id=BU0jOjNsTowC&pg=PA92&lpg=PA92&dq=Daud+Ishak+arrested+by+indonesian&source=bl&ots=PkUcEL_jzr&sig=seUVoUuCmwLy75R5xXWSyLcmk4s&hl=en&ei=j1hkTfHqEd

The KPA – Successor to GAM at large?

Some sources, for example the US State Department *Human Rights Report*, refer to the KPA as the successor to GAM more broadly.⁶² This is not precisely the case, but may possibly be explained by factors such as:

- in December 2006 GAM agreed to “disband” after forming a political party and in 2009 the Indonesian government stated that the term “GAM” no longer existed;
- GAM and KPA are often not always recognised as separate entities in parts of Aceh even though they are distinct; and
- KPA has become more than a successor to the TNA – it is now an “extra-governmental” group with wide-ranging interests and considerable strength.⁶³

According to ICG, “GAM *does* still exist [from the perspective of the group’s leadership], the December 2006 agreement [to disband] notwithstanding”.⁶⁴

(Two previous and relatively recent research responses have included sections on the KPA – these are *IDN34906* of July 2009 and *IDN34009* of November 2008.⁶⁵)

3. Please provide relevant information about Tentara Nasional Indonesia (TNI).

Tentara Nasional Indonesia (TNI, the Indonesian Defence Force), has had a presence in Aceh since the 1970s. It held substantial business interests in the province and spearheaded the Indonesian government’s suppression of the Acehnese independence movement for nearly 30 years. Following the 2005 Helsinki MoU, the TNI has maintained a force of approximately 15,000 troops in Aceh, and in 2009 the International Crisis Group (ICG) indicated that the military has a bigger role in the internal security of the province than the police. Although violence and military abuses have abated since the peace agreement, the relationship between TNI and Gerakan Aceh Merdeka (GAM) remains tense and distrustful, and reports indicate that TNI personnel have mistreated some Achenese in recent years, including GAM-affiliated persons.

TNI in Aceh before the MoU

According to a report by the Geneva-based Centre for Conflict, Development and Peacebuilding (CCDP), the military presence in Aceh “dates back to the discovery of

[TCcaeFxZ4K&sa=X&oi=book_result&ct=result&resnum=5&ved=0CCoQ6AEwBA#v=onepage&q=Geraka%20Aceh%20merdeka&f=false](http://www.acheh-eye.org/data_files/english_format/peace_process/peace_process_augmou/augmou_analysis/augmou_analysis_2007_01_31.pdf) – Accessed 23 February 2011 – Attachment 5, p 245.

⁶² US Department of State 2010, *2009 Country Reports on Human Rights Practices - Indonesia*, 11 March – Attachment 21, Sec 1a. See also, for example, World Bank/Decentralization Support Facility 2007, *Aceh Conflict Monitoring Update*, 1-31 January, http://www.acheh-eye.org/data_files/english_format/peace_process/peace_process_augmou/augmou_analysis/augmou_analysis_2007_01_31.pdf – Accessed 14 May 2007 – Attachment 22.

⁶³ International Crisis Group 2009, “Indonesia: Deep Distrust in Aceh as Elections Approach”, Asia Briefing No. 90, International Crisis Group website, 23 March,

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6.

⁶⁴ International Crisis Group 2009, “Indonesia: Deep Distrust in Aceh as Elections Approach”, Asia Briefing No. 90, International Crisis Group website, 23 March,

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 7.

⁶⁵ RRT Country Advice 2009, *Research Response IDN34906*, 22 July – Attachment 23; RRT Country Advice 2008, *Research Response IDN34009*, 19 November – Attachment 24.

natural gas [in the 1970s], when [TNI] was deployed to protect the [Lhokseumawe Industrial Zone]”.⁶⁶ Aceh quickly became part of TNI’s “military business”,⁶⁷ and the NGO Conciliation Resources notes that the province’s “abundance of natural resources also attracted illegal TNI involvement in fishing, logging, drug trafficking, coffee, palm oil and trade in wildlife”.⁶⁸ The military also became involved in “protection and extortion...construction, security services, [and] robberies”.⁶⁹ Aceh was “one of the most profitable TNI postings due to the extensive opportunities for money making”,⁷⁰ and the military’s financial interests in the province are thought to have been a factor in its resistance to peace efforts and withdrawal from Aceh.⁷¹

In addition to business, the TNI in Aceh was occupied with suppressing the separatist insurgency. As noted at question one, this was relatively easy in the early days of the independence movement (1976-1979), but became increasingly challenging with each new incarnation of GAM. From 1990, the Indonesian government stepped up its response to the insurgency, ordering additional troops to the area, and Aceh became a *Daerah Operasi Militar* (DOM) – “area of military operations”.⁷² The TNI operated with impunity, targeting civilians as well as rebels and committing many human rights violations.⁷³ There was another surge to the TNI presence in Aceh in 2000, at which time

⁶⁶ Wennman, A & J Krause 2009, “Resource Wealth, Autonomy and Peace in Aceh” (working paper), Centre for Conflict, Development and Peacebuilding website, <http://graduateinstitute.ch/webdav/site/ccdp/shared/6305/CCDP-Working-Paper-3-Aceh.pdf> – Accessed 22 February 2011 – Attachment 25, p 7.

⁶⁷ Wennman, A & J Krause 2009, “Resource Wealth, Autonomy and Peace in Aceh” (working paper), Centre for Conflict, Development and Peacebuilding website, <http://graduateinstitute.ch/webdav/site/ccdp/shared/6305/CCDP-Working-Paper-3-Aceh.pdf> – Accessed 22 February 2011 – Attachment 25, p 7.

⁶⁸ Conciliation Resources 2011, “Profiles – Government of Indonesia”, Conciliation Resources website, <http://www.c-r.org/our-work/accord/aceh/profiles.php> – Accessed 1 March 2011 – Attachment 12.

⁶⁹ Wennman, A & J Krause 2009, “Resource Wealth, Autonomy and Peace in Aceh” (working paper), Centre for Conflict, Development and Peacebuilding website, <http://graduateinstitute.ch/webdav/site/ccdp/shared/6305/CCDP-Working-Paper-3-Aceh.pdf> – Accessed 22 February 2011 – Attachment 25, p 7.

⁷⁰ Wennman, A & J Krause 2009, “Resource Wealth, Autonomy and Peace in Aceh” (working paper), Centre for Conflict, Development and Peacebuilding website, <http://graduateinstitute.ch/webdav/site/ccdp/shared/6305/CCDP-Working-Paper-3-Aceh.pdf> – Accessed 22 February 2011 – Attachment 25, p 7.

⁷¹ Conciliation Resources 2011, “Profiles – Government of Indonesia”, Conciliation Resources website, <http://www.c-r.org/our-work/accord/aceh/profiles.php> – Accessed 1 March 2011 – Attachment 11; see also: Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 51.

⁷² Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 44.

⁷³ Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 44.

military numbers in the province rose to approximately 30,000.⁷⁴ Again the military functioned in a “virtual legal vacuum” and committed many atrocities.⁷⁵

As noted at question one, from 2000 until the 2005 Helsinki MoU, GAM and the Indonesian government were engaged in off-and-on negotiations to resolve the conflict.⁷⁶ This period was punctuated by ceasefires and resumed fighting, and when talks broke down again in May 2003, the Indonesian government declared martial law and a state of emergency in Aceh.⁷⁷ An Oxford University Refugee Studies Centre paper describes this as the “largest military campaign since the invasion of East Timor in 1975”, stating that

hundreds of Indonesian soldiers parachute[ed] into Aceh on the first day of martial law, and [there was] a massive increase in the overall deployment of government troops in the province...In addition to grave and widespread human rights violations, including arbitrary arrest and detention, torture, sexual violence, and extra-judicial execution, martial law also featured forced evacuations and involuntary relocation of displaced populations into camps at the hands of the military.⁷⁸

The period of martial law lasted for a year,⁷⁹ but the downgrading of the military emergency to “a state of ‘civil emergency’” reportedly “did little to improve conditions on the ground in Aceh where military operations continued”.⁸⁰ Many thousands of Acehnese were displaced during this time, and over 2000 died.⁸¹ Following the December 2004

⁷⁴ Wennman, A & J Krause 2009, “Resource Wealth, Autonomy and Peace in Aceh” (working paper), Centre for Conflict, Development and Peacebuilding website,

<http://graduateinstitute.ch/webdav/site/ccdp/shared/6305/CCDP-Working-Paper-3-Aceh.pdf> – Accessed 22 February 2011 – Attachment 25; Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 50.

⁷⁵ Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011 – Attachment 4, p 51.

⁷⁶ Conciliation Resources 2011, “Profiles – Government of Indonesia”, Conciliation Resources website, <http://www.c-r.org/our-work/accord/aceh/profiles.php> – Accessed 1 March 2011 – Attachment 12.

⁷⁷ Hedman, E 2005, “A state of emergency, a strategy of war: internal displacement, forced relocation, and involuntary return in Aceh”, in *Aceh Under Martial Law: Conflict, Violence, and Displacement*, Refugee Studies Centre No.24, ed. E Hedman, University of Oxford Refugee Studies Centre website, July

<http://www.rsc.ox.ac.uk/PDFs/workingpaper24.pdf> – Accessed 12 November 2008 – Attachment 9; Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/psseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3, p 45.

⁷⁸ Hedman, E 2005, “A state of emergency, a strategy of war: internal displacement, forced relocation, and involuntary return in Aceh”, in *Aceh Under Martial Law: Conflict, Violence, and Displacement*, Refugee Studies Centre No.24, ed. E Hedman, University of Oxford Refugee Studies Centre website, July <http://www.rsc.ox.ac.uk/PDFs/workingpaper24.pdf> – Accessed 12 November 2008 – Attachment 9.

⁷⁹ Shie, T 2005, “Disarming for peace and development in Aceh”, *Peace, Conflict, Development*, Issue 6 (January),

<http://www.peacestudiesjournal.org.uk/dl/Disarming%20for%20Peace%20in%20Aceh%20final%20version%20edited.pdf> – Accessed 28 February 2011 – Attachment 26, p 11.

⁸⁰ Hedman, E 2005, “A state of emergency, a strategy of war: internal displacement, forced relocation, and involuntary return in Aceh”, in *Aceh Under Martial Law: Conflict, Violence, and Displacement*, Refugee Studies Centre No.24, ed. E Hedman, University of Oxford Refugee Studies Centre website, July <http://www.rsc.ox.ac.uk/PDFs/workingpaper24.pdf> – Accessed 12 November 2008 – Attachment 9, p 7.

⁸¹ Shie, T 2005, “Disarming for peace and development in Aceh”, *Peace, Conflict, Development*, Issue 6 (January),

<http://www.peacestudiesjournal.org.uk/dl/Disarming%20for%20Peace%20in%20Aceh%20final%20version%20edited.pdf> – Accessed 28 February 2011 – Attachment 26, p 11.

tsunami, TNI reportedly intensified its operations in Aceh,⁸² but the tsunami ultimately helped to advance the peace talks that culminated in the 2005 Helsinki MoU.⁸³

TNI presence in Aceh since the MoU

According to a 2009 ICG report, in the years since the MoU there have been approximately 15,000 TNI troops in Aceh.⁸⁴ The ICG also states that the military is a more visible and dominant force in the internal security affairs of the province than the police.⁸⁵ As noted at question one, sources indicate that the peace has held, though the ICG notes that TNI remains distrustful of GAM and is sensitive to any whiff of separatism. To quote:

The TNI...remains highly suspicious of GAM's intentions. This suspicion is based on GAM's failure to dissolve itself, its continued use of the word "Merdeka" (independence) in its name, the number of guns in the hands of ex-combatants, and the [separatist] rhetoric of some of its members in the field...⁸⁶

Dr Edward Aspinall has also commented on Indonesian authorities' sensitivity to separatist rhetoric in recent years. In November 2008, Dr Aspinall advised the Tribunal:

Over recent months...as political tensions have mounted in Aceh [ahead of elections], senior military and police officials have repeatedly warned that they would not tolerate support for 'separatism'. Recently, for instance, the Aceh newspaper *Serambi Indonesia* reported that military troops had detained a person for flying a flag bearing the name 'Partai GAM' (GAM Party), which officials believe denotes support for separatism.

Although abuses have declined since 2005, reports indicate that TNI personnel have detained and/or mistreated some Acehnese in recent years, including people associated with GAM. For example, in 2009 the ICG reported that soldiers had beaten a KPA member "accused of being GAM" and burnt him with cigarette butts, and in a separate incident, military personnel had "kicked and punched" Partai Aceh supporters.⁸⁷ In 2010,

⁸² International Crisis Group 2005, "Aceh: A new chance for peace", ICG website, 15 August, http://www.crisisgroup.org/library/documents/asia/indonesia/b040_aceh_a_new_chance_for_peace.pdf – Accessed 18 August 2005 – Attachment 10, p 5.

⁸³ International Crisis Group 2005, "Aceh: A new chance for peace", ICG website, 15 August, http://www.crisisgroup.org/library/documents/asia/indonesia/b040_aceh_a_new_chance_for_peace.pdf – Accessed 18 August 2005 – Attachment 10, p 4; International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 1.

⁸⁴ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 5.

⁸⁵ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 6.

⁸⁶ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 5.

⁸⁷ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March,

journalist Allan Nairn alleged that TNI special forces (Kopassus) had killed “[a]t least eight [Partai Aceh] activists...in the run-up to the April [2009] elections”, a claim the Indonesian military denied.⁸⁸ A 2009 “Aceh Peace Monitoring Update” also noted these deaths and the “suspicions of TNI involvement”.⁸⁹ The ICG acknowledged the widespread view that the military was responsible, but cautioned that “with the complexity of current politics in Aceh, there are all too many possibilities for motives and murderers”.⁹⁰

4. Please provide relevant information about Indonesian intelligence. For example, are they known to monitor or spy on Acehnese, including vocal anti-MoU Acehnese living in Malaysia?

Sources indicate that Indonesian intelligence has monitored Acehnese separatists living in Malaysia. The scarcity of these reports and their general lack of specificity probably reflects the secrecy of these operations rather than their rarity. Please note: reports found on this subject concerned the period prior to the 2005 Helsinki Memorandum of Understanding (MoU) between the Indonesian government and Geraka Aceh Merdeka (GAM).

Some reports were found to cite GAM allegations that Indonesian military intelligence was behind the June 2000 assassination of an Acehnese separatist living in Malaysia, but GAM was also accused of orchestrating this murder, and the latest authoritative source found on the case indicates that it is more likely that GAM-affiliated people were responsible.

Monitoring of Acehnese separatists living in Malaysia

Several sources were found to suggest that Indonesian intelligence has attempted to keep an eye on Acehnese separatists living in Malaysia. The first is the 2010 book *No Man's Land: Globalization, Territory and Clandestine Groups in Southeast Asia* by academic Justin Hastings, which includes a chapter on GAM that considers the group's presence in Malaysia (among other topics). Dr Hastings writes:

As for Malaysia, before martial law [in 2003], **GAM had a number of agents who were mostly engaged in counterintelligence work against Indonesian intelligence operatives in Malaysia (who were themselves presumably engaged in espionage activities against GAM leaders and sympathizers in Malaysia)**. The GAM operatives had a fair amount of success detecting the Indonesian agents and taking them out of operation.⁹¹ (p 131)

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 6-7.

⁸⁸ Kingsbury, D 2010, “A journalist's gamble with Indonesia's special forces”, *The National Times*, 29 March, <http://www.nationaltimes.com.au/opinion/contributors/a-journalists-gamble-with-indonesias-special-forces-20100329-r7u1.html> – Accessed 2 March 2011 – Attachment 27.

⁸⁹ Center for Peace and Conflict Resolution Studies 2009, “Aceh Peace Monitoring Update – 1 September to 31 December 2009”, CPCRS website, <http://www.conflictanddevelopment.org/data/CPCRS/eng/Aceh%20Peace%20Monitoring%20Update%20Sep-Dec2009.pdf> – Accessed 28 February 2011 – Attachment 28.

⁹⁰ International Crisis Group 2009, “Indonesia: Deep Distrust in Aceh as Elections Approach”, Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 11.

⁹¹ Hastings, J 2010, *No Man's Land: Globalization, Territory, and Clandestine Groups in Southeast Asia*, Cornell University Press, Ithaca,

In addition, in October 2005 *Dateline* aired a story on alleged cultivation of extremist Islamic terrorists by Indonesian intelligence that included the information that Indonesian military intelligence had engaged a “secret agent” named Fauzi Hasbi to spy on Acehese separatists in Indonesia and abroad:

[The] documents obtained by *Dateline* prove beyond doubt that Fauzi Hasbi had a long association with the military. This 1990 document, signed by the chief of military intelligence in North Sumatra, authorised Fauzi Hasbi to undertake a special job. And this 1995 internal memo from military intelligence HQ in Jakarta was a request to use brother **Fauzi Hasbi to spy on Acehese separatists, not only in Indonesia but in Malaysia and Sweden.**⁹²

Alleged Indonesian military intelligence involvement in Acehese separatist’s assassination

In June 2000, exiled Acehese separatist Don Zulfahri was shot dead in a restaurant on the outskirts of Kuala Lumpur.⁹³ According to news reports, Zulfahri was a “moderate” and the leader of GAM splinter group Majelis Pemerintahan GAM (MP-GAM).⁹⁴ He supported a truce with Indonesia, believing that it would eventually lead to Acehese independence, a position which put him at odds with GAM at that time.⁹⁵ A *BBC* article indicated that a “rebel spokesman” had accused Indonesian military intelligence of being behind the assassination, but other commentators – including a diplomat and a Malaysian official – speculated that the death was the result of intra-GAM rivalries.⁹⁶ In her 2004 monograph

http://books.google.com.au/books?id=OKkhEUwkZ9MC&pg=PA131&lpg=PA131&dq=Indonesian+intelligence+acehese+in+malaysia&source=bl&ots=57QFm628Ns&sig=tnI3IIDgVrtz-M8ZVdDTrY4xPjo&hl=en&ei=CMphTZakFo6qvQOOh7b24Ag&sa=X&oi=book_result&ct=result&resnum=7&ved=0CDQQ6AEwBg#v=onepage&q=Indonesian%20intelligence%20acehese%20in%20malaysia&f=false –

Accessed 21 February 2011 – Attachment 16, p 131.

⁹² “Inside Indonesia’s War on Terror” 2005, *SBS Dateline*, 12 October,

http://www.aldeilis.net/english/index.php?option=com_content&view=article&id=2406:terrorists-cultivated-by-indonesian-army&catid=257:false-flag-terrorism&Itemid=334 – Accessed 21 February 2011 – Attachment 29.

⁹³ “Exiled Acehese Leader Shot Dead in Malaysia” 2000, *Reuters*, 2 June, reposted on yahoo group “Berita Malaysia”, <http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011 – Attachment 13; “Aceh independence leader murdered” 2000, *BBC News*, 2 June, <http://news.bbc.co.uk/2/hi/asia-pacific/773569.stm> – Accessed 21 February 2011 – Attachment 14.

⁹⁴ “Exiled Acehese Leader Shot Dead in Malaysia” 2000, *Reuters*, 2 June, reposted on yahoo group “Berita Malaysia”, <http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011 – Attachment 13; “Aceh independence leader murdered” 2000, *BBC News*, 2 June, <http://news.bbc.co.uk/2/hi/asia-pacific/773569.stm> – Accessed 21 February 2011 – Attachment 14; “Assassinated Aceh separatist leader laid to rest as police hunt killer” 2000, *AFP*, 2 June, reposted on yahoo group “Berita Malaysia”, <http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011 – Attachment 15.

⁹⁵ “Exiled Acehese Leader Shot Dead in Malaysia” 2000, *Reuters*, 2 June, reposted on yahoo group “Berita Malaysia”, <http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011 – Attachment 13; “Aceh independence leader murdered” 2000, *BBC News*, 2 June, <http://news.bbc.co.uk/2/hi/asia-pacific/773569.stm> – Accessed 21 February 2011 – Attachment 14; “Assassinated Aceh separatist leader laid to rest as police hunt killer” 2000, *AFP*, 2 June, reposted on yahoo group “Berita Malaysia”, <http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011 – Attachment 15.

See also: Hastings, J 2010, *No Man’s Land: Globalization, Territory, and Clandestine Groups in Southeast Asia*, Cornell University Press, Ithaca,

http://books.google.com.au/books?id=OKkhEUwkZ9MC&pg=PA131&lpg=PA131&dq=Indonesian+intelligence+acehese+in+malaysia&source=bl&ots=57QFm628Ns&sig=tnI3IIDgVrtz-M8ZVdDTrY4xPjo&hl=en&ei=CMphTZakFo6qvQOOh7b24Ag&sa=X&oi=book_result&ct=result&resnum=7&ved=0CDQQ6AEwBg#v=onepage&q=Indonesian%20intelligence%20acehese%20in%20malaysia&f=false – Accessed 21 February 2011 – Attachment 16, p 132.

⁹⁶ “Exiled Acehese Leader Shot Dead in Malaysia” 2000, *Reuters*, 2 June, reposted on yahoo group “Berita Malaysia”, <http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011 –

on GAM, Dr Sculze writes that a “power struggle” between GAM and MP-GAM “abated with the killing of Zulfahri”,⁹⁷ and in *No Man’s Land* (2010), Dr Hastings indicates that it was GAM who ordered Zulfhair’s assassination.⁹⁸ (For additional information on this case, please see question eleven.)

5. Can Malaysian permanent residents become citizens of Malaysia? If, yes, what are the qualification requirements?

Sources indicate that Malaysian permanent residents (PRs) can become citizens of Malaysia if they satisfy the criteria or requirements for “citizenship by naturalisation”. No information was found to suggest that PRs are barred from becoming citizens, and some of the qualification requirements for citizenship by naturalisation appear to favour permanent residents. Malaysia does not permit dual citizenship.

Qualification requirements for citizenship by naturalisation

The website of the Malaysian Registration Office in the Ministry of Home Affairs provides information on the qualification requirements for citizenship by naturalisation, as follows:

CITIZENSHIP APPLICATION UNDER ARTICLES 19(1) AND 19(2) – AGED 21 YEARS OR MORE

To obtain certification as a citizen of Malaysia by naturalisation.

CONDITIONS OF APPLICATION

- The applicant is required to appear before the Registrar of Citizenship when submitting the application.
- The applicant should be 21 years old or above on the date of application.
- The applicant has resided in the Federation for aggregate period of not less than 10 years in 12 years including the 12 months immediately preceding the date of application.
- The applicant intends to reside in the Federation permanently.
- The applicant is of good character.
- The applicant has an adequate knowledge of the Malay Language.

Attachment 13; “Aceh independence leader murdered” 2000, *BBC News*, 2 June, <http://news.bbc.co.uk/2/hi/asia-pacific/773569.stm> – Accessed 21 February 2011 – Attachment 14; “Assassinated Aceh separatist leader laid to rest as police hunt killer” 2000, *AFP*, 2 June, reposted on yahoo group “Berita Malaysia”,

<http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011 – Attachment 15.
⁹⁷ Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/psseriespdf2.htm> – Accessed 27 October 2006 – Attachment 3.

⁹⁸ Hastings, J 2010, *No Man’s Land: Globalization, Territory, and Clandestine Groups in Southeast Asia*, Cornell University Press, Ithaca, http://books.google.com.au/books?id=OKkhEUwkZ9MC&pg=PA131&lpg=PA131&dq=Indonesian+intelligence+acehnese+in+malaysia&source=bl&ots=57QFm628Ns&sig=tnI3IIDgVrtz-M8ZVdTrY4xPjo&hl=en&ei=CMphTZakFo6qvQOOh7b24Ag&sa=X&oi=book_result&ct=result&resnum=7&ved=0CDQQ6AEwBg#v=onepage&q=Indonesian%20intelligence%20acehnese%20in%20malaysia&f=false – Accessed 21 February 2011 – Attachment 16.

- The applicant should be sponsored by two sponsors with citizenship status.⁹⁹

Some of these requirements appear to favour PRs – such as the fairly long period of residence in Malaysia and the intention to reside in Malaysia permanently. A “guide to Malaysian citizenship” produced by an online legal resource *Lawyerment.com.my* goes so far as to suggest that an applicant for citizenship by naturalisation *must* be a PR, stating:

The period of residence in Malaysia which is required for the grant of a certificate of naturalization is period which amount in aggregate to not less than 10 years in the 12 years immediately preceding the date of the application for the certificate, and which include the 12 months immediately preceding the date.

That means you have to become a permanent resident for more than 12 years and have been in Malaysia for more than 10 years.¹⁰⁰

However, official government guidelines were not found to specify that applicants for citizenship by naturalisation must first become permanent residents, and it was not possible to confirm through other means that the *Lawyerment.com.my* resource was correct on this point.

Possible complications

Some reports indicate that a lack of transparency in Malaysian citizenship application processing, as well as the vague and subjective nature of some qualification requirements, have posed problems for some applicants for citizenship.¹⁰¹ For example, a recent article in the *New Straits Times* stated:

Discretion, either personal or departmental, is a factor in... [citizenship application processing] delays. There can be no problem about the 12 years’ minimum [residence in Malaysia] qualification, but unfortunately, the guidelines as to what constitutes an acceptable level of command of Bahasa Malaysia and “good attitude” remain subjective, further complicated by security considerations. Such uncertainties as these open the system to possible abuse.¹⁰²

Similarly, a page on Malaysian citizenship on the online travel and visa resource *Justlanded.com* cautions:

⁹⁹ National Registration Department, Malaysian Ministry of Home Affairs 2011, “Citizenship Application under Articles 19(1) and 19(2) – Aged 21 Years or More”, website of the National Registration Department, <http://www.jpn.gov.my/en/21%20Years%20or%20More> – Accessed 15 February 2011 – Attachment 33.

¹⁰⁰ Lawyerment.com.my n.d., “Guide to Citizenship – Malaysia”, [www.pinoy-abroad.net/.../Guide to CITIZENSHIP Malaysia .pdf](http://www.pinoy-abroad.net/.../Guide_to_CITIZENSHIP_Malaysia_.pdf) – Accessed 28 February 2011 – Attachment 34.

¹⁰¹ See for example Raj, R 2011, “Make citizenship processing transparent”, *The Malaysia Mail*, 28 January, <http://www.mmail.com.my/content/62217-make-citizenship-processing-transparent> – Accessed 18 February 2011 – Attachment 35; “Becoming Malaysian” 2011, *New Straits Times*, 26 January, http://findarticles.com/p/news-articles/new-straits-times/mi_8016/is_20110126/malaysian/ai_n56730288/ – Accessed 18 February 2011 – Attachment 36; “Malaysian citizenship: How to become a citizen of Malaysia” n.d., *JustLanded.com*, <http://www.justlanded.com/english/Malaysia/Malaysia-Guide/Visas-Permits/Malaysian-citizenship> – Accessed 15 February 2011 – Attachment 37.

¹⁰² “Becoming Malaysian” 2011, *New Straits Times*, 26 January, http://findarticles.com/p/news-articles/new-straits-times/mi_8016/is_20110126/malaysian/ai_n56730288/ – Accessed 18 February 2011 – Attachment 36.

[D]o not expect that [submitting] an application for citizenship does actually imply that you will obtain it. Many expatriates wait several years without any outcome. Also, as many requirements are very vague and subjective, like the knowledge of Malay language, this often leads to refusals of applications.¹⁰³

A further issue is that Malaysia does not recognize dual citizenship, so an applicant would be required to relinquish their status as an Indonesian national in order to become a Malaysian citizen.¹⁰⁴

6. Is Malaysia a signatory to the Refugee Convention?

No. A country profile for Malaysia on the United Nations High Commissioner for Refugees (UNHCR) indicates that Malaysia is not a state party to the 1951 Refugee Convention or its 1967 Protocol.¹⁰⁵ This information was current as of 18 January 2011.

7. Is it plausible that the UNHCR in Malaysia has stopped providing such assistance to Acehese separationists? The relevant time period is March 2010.

No information was found to indicate that the UNHCR in Malaysia refuses to provide assistance to Acehese separationists, and UNHCR Malaysia has helped Acehese asylum seekers in the past. However, no reports of this were found from early 2005 onward, and there are constraints on the UNHCR's work in Malaysia that may affect its capacity to assist Acehese and other asylum seekers or refugees. As noted at question six, Malaysia is not a signatory to the 1951 Refugee Convention and the country lacks any "legislative or administrative framework for dealing with refugees."¹⁰⁶ In addition, there are approximately 1.5 million undocumented migrants (including refugees and asylum seekers) in Malaysia.¹⁰⁷ The UNHCR's latest "Country Operations Profile" for Malaysia indicates that the organisation does what it can in this environment, conducting "all activities related to the reception, registration, documentation and status determination of asylum-seekers and refugees".¹⁰⁸

UNHCR's work for Acehese asylum seekers in Malaysia

No sources were found regarding the UNHCR Malaysia refusing to help Acehese people (or separatists, specifically) in Malaysia. Reports indicate that UNHCR Malaysia has worked to assist Acehese asylum seekers in the past, particularly from 2003 to 2004, when there were large in-flows of Acehese to Malaysia due to the commencement of military operations and martial law in Aceh.¹⁰⁹ For example, a 2004 Human Rights Watch

¹⁰³ "Malaysian citizenship: How to become a citizen of Malaysia" n.d., *JustLanded.com*, <http://www.justlanded.com/english/Malaysia/Malaysia-Guide/Visas-Permits/Malaysian-citizenship> – Accessed 15 February 2011 – Attachment 37.

¹⁰⁴ Department of Foreign Affairs and Trade 2011, "Malaysia: Travel Advice", 2 February, <http://www.smartraveller.gov.au/zw-cgi/view/Advice/Malaysia> – Accessed 18 February 2011 – Attachment 38.

¹⁰⁵ UNHCR 2011, "2011 UNHCR country operations profile – Malaysia", UNHCR website, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4884c6> – Accessed 15 February 2011 – Attachment 39.

¹⁰⁶ UNHCR 2011, "2011 UNHCR country operations profile – Malaysia", UNHCR website, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4884c6> – Accessed 15 February 2011 – Attachment 39.

¹⁰⁷ UNHCR 2011, "2011 UNHCR country operations profile – Malaysia", UNHCR website, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4884c6> – Accessed 15 February 2011 – Attachment 39.

¹⁰⁸ UNHCR 2011, "2011 UNHCR country operations profile – Malaysia", UNHCR website, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4884c6> – Accessed 15 February 2011 – Attachment 39.

¹⁰⁹ Human Rights Watch 2004, "Aceh Under Martial Law: Problems Faced by Acehese Refugees in Malaysia", April, HRW website, www.hrw.org/en/node/12153/section/5 – Accessed 28 February 2011 – Attachment 8, p 1.

report said that in 2003 the UNHCR Malaysia registered over 3700 new cases of Acehese asylum seekers, and a high-level UNHCR delegation had met with government officials to advocate on behalf of Acehese asylum seekers who had been arrested in Malaysia.¹¹⁰ The report also stated:

The sheer numbers of refugees arriving from Aceh following the start of military operations in May 2003 have made it difficult for UNHCR to conduct refugee status determination (RSD) interviews for most of the new arrivals. As a result, in July 2003, UNHCR began issuing temporary protection letters to Acehese, indicating that they were a person of concern to the organization. The letters are issued on the basis of a person's Acehese ethnicity and non-combatant status. They are being issued to all Acehese regardless of when they arrived in Malaysia, recognizing the heightened vulnerability of all Acehese while military operations continue. The letters are valid for six months and can be extended for another six months if the bearer re-approaches UNHCR.

The temporary protection letters are not a replacement for status determination; the decision to supplement normal RSD procedures with the temporary protection letters is largely due to the overwhelming numbers of new Acehese asylum seekers in Malaysia. UNHCR recognizes the urgent need for international protection for civilians from Aceh, but does not currently have the capacity to provide it.¹¹¹

As another example of UNHCR's efforts to assist Acehese in Malaysia, a *Reuters* article published in December 2004 said that the UNHCR had asked the Malaysian government "not to arrest and expel thousands of refugees [including many Acehese] ... when authorities launch a crackdown on illegal immigrants in January [2005]".¹¹²

Following the 26 December 2004 tsunami, Malaysia granted special permits to many Acehese refugees and migrants, allowing them to stay in the country temporarily.¹¹³ A *Jakarta Post* report indicates that the government subsequently extended these permits to 2008 and then again, to 2010.¹¹⁴ No information was located to clarify the current situation in relation to these special permits, and no reports were found regarding UNHCR Malaysia's work with Acehese migrants and asylum seekers after early 2005.

¹¹⁰ Human Rights Watch 2004, "Aceh Under Martial Law: Problems Faced by Acehese Refugees in Malaysia", April, HRW website, www.hrw.org/en/node/12153/section/5 – Accessed 28 February 2011 – Attachment 8, p 10, p 14.

¹¹¹ Human Rights Watch 2004, "Aceh Under Martial Law: Problems Faced by Acehese Refugees in Malaysia", April, HRW website, www.hrw.org/en/node/12153/section/5 – Accessed 28 February 2011 – Attachment 8, p 21.

¹¹² "UNHCR pleads case for refugees in Malaysia" 2004, *Reuters*, 9 November – Attachment 40.

¹¹³ Lingam, E 2010, "Deal with real needs", *New Straights Time*, 27 June, http://findarticles.com/p/news-articles/new-straits-times/mi_8016/is_20100627/real/ai_n54223046/ – Accessed 18 February 2011 – Attachment 41; Chua, C 2008, "Acehese Overstayed Their Welcome in Malaysia", *Asia Calling*, http://www.asiacalling.org/index.php?option=com_content&view=article&id=705%3Aacehese-overstayed-their-welcome-in-malaysia&catid=133%3Aamalaysia&Itemid=436&lang=bn – Accessed 18 February 2011 – Attachment 42; US Committee for Refugees and Migrants 2009, "World Refugee Survey 2009: Malaysia" <http://www.refugees.org/resources/refugee-warehousing/archived-world-refugee-surveys/2009-wrs-country-updates/malaysia.html> – Accessed 18 February 2011 – Attachment 43.

¹¹⁴ Simanjuntak, H 2008, "Malaysia extends permits for Aceh refugees", *The Jakarta Post*, 29 July, <http://www.thejakartapost.com/news/2008/07/29/malaysia-extends-permits-aceh-refugees.html> – Accessed 18 February 2011 – Attachment 44.

8. Is Singapore a signatory to the Refugee Convention?

No. A UNHCR report dated October 2008 did not list Singapore among the State Parties to the 1951 Refugee Convention or its 1967 Protocol.¹¹⁵ Although a July 2010 opinion piece published in *The Australian* identified Singapore as a signatory to the Convention,¹¹⁶ this appears to be a mistake. Several other opinion pieces published in the Australian media around this same time indicated that Singapore was *not* a state party to the Convention,¹¹⁷ and no reports were found to suggest that Singapore has signed on to the Convention in the period since October 2008.

9. How would a vocal anti-MoU Acehese be treated by the Indonesian authorities in Aceh and other parts of Indonesia?

Sources indicate that Acehese who vocally oppose the Helsinki MoU because they continue to advocate Aceh's full independence from Indonesia may attract negative attention from Indonesian authorities in Aceh and other parts of the country. (Please note, there is significant overlap and some slippage between the terms "anti-MoU" and "Acehese independence advocate" in the context of post-MoU Aceh, so Country Advice performed searches using both terms for this question.)

Authorities' sensitivity to separatism

As noted at question four, a 2009 International Crisis Group (ICG) report indicates that Indonesian authorities including the military (TNI) and police remain highly sensitive to separatist rhetoric and activity in Aceh. The report suggests that TNI is made uneasy by the continued use of the word "merdeka" (independence, freedom) by the group and its leadership, and by the pro-independence rhetoric of some GAM members, "as carefully documented by intelligence personnel".¹¹⁸

Expert advice on treatment of pro-independence Acehese by Indonesian authorities

The Tribunal has previously obtained advice from academic experts regarding the likely treatment of Acehese who reject the Helsinki MoU and/or continue to advocate for independence in post-MoU Indonesia by Indonesian authorities.¹¹⁹ These sources indicated that such persons may face arrest and/or other negative treatment by the authorities. Most recently, in November 2008 Dr Edward Aspinall from the Australian

¹¹⁵ UNHCR 2008, "State parties to the 1951 convention relating to the status of refugees and the 1967 protocol", 1 October, UNHCR website, <http://www.unhcr.org/3b73b0d63.html> – Accessed 24 February 2011 – Attachment 45.

¹¹⁶ Sheridan, G 2010, "Why Labor can't stop the boats", *The Australian*, 29 July, <http://www.theaustralian.com.au/news/opinion/why-labor-cant-stop-the-boats/story-e6frg76f-1225898187380> – Accessed 15 February 2011 – Attachment 46.

¹¹⁷ See for example: O'Brien, B 2010, "A systematic rebuttal of the myths about asylum seekers", *The Punch*, 28 July, <http://www.thepunch.com.au/articles/a-systematic-rebuttal-of-the-myths-about-asylum-seekers/> – Accessed 15 February 2011 – Attachment 47; Ackland, R 2010, "Refugees' rights left stranded in sea of fear", *Sydney Morning Herald*, 16 July, <http://www.smh.com.au/opinion/politics/refugees-rights-left-stranded-in-sea-of-fear-20100715-10cky.html> – Accessed 15 February 2011 – Attachment 48.

¹¹⁸ International Crisis Group 2009, "Indonesia: Deep Distrust in Aceh as Elections Approach", Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 6, p 5, p 4, see also p 7.

¹¹⁹ Previously presented, for example, in RRT Country Advice 2009, *Research Response IDN34906*, 22 July – Attachment 23 and RRT Country Advice 2008, *Research Response IDN34009*, 19 November – Attachment 24.

National University (ANU) repeated his advice of 2006 and 2007 that such persons would be at risk from the Indonesian government, and elaborated:

The political situation in Aceh has improved greatly since the signing of the Helsinki Memorandum of Understanding (MoU) between the Free Aceh Movement (GAM) and the Indonesian Government in August 2005, leading to a dramatic reduction of violence. However, violence continues at a low level and has in fact increased in recent months. **Of particular concern for some Acehnese refugees and asylum seekers in Australia, there are still real risks of political persecution and physical harm for persons associated with GAM splinter groups which reject the Helsinki MoU and continue to advocate in favour of Acehnese independence...**

In particular I would like to draw your attention to the following facts:

1. It continues to be a criminal act in Indonesia to advocate the independence of Aceh, or of any other part of Indonesia. Individuals known to be associated with groups like those named above which continue to favour Aceh's independence would run the risk of harassment, arrest or prosecution in Indonesia, if their presence, views and affiliations become known to the authorities. Over the last two years there have been several instances of persons being arrested and charged for separatist activities in other parts of Indonesia, including Papua, Maluku and West Java. **While there was a lull in persecution of persons for their separatist beliefs in Aceh, this was mostly because GAM and other Acehnese nationalists repudiated their former support for independence, not because the outlook of the Indonesian authorities has changed.** Over recent months, however, as political tensions have mounted in Aceh, senior military and police officials have repeatedly publicly warned that they would not tolerate support for 'separatism'. Recently, for instance, the Aceh newspaper *Serambi Indonesia* reported that military troops had detained a person for flying a flag bearing the name 'Partai GAM' (GAM Party), which officials believe denotes support for separatism.¹²⁰

Of note, Dr Aspinall also indicated that anti-MoU Acehnese could be at risk from Acehnese who supported the MoU, including GAM affiliated persons.¹²¹ His advice on this point contrasts somewhat with that provided by Deakin University-based Aceh expert Associate Professor Damien Kingsbury in 2006; Assoc Prof Kingsbury considered it unlikely that Acehnese who continued to advocate for independence would be mistreated by GAM members.¹²²

Previous Country Advice

Previous Country Advice reports *IDN34906* of July 2009 and *IDN34009* of November 2008 have commented on treatment of anti-MoU and/or pro-independence Acehnese in Aceh and elsewhere in Indonesia.¹²³ The first report notes the 2009 ICG report referenced earlier, which indicates that Indonesian authorities are concerned by, and sensitive to, separatist rhetoric and sentiment in Aceh. The second notes that there was speculation that

¹²⁰ Aspinall, E 2008, Email to RRT: 'Situation in Aceh, and continuing risk of persecution and violence for supporters of Acehnese independence', 5 November – Attachment 17.

¹²¹ Aspinall, E 2008, Email to RRT: 'Situation in Aceh, and continuing risk of persecution and violence for supporters of Acehnese independence', 5 November – Attachment 17.

¹²² Kingsbury, D 2006, Email to RRT Country Research: 'Country Information Request IDN30882: "factional splits in GAM"', 30 October – Attachment 49.

¹²³ RRT Country Advice 2009, *Research Response IDN34906*, 22 July – Attachment 23, see question four (from page 18); RRT Country Advice 2008, *Research Response IDN34009*, 19 November – Attachment 24, see question three (from page 10).

some violent incidents occurring in Aceh in 2007 to 2008 were linked to disputes about Acehnese independence and the Helsinki MoU.¹²⁴ The response provided the following example:

Most recently, in July 2008, in Aceh's Nagan Raya regency, a gun battle took place in which police killed four men, who locals allege were agents of the separatist cause. According to *The Jakarta Post*, local residents claimed that the dead men had declared their intention to "fight anyone who acknowledged the Helsinki accord and wipe out Partai Aceh leaders for defying the freedom struggle by accepting peace". A local KPA leader expressed the view that the men were simply criminals...¹²⁵

10. Is there evidence of Indonesian authorities targeting Indonesians including Acehnese Indonesians in Malaysia who are anti-MoU – and who are vocal and open about this position?

No sources were found to indicate that Indonesian authorities have attempted to target vocal anti-MoU and/or pro-independence Acehnese Indonesians living in Malaysia since the peace agreement. As detailed at question nine, some reports and expert advice indicate that Indonesian authorities remain sensitive about separatism in Aceh and the police and/or military may deal harshly with Acehnese in Indonesia who openly oppose the MoU and/or who continue to advocate for independence.

11. Is it plausible that the Malaysian security agencies including the police would refuse protection to Malaysian permanent residents who are at risk of serious harm (including getting killed, kidnapped, and/or assaulted) at the hands of Indonesians – including Indonesians of Acehnese background living in Malaysia or visiting Malaysia from Indonesia?

No information was found on Malaysian police protection for permanent residents, specifically. Of note, sources indicate that an Acehnese separatist leader and permanent resident of Malaysia was assassinated near Kuala Lumpur in June 2000, but it was not clear that the victim had sought protection from the Malaysian police, and police did go on to investigate his murder.

Previous Country Advice reports on police protection in Malaysia more generally offer a somewhat mixed picture of the situation – on the one hand, police are assessed to be fairly capable of protecting citizens from crime and criminal threats; on the other, corruption, inefficiency and other such problems hamper the provision of effective protection to Malaysians.

Assassination of Acehnese separatist leader in Malaysia

As documented at question four, in June 2000 a "moderate" Acehnese separatist named Don Zulfahri was assassinated in Kuala Lumpur, apparently by GAM. Zulfahri reportedly held permanent residency status in Malaysia,¹²⁶ having "migrated...[there] in 1981".¹²⁷ He

¹²⁴ RRT Country Advice 2008, *Research Response IDN34009*, 19 November – Attachment 24, see question three, p 11.

¹²⁵ RRT Country Advice 2008, *Research Response IDN34009*, 19 November – Attachment 24, see question three, p 11.

¹²⁶ "Assassinated Aceh separatist leader laid to rest as police hunt killer" 2000, *AFP*, 2 June, reposted on yahoo group "Berita Malaysia", <http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011 – Attachment 15.

had told a friend in the period immediately preceding his death that he feared for his life,¹²⁸ but it was not clear that he had sought protection from the police. The Malaysian police did go on to investigate his murder, holding up to nine GAM-affiliated people in connection with the case.¹²⁹

Police protection in Malaysia

As noted by *Country Advice MYS38032* of February 2011, a number of recent research responses have canvassed the quality of protection provided by the Malaysian police in general.¹³⁰ *Country Advice MYS37617* and *MYS37722* of November 2010,¹³¹ *MYS37596* of October 2010¹³² and *MYS35845* of January 2010¹³³ all underline that the high level of corruption within the Malaysian police force, combined with low police salaries, hamper the provision of effective protection to Malaysian citizens. Presumably, Malaysian permanent residents would also be affected.

Country Advice MYS37722 of 19 November 2010 notes that the Malaysian government has taken steps to improve police effectiveness and reduce crime since 2004, when the Prime Minister announced a Royal Commission to Enhance the Operation and Management of the Malaysian police. Recent reports indicate, however, that police corruption remains a widespread problem and that police reform has been inhibited by resistance at the highest levels of the force.¹³⁴

Country Advice MYS35845 of January 2010 concludes that the Malaysian police are assessed to be fairly capable of protecting citizens from crime and criminal threats, but crime problems were a matter of public debate and there was a public perception that the police and government authorities were not doing enough to stem rising crime rates. In addition, police inefficiencies were reportedly compounded by the ineffectiveness of the Malaysian legal system, which was encumbered by a huge backlog of criminal cases in both the lower and high courts.¹³⁵

¹²⁷ “Exiled Acehese Leader Shot Dead in Malaysia” 2000, *Reuters*, 2 June, reposted on yahoo group “Berita Malaysia”, <http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011 – Attachment 13.

¹²⁸ “Aceh independence leader murdered” 2000, *BBC News*, 2 June, <http://news.bbc.co.uk/2/hi/asia-pacific/773569.stm> – Accessed 21 February 2011 – Attachment 14.

¹²⁹ Hastings, J 2010, *No Man’s Land: Globalization, Territory, and Clandestine Groups in Southeast Asia*, Cornell University Press, Ithaca, http://books.google.com.au/books?id=OKkhEUwkZ9MC&pg=PA131&lpg=PA131&dq=Indonesian+intelligence+acehese+in+malaysia&source=bl&ots=57QFm628Ns&sig=tnI3IIDgVrtz-M8ZVdDTyY4xPjo&hl=en&ei=CMphTZakFo6qvQOh7b24Ag&sa=X&oi=book_result&ct=result&resnum=7&ved=0CDQQ6AEwBg#v=onepage&q=Indonesian%20intelligence%20acehese%20in%20malaysia&f=false – Accessed 21 February 2011 – Attachment 16.

¹³⁰ RRT Country Advice 2011, *Country Advice MYS38032*, 25 February – Attachment 50.

¹³¹ RRT Country Advice 2010, *Country Advice MYS37617*, 8 November – Attachment 51; RRT Country Advice 2010, *Country Advice MYS37722*, 19 November – Attachment 52.

¹³² RRT Country Advice 2010, *Country Advice MYS37596*, 27 October – Attachment 53.

¹³³ RRT Country Advice 2010, *Country Advice MYS35845*, 11 January – Attachment 54.

¹³⁴ RRT Country Advice 2010, *Country Advice MYS37722*, 19 November – Attachment 52.

¹³⁵ RRT Country Advice 2010, *Country Advice MYS35845*, 11 January – Attachment 54.

12. Can a person in Indonesia openly advocate for an independent Aceh without being at risk of harm from Indonesian authorities?

As noted at question nine, there is significant overlap between vocal anti-MoU Acehese and those who advocate openly for an independent Aceh. Information regarding the situation for advocates of an independent Aceh in the post-MoU period is addressed at that question; overall, available sources indicate that such individuals may be at risk of arrest and/or harsh treatment by Indonesian authorities.

Attachments

1. Janes World Insurgency and Terrorism 2010, “Gerakan Aceh Merdeka (GAM) (Indonesia), GROUPS - ASIA – DORMANT”, 20 August, <http://www.janes.com/articles/Janes-World-Insurgency-and-Terrorism/Gerakan-Aceh-Merdeka-GAM-Indonesia.html> – Accessed 15 February 2011.
2. “Profile: Aceh’s separatists” 2002, *BBC News*, <http://news.bbc.co.uk/2/hi/asia-pacific/2558165.stm> – Accessed 15 February 2011.
3. Schulze, K 2004, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”, East-West Center Washington website – <http://www.eastwestcenterwashington.org/Publications/psseriespdf2.htm> – Accessed 27 October 2006.
4. Ross, M 2005, “Resources and Rebellion in Aceh, Indonesia”, in *Understanding Civil War: Evidence and Analysis*, eds. P Collier & N Sambanis, The World Bank, Washington DC, pp 35-58, www.polisci.ucla.edu/faculty/ross/ResourcesRebellion.pdf – Accessed 23 February 2011.
5. Aspinall, E 2009, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia*, Stanford University Press, Stanford, http://books.google.com.au/books?id=BU0jOjNsTowC&pg=PA92&lpg=PA92&dq=Daud+Ishak+arrested+by+indonesian&source=bl&ots=PkUcEL_jzr&sig=seUVoUuCmwLy75R5xXWSyLcmk4s&hl=en&ei=j1hkTfHqEdTCaeFz4K&sa=X&oi=book_result&ct=result&resnum=5&ved=0CCoQ6AEwBA#v=onepage&q=Geraka%20Aceh%20merdeka&f=false – Accessed 23 February 2011.
6. International Crisis Group 2009, “Indonesia: Deep Distrust in Aceh as Elections Approach”, Asia Briefing No. 90, International Crisis Group website, 23 March, http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009.
7. Sculze, K 2005, “Gerakan Aceh Merdeka: Freedom Fighters or Terrorists?”, in *Aceh Under Martial Law: Conflict, Violence, and Displacement*, Refugee Studies Centre No.24, ed. E Hedman, University of Oxford Refugee Studies Centre website, July <http://www.rsc.ox.ac.uk/PDFs/workingpaper24.pdf> – Accessed 12 November 2008.
8. Human Rights Watch 2004, “Aceh Under Martial Law: Problems Faced by Acehese Refugees in Malaysia”, April, HRW website, www.hrw.org/en/node/12153/section/5 – Accessed 28 February 2011.
9. Hedman, E 2005, “A state of emergency, a strategy of war: internal displacement, forced relocation, and involuntary return in Aceh”, in *Aceh Under Martial Law: Conflict, Violence, and Displacement*, Refugee Studies Centre No.24, ed. E Hedman, University of

- Oxford Refugee Studies Centre website, July
<http://www.rsc.ox.ac.uk/PDFs/workingpaper24.pdf> – Accessed 12 November 2008.
10. International Crisis Group 2005, “Aceh: A new chance for peace”, ICG website, 15 August,
http://www.crisisgroup.org/library/documents/asia/indonesia/b040_aceh_a_new_chance_for_peace.pdf – Accessed 18 August 2005.
 11. 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.
 12. Conciliation Resources 2011, “Profiles – Government of Indonesia”, Conciliation Resources website, <http://www.c-r.org/our-work/accord/aceh/profiles.php> – Accessed 1 March 2011.
 13. “Exiled Acehese Leader Shot Dead in Malaysia” 2000, *Reuters*, 2 June, reposted on yahoo group “Berita Malaysia”,
<http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011.
 14. “Aceh independence leader murdered” 2000, *BBC News*, 2 June,
<http://news.bbc.co.uk/2/hi/asia-pacific/773569.stm> – Accessed 21 February 2011.
 15. “Assassinated Aceh separatist leader laid to rest as police hunt killer” 2000, *AFP*, 2 June, reposted on yahoo group “Berita Malaysia”,
<http://groups.yahoo.com/group/beritamalaysia/message/23463> – Accessed 21 February 2011.
 16. Hastings, J 2010, *No Man’s Land: Globalization, Territory, and Clandestine Groups in Southeast Asia*, Cornell University Press, Ithaca,
http://books.google.com.au/books?id=OKkhEUwkZ9MC&pg=PA131&lpg=PA131&dq=Indonesian+intelligence+acehese+in+malaysia&source=bl&ots=57QFm628Ns&sig=tnI3IIDgVrtz-M8ZVdDTrY4xPjo&hl=en&ei=CMphTZakFo6qvQOh7b24Ag&sa=X&oi=book_result&ct=result&resnum=7&ved=0CDQQ6AEwBg#v=onepage&q=Indonesian%20intelligence%20acehese%20in%20malaysia&f=false – Accessed 21 February 2011.
 17. Aspinall, E 2008, Email to RRT: “Situation in Aceh, and continuing risk of persecution and violence for supporters of Acehese independence”, 5 November.
 18. Hillman, B 2010, “Paying Out Aceh’s Peace Dividend”, *Wall Street Journal*,
<http://online.wsj.com/article/SB10001424052748704023404575430290841698782.html> – Accessed 25 February 2011.
 19. Hadi, F n.d., “Human rights and justice in Aceh: The long and winding road”, Conciliation Resources website, <http://www.c-r.org/our-work/accord/aceh/human-rights.php> – Accessed 4 March 2011.
 20. Freedom House 2010, *Freedom in the World – Indonesia (2010)*, June
<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7841> – Accessed 10 September 2010 .

21. US Department of State 2010, *2009 Country Reports on Human Rights Practices - Indonesia*, 11 March.
22. World Bank/Decentralization Support Facility 2007, *Aceh Conflict Monitoring Update*, 1-31 January, http://www.acheh-eye.org/data_files/english_format/peace_process/peace_process_augmou/augmou_analysis/augmou_analysis_2007_01_31.pdf – Accessed 14 May 2007.
23. RRT Country Advice 2009, *Research Response IDN34906*, 22 July.
24. RRT Country Advice 2008, *Research Response IDN34009*, 19 November.
25. Wennman, A & J Krause 2009, “Resource Wealth, Autonomy and Peace in Aceh” (working paper), Centre for Conflict, Development and Peacebuilding website, <http://graduateinstitute.ch/webdav/site/ccdp/shared/6305/CCDP-Working-Paper-3-Aceh.pdf> – Accessed 22 February 2011.
26. Shie, T 2005, “Disarming for peace and development in Aceh”, *Peace, Conflict, Development*, Issue 6 (January), <http://www.peacestudiesjournal.org.uk/dl/Disarming%20for%20Peace%20in%20Aceh%20ofinal%20version%20edited.pdf> – Accessed 28 February 2011.
27. Kingsbury, D 2010, “A journalist’s gamble with Indonesia’s special forces”, *The National Times*, 29 March, <http://www.nationaltimes.com.au/opinion/contributors/a-journalists-gamble-with-indonesias-special-forces-20100329-r7u1.html> – Accessed 2 March 2011.
28. Center for Peace and Conflict Resolution Studies 2009, “Aceh Peace Monitoring Update – 1 September to 31 December 2009”, CPCRS website, <http://www.conflictanddevelopment.org/data/CPCRS/eng/Aceh%20Peace%20Monitoring%20Update%20Sep-Dec2009.pdf> – Accessed 28 February 2011.
29. “Inside Indonesia’s War on Terror” 2005, *SBS Dateline*, 12 October, http://www.aldeilis.net/english/index.php?option=com_content&view=article&id=2406:terrorists-cultivated-by-indonesian-army&catid=257:false-flag-terrorism&Itemid=334 – Accessed 21 February 2011.
30. Deleted.
31. Deleted.
32. Deleted.
33. National Registration Department, Malaysian Ministry of Home Affairs 2011, “Citizenship Application under Articles 19(1) and 19(2) – Aged 21 Years or More”, website of the National Registration Department, <http://www.jpn.gov.my/en/21%20Years%20or%20More> – Accessed 15 February 2011.
34. Lawyerment.com.my n.d., “Guide to Citizenship – Malaysia”, [www.pinoy-abroad.net/.../Guide to CITIZENSHIP Malaysia .pdf](http://www.pinoy-abroad.net/.../Guide%20to%20CITIZENSHIP%20Malaysia.pdf) – Accessed 28 February 2011.
35. Raj, R 2011, “Make citizenship processing transparent”, *The Malaysia Mail*, 28 January, <http://www.mmail.com.my/content/62217-make-citizenship-processing-transparent> – Accessed 18 February 2011.

36. "Becoming Malaysian" 2011, *New Straits Times*, 26 January, http://findarticles.com/p/news-articles/new-straits-times/mi_8016/is_20110126/malaysian/ai_n56730288/ – Accessed 18 February 2011.
37. "Malaysian citizenship: How to become a citizen of Malaysia" n.d., *JustLanded.com*, <http://www.justlanded.com/english/Malaysia/Malaysia-Guide/Visas-Permits/Malaysian-citizenship> – Accessed 15 February 2011.
38. Department of Foreign Affairs and Trade 2011, "Malaysia: Travel Advice", 2 February, <http://www.smartraveller.gov.au/zw-cgi/view/Advice/Malaysia> – Accessed 18 February 2011.
39. UNHCR 2011, "2011 UNHCR country operations profile – Malaysia", UNHCR website, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4884c6> – Accessed 15 February 2011.
40. "UNHCR pleads case for refugees in Malaysia" 2004, *Reuters*, 9 November.
41. Lingam, E 2010, "Deal with real needs", *New Straights Time*, 27 June, http://findarticles.com/p/news-articles/new-straits-times/mi_8016/is_20100627/real/ai_n54223046/ – Accessed 18 February 2011.
42. Chua, C 2008, "Acehnese Overstayed Their Welcome in Malaysia", *Asia Calling*, http://www.asiacalling.org/index.php?option=com_content&view=article&id=705%3Aacehnese-overstayed-their-welcome-in-malaysia&catid=133%3Amalaysia&Itemid=436&lang=bn – Accessed 18 February 2011.
43. US Committee for Refugees and Migrants 2009, "World Refugee Survey 2009: Malaysia" <http://www.refugees.org/resources/refugee-warehousing/archived-world-refugee-surveys/2009-wrs-country-updates/malaysia.html> – Accessed 18 February 2011.
44. Simanjuntak, H 2008, "Malaysia extends permits for Aceh refugees", *The Jakarta Post*, 29 July, <http://www.thejakartapost.com/news/2008/07/29/malaysia-extends-permits-aceh-refugees.html> – Accessed 18 February 2011.
45. UNHCR 2008, "State parties to the 1951 convention relating to the status of refugees and the 1967 protocol", 1 October, UNHCR website, <http://www.unhcr.org/3b73b0d63.html> – Accessed 24 February 2011.
46. Sheridan, G 2010, "Why Labor can't stop the boats", *The Australian*, 29 July, <http://www.theaustralian.com.au/news/opinion/why-labor-cant-stop-the-boats/story-e6frg76f-1225898187380> – Accessed 15 February 2011.
47. O'Brien, B 2010, "A systematic rebuttal of the myths about asylum seekers", *The Punch*, 28 July, <http://www.thepunch.com.au/articles/a-systematic-rebuttal-of-the-myths-about-asylum-seekers/> – Accessed 15 February 2011.
48. Ackland, R 2010, "Refugees' rights left stranded in sea of fear", *Sydney Morning Herald*, 16 July, <http://www.smh.com.au/opinion/politics/refugees-rights-left-stranded-in-sea-of-fear-20100715-10cky.html> – Accessed 15 February 2011.
49. Kingsbury, D 2006, Email to RRT Country Research: 'Country Information Request IDN30882: "factional splits in GAM"', 30 October.

50. RRT Country Advice 2011, *Country Advice MYS38032*, 25 February.
51. RRT Country Advice 2010, *Country Advice MYS37617*, 8 November.
52. RRT Country Advice 2010, *Country Advice MYS37722*, 19 November.
53. RRT Country Advice 2010, *Country Advice MYS37596*, 27 October.
54. RRT Country Advice 2010, *Country Advice MYS35845*, 11 January.