

Indonesia

Aceh Province



Ministry of Immigration
and Integration

The Danish
Immigration Service

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Disclaimer

This report was written in accordance with the EASO COI Report Methodology.¹

This report is not, and does not purport to be a detailed or comprehensive survey of all aspects of the issues addressed in the report and should be weighed against other available country of origin information on conditions in the Aceh Province, Indonesia.

The report at hand does not include any policy recommendations or analysis. The information in the report does not necessarily reflect the opinion of the Danish Immigration Service.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

Introduction

The purpose of this brief report is to respond to concrete questions raised by the Asylum Division on conditions in the Aceh Province in Indonesia. The questions concern;

- A status on the Peace Deal made in 2005 between the Indonesian Government and the separatist movement Gerakan Aceh Merdeka (GAM, in English: Free Aceh Movement),
- Treatment of the civilian population by the Indonesian central government and the local government in the Aceh Province,
- The risk of punishment and violence of retaliation towards returnees.

The report is based on information from written sources, including information provided by email from two experts on conditions in the Aceh Province in Indonesia. With regard to the latter, the experts were asked how reference might be made to them in the report; references are made in accordance with their own requests.

The purpose of this research is to provide general background information about the Aceh Province in Indonesia.

The sources used are referenced in footnotes and an appendix with a list of the sources is provided.

Two experts, who were interviewed by email, were informed about the purpose of the research and that their statements would be included in a public report. Their statements are found in their full extent in Annex A of this report.

For the sake of reader-friendliness, transparency and accuracy, paragraphs in the meeting minutes in Annex A have been given consecutive numbers, which are used in the report when referring to their statements in the footnotes. The intention hereby is to make it easier to find the exact place of a statement in the meeting minutes.

The research and editing of this brief report was finalized by 6 July 2019.

¹ EASO COI REPORT METHODOLOGY, 14/06/2019, EU - European Asylum Support Office (EASO), [link](#)

Abbreviations

AI – Amnesty International

COI – Country of Origin Information

DFAT – Australian Government – Department of Foreign Affairs and Trade

EASO – European Asylum Support Office

GAM – Gerakan Aceh Merdeka (in English: Free Aceh Movement)

NGO – Non Governmental Organisation

Background: Indonesia and the conflict in the Aceh Province

Indonesia is an archipelago between the Indian Ocean and the Pacific Ocean. The Aceh Province is located in the Northwestern part of the country. Out of a total population of 262,787,403 people, 87.2 percent are Muslims.²

Since the 1950s, insurrections took place in different provinces in Indonesia, including in the Aceh Province, in pursuit of an Islamic State of Indonesia.³ In 1976, the formation of the separatist movement, Gerakan Aceh Merdeka (GAM; Free Aceh Movement) as well as independence for the Aceh Province was declared.⁴

The Peace Deal, 2005

The separatist conflict between the Indonesian military and the local group Gerakan Aceh Merdeka (GAM; Free Aceh Movement) took place in Aceh⁵ and lasted from 1976 until 2005.⁶ According to a scholar, the casualties reached at least 15,000 in number (conservative number).⁷

The scholar explained that the conflict was a protracted struggle for the independence of Aceh from the Republic of Indonesia. The struggle was based on GAM wanting to separate the province from the national authority based on grounds related to unequal distribution of natural resources, disagreements about the implementation of Islamic Law and issues related to the transmigration program of the central government, mostly the settlement of Javanese people.⁸

Several factors lead to the peace deal:

- Following the tsunami that took place in December 2004 aid workers poured into Aceh which played a role in the decision to avoid further armed struggle.⁹
- GAM had been decimated by martial law.¹⁰
- The peace deal devolved considerable power to Aceh, granted the province a larger share of oil and gas revenues, and enabled former rebels to form a political party and run for local elections. It included provisions to disarm and reintegrate rebel forces. Over 30,000 Indonesian military and police left the province. An unarmed peace mission, the Aceh Monitoring Mission, was deployed by the EU and ASEAN to oversee the peace process.¹¹

² CIA World Factbook, Indonesia, Page last updated on June 26, 2019, [link](#);

³ Drakeley, Steven. History (Indonesia), in Europa World online. London, Routledge. Danish Immigration Service, [link](#)

⁴ Asia Foundation: The State of Conflict and Violence in Asia - Indonesia, 18 October 2017, [link](#), p. 70

⁵ Asia Foundation: The State of Conflict and Violence in Asia - Indonesia, 18 October 2017, [link](#), p. 70

⁶ Asia Foundation: The State of Conflict and Violence in Asia - Indonesia, 18 October 2017, [link](#), p. 70; A scholar with expertise in Southeast Asian countries: answer to question 1

⁷ Asian Foundation confirms a large number of casualties: From 1998 until the signing of the peace accord, an estimated 10,613 people lost their lives. Damages and losses from the conflict exceeded USD 10.7 billion, double the economic cost of the tsunami [December 2004]. Asia Foundation: The State of Conflict and Violence in Asia - Indonesia, 18 October 2017, [link](#), p. 71

⁸ A scholar with expertise in Southeast Asian countries: answer to question 1

⁹ Asia Foundation: The State of Conflict and Violence in Asia - Indonesia, 18 October 2017, [link](#), p. 70

¹⁰ Asia Foundation: The State of Conflict and Violence in Asia - Indonesia, 18 October 2017, [link](#), p. 71

¹¹ Asia Foundation: The State of Conflict and Violence in Asia - Indonesia, 18 October 2017, [link](#), p. 71

The 2005 peace agreement between the Indonesian government and GAM effectively resolved the question of Acehese secession, with many prominent members of the GAM leadership becoming members of the Acehese provincial government.¹²

According to several sources, the peace deal is prevailing and there are no military encounters in Aceh.¹³

Treatment of the civilian population by the Indonesian authorities

Central Indonesian government

Applying to the whole country, human rights issues in Indonesia include unlawful killings by government security forces, torture by police, and arbitrary detention by the government. The law provides for an independent judiciary, but the judiciary remained susceptible to corruption and influence from outside parties, including business interests, politicians, and the security forces.¹⁴

Local government in the Aceh Province

With regard to the local government in the Aceh Province, under terms of the 2005 peace agreement, the Aceh Province has special authority to implement sharia regulations.¹⁵ A scholar further explained that Aceh Province's problems are related to the ever tightening implementation of sharia-based "by-laws". These laws allow for public caning and imprisonment of people who have violated moral codices related to sharia.¹⁶

Authorities in Aceh carried out public canings¹⁷ for violations of sharia in cases of gambling, adultery, alcohol consumption, consensual same-sex activities, and sexual relations outside of marriage.¹⁸

A representative of a local NGO, who was interviewed by an expert, added that Aceh is the only province in Indonesia where sharia is practiced. Some parts of the population – such as sexual minorities – are particularly vulnerable and are at risk of being punished for violations of the law. Women are expected to adhere to a strict dress code.¹⁹

¹² DFAT – Australian Government - Department of Foreign Affairs and Trade: DFAT Country Information Report Indonesia, 25 January 2019, [link](#), p. 25-26; Asia Foundation: The State of Conflict and Violence in Asia - Indonesia, 18 October 2017, [link](#), p. 71

¹³ Advisor Aksel Tømte, Norwegian Centre for Human Rights' from the NGO 'Relawan Perempuan untuk Kemanusiaan': 2; A scholar with expertise in Southeast Asian countries: answers to question 2 and 3; Asia Foundation: The State of Conflict and Violence in Asia - Indonesia, 18 October 2017, [link](#), p. 71

¹⁴ US DoS, 2018 Country Reports on Human Rights Practices: Indonesia, 13 March 2019, [link](#)

¹⁵ US DoS, 2018 Country Reports on Human Rights Practices: Indonesia, 13 March 2019, [link](#); DFAT – Australian Government - Department of Foreign Affairs and Trade: DFAT Country Information Report Indonesia, 25 January 2019, [link](#), p. 20

¹⁶ A scholar with expertise in Southeast Asian countries: answer to question 3

¹⁷ US DoS, 2018 Country Reports on Human Rights Practices: Indonesia, 13 March 2019, [link](#); DFAT – Australian Government - Department of Foreign Affairs and Trade: DFAT Country Information Report Indonesia, 25 January 2019, [link](#), p. 20; Advisor Aksel Tømte, Norwegian Centre for Human Rights' from the NGO 'Relawan Perempuan untuk Kemanusiaan': 4

¹⁸ US DoS, 2018 Country Reports on Human Rights Practices: Indonesia, 13 March 2019, [link](#); DFAT – Australian Government - Department of Foreign Affairs and Trade: DFAT Country Information Report Indonesia, 25 January 2019, [link](#), p. 20

¹⁹ Advisor Aksel Tømte, Norwegian Centre for Human Rights' from the NGO 'Relawan Perempuan untuk Kemanusiaan': 4

In Aceh, the Sharia Police, an independent provincial body, is responsible for enforcing sharia.²⁰ A scholar further explained that the Indonesian authorities are not as much in charge of the local security and order as they are in other provinces. Relative autonomy over local jurisdiction that includes the implementation of sharia law makes the province have its own course. It is important to note that GAM experienced splits and disagreements and is not as homogenous as it might appear from afar.²¹

Sharia law is intended to apply only to Muslims in Aceh and not non-Muslims or non-permanent residents. However, non-Muslims were occasionally punished according to Muslim law in cases where the national criminal code does not cover the offence in question.²²

Aceh's legislature controversially passed a regulation in 2013 making the outlawed 'Crescent Moon' flag the official flag of the province. While the central government has repeatedly said it does not accept the provincial flag,²³ the Australian Government – Department of Foreign Affairs and Trade (DFAT) is not aware of cases where persons raising the flag have been subsequently arrested or subjected to discrimination.²⁴

DFAT assesses that people previously affiliated with the GAM are not subject to official discrimination.²⁵

Risk of punishment, violence of retaliation towards returnees

According to the Australian Government – Department of Foreign Affairs and Trade (DFAT), the acceptance of public protest and dissent has increased. However, crossing acknowledged 'red lines' – such as publicly advocating a separatist movement or displaying separatist symbols – may still result in additional attention on return to Indonesia. Indonesians who are returned after unsuccessfully seeking protection overseas are unlikely to come to the attention of authorities, provided these 'red lines' have not been crossed.²⁶

A representative from a local NGO, who was interviewed by an expert, noted that she does not know of any cases of returning refugees being subjected to revenge actions by neither GAM nor Indonesian authorities/police or military. She believes that people who had traded with either weapons or drugs, or committed terrorism, could be at risk, but otherwise there was relatively little danger of returning as a refugee. Although one can never completely exclude personal retaliation intentions for events that happened in the past, it does not seem like there is any systematic or political agenda to take revenge.²⁷ A scholar assessed that with regard to returnees it is not secured what will be their legal as well as social

²⁰ US DoS, 2018 Country Reports on Human Rights Practices: Indonesia, 13 March 2019, [link](#);

²¹ A scholar with expertise in Southeast Asian countries: answer to question 2

²² DFAT – Australian Government - Department of Foreign Affairs and Trade: DFAT Country Information Report Indonesia, 25 January 2019, [link](#), p. 20

²³ DFAT – Australian Government - Department of Foreign Affairs and Trade: DFAT Country Information Report Indonesia, 25 January 2019, [link](#), p. 25-26; US DoS, 2018 Country Reports on Human Rights Practices: Indonesia, 13 March 2019, [link](#);

²⁴ DFAT – Australian Government - Department of Foreign Affairs and Trade: DFAT Country Information Report Indonesia, 25 January 2019, [link](#), p. 25-26;

²⁵ DFAT – Australian Government - Department of Foreign Affairs and Trade: DFAT Country Information Report Indonesia, 25 January 2019, [link](#), p. 25-26

²⁶ DFAT – Australian Government - Department of Foreign Affairs and Trade: DFAT Country Information Report Indonesia, 25 January 2019, [link](#), p. 43

²⁷ Advisor Aksel Tømte, Norwegian Centre for Human Rights' from the NGO 'Relawan Perempuan untuk Kemanusiaan': 3

status. The scholar did not have knowledge about concrete examples of people from Aceh who returned to the province, but further research might lead to examples.²⁸

Asked if there are targeted and systematic attacks by the Indonesian authorities against parts of the civilian population, a scholar replied that from afar, one cannot with absolute authority say that the Indonesian authorities act according to the rule of law of the Republic of Indonesia or the international convention of human rights in Aceh. The situation is not as clear cut as it would seem according to the 2005 peace agreement.²⁹

The scholar noted that post-agreement rivalries strike the movement and the province especially during national elections.³⁰ A representative from a local NGO, who was interviewed by an expert, confirmed that there has been violence in relation to the elections in Aceh; there has previously been some politically motivated violence, where a number of people have been killed. However this is almost ten years ago and the last elections were not affected by such violence.³¹ According to Asia Foundation, intimidation and violent incidents on party cadres were widespread during the elections of 2009 and 2012. The same source stated that the local elections in 2016 were peaceful.³²

²⁸ A scholar with expertise in Southeast Asian countries: answer to question 5, 6, 7 and 8

²⁹ A scholar with expertise in Southeast Asian countries: answer to question 4

³⁰ A scholar with expertise in Southeast Asian countries: answer to question 2

³¹ Advisor Aksel Tømte, Norwegian Centre for Human Rights' from the NGO 'Relawan Perempuan untuk Kemanusiaan': 5

³² Asia Foundation: The State of Conflict and Violence in Asia - Indonesia, 18 October 2017, [link](#), p. 71

Consulted sources

Written sources

AI – Amnesty International: Rights Now; 9-Point Human Rights Agenda for Indonesia's Election Candidates [ASA 21/0153/2019], 15 April 2019,

<https://www.ecoi.net/en/file/local/2006596/ASA2101532019ENGLISH.PDF> (accessed on 6 June 2019)

Asia Foundation: The State of Conflict and Violence in Asia - Indonesia, 18 October 2017,

<https://asiafoundation.org/wp-content/uploads/2017/10/Indonesia-StateofConflictandViolence.pdf>

(accessed on 3 July 2019)

CIA World Factbook, Indonesia, Page last updated on June 26, 2019,

<https://www.cia.gov/library/publications/the-world-factbook/geos/id.html> (accessed on 3 July 2019)

Deutsche Welle (DW), *Tsunami kills hundreds in Indonesia's Sulawesi after earthquake*, 30 September 2018,

<https://www.dw.com/en/tsunami-kills-hundreds-in-indonesias-sulawesi-after-earthquake/a-45680574>

(accessed on 3 July 2019)

Drakeley, Steven. History (Indonesia), in Europa World online. London, Routledge. Danish Immigration Service, <http://www.europaworld.com/entry/id>

DFAT – Australian Government - Department of Foreign Affairs and Trade: *DFAT Country Information Report Indonesia*, 25 January 2019, <https://www.ecoi.net/en/file/local/2002930/country-information-report-indonesia.pdf> (accessed on 6 June 2019)

International Federation of Red Cross and Red Crescent Societies, *Indonesia: Aceh Earthquake DREF Operation n° MDRID011 Final Report*, on 31 Aug 2017:

https://reliefweb.int/sites/reliefweb.int/files/resources/MDRID011dfr_edited071217_1_0.pdf (accessed on 3 July 2019)

Inter Press Service, University of East Anglia, *Why Are so Many Humanitarian Crises Under-reported?* 22 January 2019, <https://reliefweb.int/report/world/why-are-so-many-humanitarian-crises-under-reported> (accessed on 3 July 2019)

UN High Commissioner for Refugees (UNHCR), *UNHCR Submission on Indonesia: UPR 27th Session*, September 2016, <https://www.refworld.org/docid/5a12b5432.html> (accessed 6 June 2019)

UN Human Rights Council, *Compilation on Indonesia - Report of the Office of the United Nations High Commissioner for Human Rights*, 17 February 2017, A/HRC/WG.6/27/IDN/2, <https://www.refworld.org/docid/5914663c4.html> (accessed 6 June 2019)

U.S. Central Intelligence Agency (Author), published by University of Texas Libraries: *Indonesia* [map]: Administrative Divisions (Political) U.S. Central Intelligence Agency 2002, https://www.ecoi.net/en/file/local/1053613/470_1281379747_indonesia-adm-2002.jpg (accessed on 3 July 2019)

US DoS, 2018, *Country Reports on Human Rights Practices: Indonesia*, 13 March 2019, <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/indonesia/> (accessed on 3 July 2019)

Sources interviewed by email:

Advisor Aksel Tømte, 'Norwegian Centre for Human Rights' from the NGO 'Relawan Perempuan untuk Kemanusiaan'

A scholar with expertise in Southeast Asian countries

Annex A: Email correspondence with sources

TRANSLATION FROM NORWEGIAN TO ENGLISH, 28 June 2019:

Advisor Aksel Tømte, 'Norwegian Centre for Human Rights' from the NGO 'Relawan Perempuan untuk Kemanusiaan'

Subject: The Aceh Province

From Aksel Tømte

Sent on 27-06-2019, 08:30

To: Rikke Blaaberg Jensen

CC: Knut Dagfinn Asplund; Else Øllgaard

Hi Rikke,

1. I finally succeeded in reaching an activist from Aceh (from the NGO 'Relawan Perempuan untuk Kemanusiaan').
2. Peace prevails in Aceh. I will not consider whether all the points of the peace agreement are necessarily met, but there are no military encounters.
3. The person I spoke to does not know of any cases of returning refugees being subjected to revenge actions by neither GAM nor Indonesian authorities/police nor military. She believed that people who had traded with either weapons or drugs, or committed terrorism, could be at risk, but otherwise there was relatively little danger of returning as a refugee. Although one can never completely exclude personal retaliation intentions for events that happened in the past, it does not seem like there is any systematic or political agenda to take revenge.
4. About abuse of civilian population: Aceh is the only province in Indonesia where sharia is practiced. Some parts of the population - such as sexual minorities - are particularly vulnerable and are at risk

of being punished for violations of the law, including by public flogging. (But it is claimed that the flogging is not particularly rough and that it primarily leads to public humiliation). Women are expected to adhere to a strict dress code.

5. In relation to the elections in Aceh, there has previously been some politically motivated violence, where a number of people have been killed. However this is almost ten years ago and the last elections were not affected by such violence.

I hope this is helpful.

Kind regards,

Aksel

A scholar with expertise in Southeast Asian countries based in Copenhagen

Email sent on 2 July 2019 to the Country of Origin Information Division, The Danish Immigration Service

1. What was the conflict between the authorities and the Free Aceh Movement (GAM) about - in short?

The conflict is a protracted struggle for the independence of Aceh from the Republic of Indonesia. The struggle is based on the local group Gerakan Aceh Merdeka (GAM; Free Aceh Movement) wanting to separate the province from the national authority based on grounds related to unequal distribution of natural resources, disagreements about the implementation of Islamic Law and issues related to the transmigration program of the central government, mostly the settlement of Javanese people. The conflict lasted from 1976 until 2005 and has cost at least 15,000 people's lives (conservative number).

2. Will the peace agreement of 15 August 2015 between GAM and the Indonesian authorities be respected?

Yes, the peace agreement is a stable agreement because it has come along with a substantial disarmament of the GAM. Nevertheless, it needs to be noted that the Indonesian authorities are not as much in charge of the local security and order as they are in other provinces. Relative autonomy over local jurisdiction that includes the implementation of sharia law makes the province have its own course. Moreover, GAM still exists as a movement and post-agreement rivalries strike the movement and the province especially during national elections. It is important to note that GAM experienced splits and disagreements and is not as homogeneous as it might appear from afar.

3. Is there currently peace in Aceh province, Indonesia?

In Aceh, there is no military conflict at the moment. Aceh Province's problems however are related to the ever tightening implementation of sharia-based "by-laws". These laws allow for public caning and imprisonment of people who have violated moral codices related to shariah. It is very difficult to overview the situation which may lead to social unrest and conflict, not only in Aceh.

In this respect the source also made reference to a publication by Michael Buehler, *The Politics of Shari'a Law: Islamist Activists and the State in Democratizing Indonesia*, Cambridge University Press (September 1, 2016). [Email of 3 July 2019 to the Country of Origin Division, Danish Immigration Service]

4. Are there targeted and systematic attacks by the Indonesian authorities against parts of the civilian population?

From afar, one cannot with absolute authority say that the Indonesian authorities act according to the rule of law of the Republic of Indonesian or the international convention of human rights in Aceh. The situation is not as clear cut as it would seem according to the 2005 peace agreement.

5. Will returning refugees from Aceh province risk punishment from the Indonesian authorities because they have previously supported GAM? / Are there examples?

6. Will returning refugees from Aceh province risk punishment from the Indonesian authorities because they have been accused of having helped GAM alone? / Are there examples?

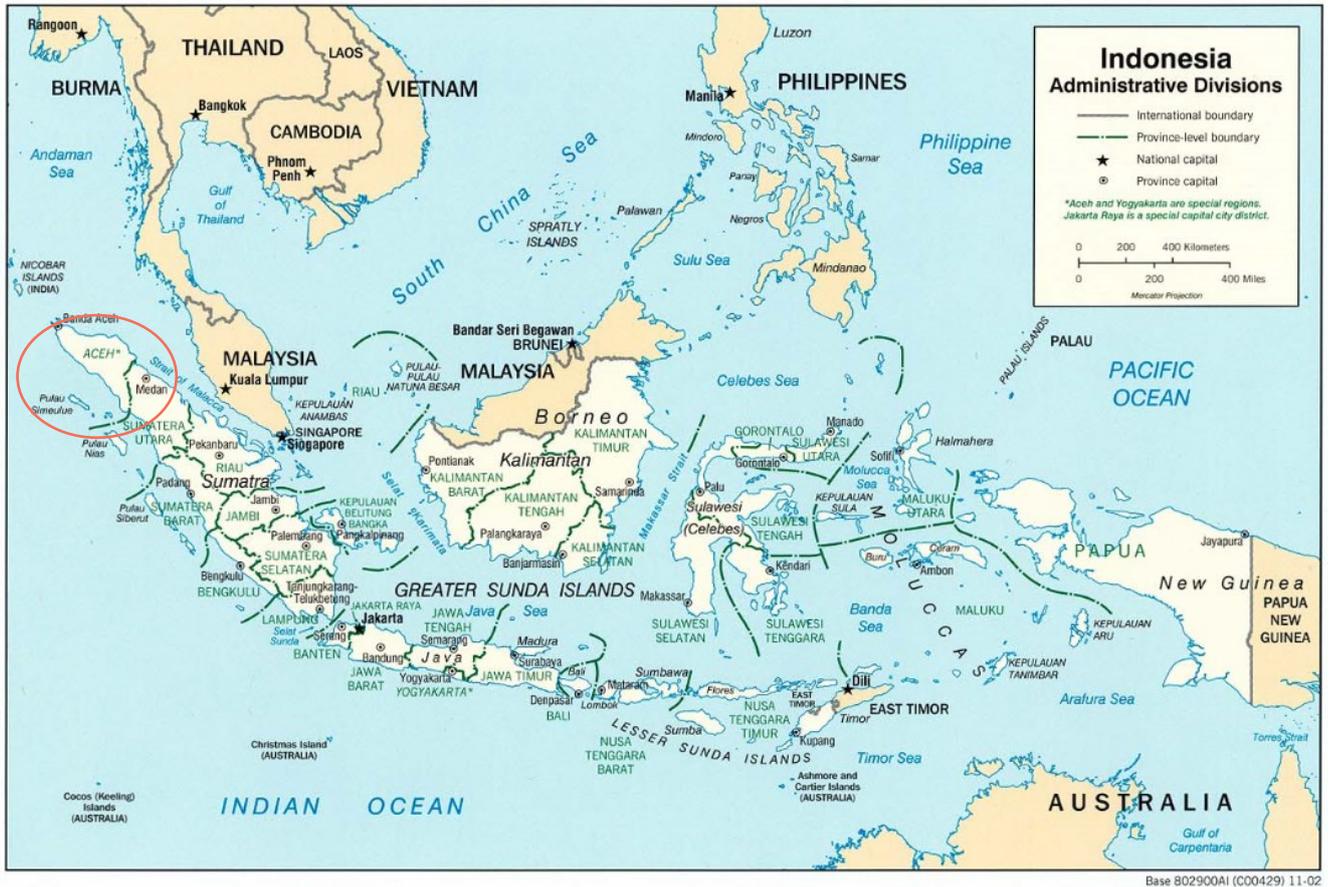
7. Will recurrent refugees from Aceh province who have not previously been a member of GAM or have supported GAM risk reprisals from the current local government of Aceh province? / Are there examples?

8. Will returning refugees from Aceh province who have previously had conflict with GAM and who fled Indonesia because of their conflict with GAM, risk reprisals from the current local government of Aceh province?

I will respond to these four questions in one reply. It is at this stage not advisable to return refugees to Aceh, because it is not secured what will be their legal as well as social status. Besides the official situation, there might be significant problems of re-integration as their society might have changed their views on previous fighters or people related to any party in the conflict or refugees in general. The Acehese civil society might still need to come to terms with reconciliation processes related to the 2005 peace agreement. Returning refugees of any kind adds an aspect that might make the process more difficult and/or result in flaring up of old sentiments that are difficult to know/judge from afar.

The source added by phone on 2 July 2019 that he had no knowledge on concrete examples of people from Aceh who returned to the province, but further research might lead to examples.

Annex B: Map of Indonesia and Aceh



Source: U.S. Central Intelligence Agency (Author), published by University of Texas Libraries: *Indonesia: Administrative Divisions* (Political) U.S. Central Intelligence Agency 2002, [link](#)