

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Can you provide details of the results of the elections in Aceh in April 2009?**
- 2. Were KPA members successful in the April 2009 elections?**
- 3. Are there reports of KPA candidates targeting former GAM supporters who did not support KPA candidates?**
- 4. Are there any 2009 reports of attacks by KPA members on previous supporters of GAM who do not support the KPA?**
- 5. Are there any 2009 reports of attacks on former GAM supporters by the Indonesian authorities?**
- 6. Have the elections in April 2009 altered the situation for supporters of Acehnese independence?**

RESPONSE

Background on and distinctions between GAM/ KPA/ PA and other affiliates

It may be of interest to consider the transition of *Geurakan Aceh Meurdeka* (GAM) as an organisation fighting for an independent Aceh into various bodies with separate agendas in post-conflict Aceh, including the *Komite Peralihan Aceh* (KPA) and *Partai Aceh* (PA).

The International Crisis Group in March 2009 has reported that GAM, since the 2005 Memorandum of Understanding (MoU), has developed into several different structures operating in different areas of political and economic 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, Partai Aceh and parts of the local government.

...The GAM conglomerate does not have anything remotely approaching a centralised command structure. No single leader commands the loyalty of all components. Malik Mahmud may head GAM in name and as the signatory to the MoU remains its chief as far as the government is concerned, but many in the KPA and the civilian government structure look more to Irwandi. More importantly, for the average ex-combatant or GAM supporter, loyalties to former commanders turned KPA members at the local level are often more important than those to anyone in the provincial capital, Banda Aceh, let alone Sweden, where Hasan Tiro resides. It is also at the local level where feuds, business rivalries and distinctions between the haves and have-nots in terms of reintegration benefits are felt most deeply (International Crisis Group 2009, 'Indonesia: Deep Distrust in Aceh as Elections Approach', Asia Briefing No. 90, International Crisis Group website, 23 March, p.2 & 4 http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

The International Crisis Group in March 2009 reported that GAM and KPA are often not recognised as “separate entities”. It would appear from the report that the KPA is not a political party as such, but a network with close ties to *Partai Aceh*. It would appear that *Partai Aceh* is to some extent the political vehicle of the KPA. The International Crisis Group in March 2009 stated that “Partai Aceh is controlled by the KPA” and “was founded ... in 2008 to contest the 2009 elections”.

Outside major urban areas, few people make a distinction between GAM and the KPA but they are nevertheless separate entities. KPA members have become heavily involved in business, especially infrastructure projects, often securing contracts from GAM-affiliated officials at the provincial and district level. This has led to competition and disputes, sometimes violent, among members themselves.

...Partai Aceh dominates the political scene along much of the east coast and is expected to garner a major share of the vote in these districts. In its strongholds, KPA members have often prevented other parties from campaigning, removed their flags or threatened their candidates. In areas where Partai Aceh is weak, such as Central Aceh and Bener Meriah, its own candidates, offices and posters have been targets. In January and February 2009, attacks and threats against the party and its candidates increased, one factor in the rise in tensions (International Crisis Group 2009, 'Indonesia: Deep Distrust in Aceh as Elections Approach', Asia Briefing No. 90, International Crisis Group website, 23 March, p.3 http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

Nonetheless, according to the same report, *Partai Aceh* is not an exclusively KPA institution:

Not all of Partai Aceh's candidates are GAM members, in part because it has tried to recruit better-educated sympathisers to make up for the lack of higher education among many of the KPA rank and file. **Nor have all KPA and GAM members joined Partai Aceh** [researcher's emphasis]. Most are supportive, but membership of the organisations is not identical (International Crisis Group 2009, 'Indonesia: Deep Distrust in Aceh as Elections Approach', International Crisis Group website, Asia Briefing No. 90, 23 March, p.4 http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

Previous research has addressed in detail the issue of GAM's development and factionalism in post-conflict Aceh. *Research Response 34009*, dated 19 November 2008, provides a useful

discussion at Question 1 on the formation of the KPA (*Komisi Peralihan Aceh* or Aceh Transitional committee), under the heading ‘Disbanding of the TNA and formation of the KPA’, following the signing of the 2005 peace agreement. The response cites the November 2006 International Crisis Group’s report regarding the role of GAM in the 2006 gubernatorial elections at which a GAM candidate, Irwandi Yusuf was successful, running as an independent, with a SIRA leader running as his deputy (RRT Research & Information 2008, [Research Response IDN34009](#), 19 November, pp.4-6 – Attachment 3; International Crisis Group 2006, ‘Aceh’s Local Elections: The role of the Free Aceh Movement (GAM)’, Asia Briefing No. 57, International Crisis Group website, 29 November http://www.crisisgroup.org/library/documents/asia/indonesia/b57_acehs_local_elections.pdf – Accessed 30 November 2006 – Attachment 4).

1. Can you provide details of the results of the elections in Aceh in April 2009?

Interim results from the national and local electoral bodies, *Komisi Independen Pemilihan Aceh* (KIP), *Panitia Pemilihan Kecamatan* (PPK), *Komisi Pemilihan Umum* (KPU), were published in April 2009 on the Aceh-Eye website. In the interim results for the provincial representative body, *Partai Aceh* won the highest number of votes of any party in 15 out of 18 districts. In the interim results for the district representative body (DPRD-II or DPRK) *Partai Aceh* received the greatest number of seats in 14 out of 18 districts. In the elections for the national people’s representative council, President Susilo Bambang Yudhono’s *Partai Demokrat* (PD) won the highest number of votes in 17 out of 18 districts. PD had some success in the local legislative bodies also, beating *Partai Aceh* in two districts (for the five most successful parties in the DPR-RI, DPRA and DPRK see: ‘Five Leading Parties Interim Results’ 2009, Aceh-Eye.org website, 16 April, source: PPK/KIP http://www.aceh-eye.org/data_files/english_format/aceh_electnat/national_election_2009/election_2009_updates/election_updates_kip_b5_2009_04_16.asp – Accessed 26 June 2009 – Attachment 5; for the results of the 44 parties in the DPRA see: ‘Leading Parties Interim Results’ 2009, Aceh-Eye.org website, 22 April, source: PPK/KIP, 22 April http://www.aceh-eye.org/data_files/english_format/aceh_electnat/national_election_2009/election_2009_updates/election_updates_kip_dpri_2009_04_22.asp – Accessed 26 June 2009 – Attachment 6; for DPR-RI results in Aceh see: ‘Preliminary Result of 2009 General Election in Aceh: Number of Voting for Central Parliament (DPR-RI)’, Aceh-Eye.org website, 29 April, source: KPU http://www.aceh-eye.org/data_files/bahasa_format/aceh_pemilu/pemilu_2009/pemilu_update/pemilu_update_kpu_2009_04_29.pdf – Accessed 19 June 2009 – Attachment 7; for the results of the regional representative council (DPD) see: ‘The Results of Elections on Regional Representative/Senator in Aceh’ (undated), Aceh-Eye.org website, source: KPU/ KIP Aceh http://www.aceh-eye.org/data_files/english_format/aceh_electnat/national_election_2009/election_2009_updates/election_updates_final_003.pdf – Accessed 5 June 2009 – Attachment 8).

Tapol (a non-government organization based in the UK, advocating for human rights and democracy in Indonesia) provides details of the six local parties that were eligible for contesting the elections. Those parties were: *Partai Aceh*; *Partai Aceh Aman Sejahtera* (PAAS); *Partai Bersatu Aceh* (PBA); *Partai Daulat Aceh* (PDA); *Partai Rakyat Aceh* (PRA); and; *Partai Suara Independen Rakyat Aceh* (SIRA). Tapol’s ‘Political Party Mapping in Aceh’ reports that *Partai Aceh* and *Partai SIRA* have links to GAM. Searches were conducted regarding the other four parties and no reports were located connecting them with

GAM and/or KPA supporters or leadership. Tapol reported that “a party combining members of GAM and the ulama party” was among those found not eligible to stand for elections:

Six local parties have complied with the requirements needed to stand regarding minimum membership and having the required number of branches in the districts and sub-districts. Unfortunately some requests for recognition were rejected including a women’s political party, several Muslim parties and a party combining members of GAM and the ulama party.

The six parties which complied with the requirements were:

1. Partai Aceh
2. Partai Aceh Aman Sejahtera
3. Partai Bersatu Aceh
4. Partai Daulat Aceh
5. Partai Rakyat Aceh
6. Partai Suara Independen Rakyat Aceh

All the parties bear the word ‘Aceh’ in their names. It is also clear from the composition of their leaderships and programmes that they advocate a variety of political programmes from left to right.

It is widely expected that the majority of votes will go to the local parties. According to some observers, they could between them win up to two-thirds of the votes. On the list of contesting parties, these local parties [sic] will be listed as numbers 35 – 40.

This is the first time in Indonesia that local parties will be allowed to stand and it is likely that certain complications will emerge. Votes for the national Parliament at the election in April may only be cast for one of the national parties. Votes cast for local parties will determine the composition of the local parliament. It is therefore likely that, in the interest of both local and national parties, agreements will be reached to make coalitions of two or more parties so as to attract more support for some of the national parties.

Some candidates nominated by national parties have withdrawn from the national list in order to stand for local parties. The most striking example is Farhan Hamid, a well-known Acehese politician from PAN (Partai Amanat Nasional) who has decided to stand for the new local party Partai Bersatu Aceh. It is quite likely that PAN will decide to place Farhan high on their list of candidates.

Partai Aceh represents the electorate that supported GAM, the Free Aceh Movement. It is chaired by Muzakkir Manaf who was the commander-in-chief of the armed wing of GAM. It is widely predicted that this party will win an absolute majority, anywhere between 50 and 60 percent of the votes. Several problems emerged at the launching of the party. One was about the choice of its name and another was caused by internal frictions within GAM. The authorities in Jakarta refused to accept [sic] the name first adopted, Partai GAM, arguing that this would portray it as a party in support of independence.

After many months of wrangling, the dispute was resolved at a summit meeting between the GAM leadership and the President when it was agreed that the initials GAM would be dropped. In accord with the consensus reached, the central government promised to allow a

museum to be established in Aceh to commemorate the struggle of the Acehnese people and to commemorate the victims who died in the more than 30 years struggle for independence.

This GAM party has already began to organise itself on a grand scale; in many parts of Aceh, the streets are festooned with the red flag of Partai Aceh.

Another serious problem was the deep rift between the senior GAM leadership, some of whom are still based in Sweden, and a much younger wing of rank-and-file GAM leaders under the present governor of Aceh, Irwandi Yusuf who won a sensational victory in the local election for governor last year, even defeating senior GAM leaders. The new party, Partai Aceh, is basically a creation of the senior leaders and all the signs indicate that a consolidation will be reached between the two factions within GAM.

With the huge victory of GAM candidates in the local elections where contests for the majority of district chiefs were also won, another interesting phenomenon emerged. A batch of relatively inexperienced administrators suddenly had to take over and in the course of weeks swift decisions were taken. A new layer of young advisors and bureaucrats was recruited, often originating from the large group of pro-democracy activists, while civil servants are now required to pledge loyalty to these new office-holders. Some key activists like Kautsar, Ary Maulana and many others became advisors of the district administration and have now also joined the ranks of the new party.

Partai Aceh will likely seize a substantial majority and will continue with a policy of openness towards the outside world, secular with deep roots in the Islamic traditions of Aceh and will safeguard good relations with the government in Jakarta.

Partai Aceh Aman Sejahtera (The Aceh Peace and Prosperous Party) is an initiative of a senior Acehnese politician Ghazali Abas. He served several terms in the MPR, the People's Congress, in Jakarta, and has a splendid track record in raising serious human rights problems in Aceh during the difficult periods of the eighties and nineties. PAAS will try to win support from the non-GAM electorate and in certain districts will attract many voters. Whether PAAS will succeed in establishing a stronghold in the new local parliament depends on the success of its campaigning. PAAS will emerge as a mainstream party with conservative inclinations.

Partai Bersatu Aceh (The Aceh Unity Party) under Farhan Hamid will also try to attract non-GAM voters. Farhan Hamid comes from PAN, the party that was established by key members of Muhammadiyah, arguably the only Muslim organisation that has followers all over Indonesia. In previous elections it drew a large share of the votes but it remains to be seen how well this new party will perform. PBA will also emerge as a mainstream party with a more progressive programme and a modernist Muslim outlook.

Partai Daulat Aceh (Aceh Sovereignty Party) will emerge as the sole party with a solid Muslim identity and its electorate will be the dayah communities, the communities based around Muslim educational centres. In the Suharto era, the Acehnese electorate for over 20 years voted for PPP, the Muslim federation, one of only three parties permitted to exist. PDA will probably draw its votes primarily from the traditional PPP electorate plus votes from other Muslim national parties such as the PKB and the PBB. PDA will run on a conservative programme.

Partai Rakyat Aceh has adopted a leftist nationalist programme and a cautious attitude towards foreign investments in Aceh. Its board include familiar names, those who were active in the period before and after the fall of Suharto, the so-called reformasi generation, including chairman Aguswandi (who studied abroad for several years), Nanda Thamrin (who had to flee from Aceh during the military emergency period) and spokesperson Raihan Diani, who spent some time in prison for allegedly insulting President Megawati; she too was forced to leave

Aceh for several years. It remains to be seen whether they can attract a large number of votes but so far PRA has always been able to mobilise large crowds in their rallies.

Partai Suara Independen Rakyat Aceh is the party of the mass movement SIRA that was able to mobilise hundreds of thousands of people in the period from 1998 to 2000 under a slogan calling for a referendum on the political future of Aceh. SIRA still enjoys the sympathy of many Acehnese but at the same time SIRA is often seen as the unarmed wing of GAM. The present vice-governor of Aceh is Muhammad Nazar, till very recently chairman of SIRA. The present chair of Partai SIRA is Taufiq Abda, a very able and sociable young politician. His party will definitely score well but at the same time will find it hard to compete with its big brother, Partai Aceh ('Political Party Mapping in Aceh' (undated), Tapol website, <http://tapol.gn.apc.org/reports/r080725.html> – Accessed 3 June 2009 – Attachment 9).

The International Crisis Group in September 2008 stated that *Partai Aceh* would “rely on the KPA structure to mobilise voters. GAM leaders have forbidden KPA members to vote for any other party”. The local parties are described in the report as follows:

Six political parties passed a verification process, out of ten that registered with the provincial office of the ministry of law and human rights. They are:

- Partai Aceh, formerly known as Partai GAM, with a leadership structure dominated by those close to the former GAM “prime minister”-in-exile, Malik Mahmud. Muzakkir Manaf, former GAM military commander, is the formal chair, and the party will rely on the KPA structure to mobilise voters. GAM leaders have forbidden KPA members to vote for any other party.
- Partai SIRA, representing a younger, more urban base than Partai Aceh but seen by some GAM members as having betrayed the movement by setting up a separate party. The acronym used to stand for Sentral Informasi Referendum Aceh (Information Center for a Referendum on Aceh). For the election, it was changed to Suara Independen Rakyat Aceh (Independent Voice of the Acehnese People). The statement of Adnan Beuransyah, Partai Aceh spokesman, in “Partai Aceh Merasa di Teror”, *Harian Aceh*, 11 July 2008. The party is led by Taufik Abda, but the dominant figure is the deputy governor, Muhammad Nazar.
- Aceh People’s Party (Partai Rakyat Aceh, PRA), a party of young, left-of-centre intellectuals and activists, strong in some urban areas, especially those outside the Acehnese heartland, such as Tamiang and south east Aceh. It has a well-developed political platform that includes free, high-quality education and health care, full Acehnese control over the province’s natural resources and an end to discrimination against women. Its members have been outspoken in their criticism of how Islamic law has been applied in Aceh.
- United Aceh Party (Partai Bersatu Aceh, PBA), led by veteran politician Farhan Hamid. It has support from some of the non-GAM political establishment as well as non-Acehnese ethnic groups, and includes many former members of the National Mandate Party (Partai Amanat Nasional, PAN).
- Safe and Prosperous Aceh Party, (Partai Aceh Aman Sejahtera, PAAS), led by a former member of parliament, Ghazali Abbas. Fiercely proud of Aceh’s culture, Ghazali is known as a traditional singer and poet. He is committed to uniting Aceh through tolerant Islam, but the party is more about him than any specific programs. He has a particular appeal to older Acehnese.

- Aceh Sovereignty Party (Partai Daulat Aceh, PDA). Established as a vehicle for non-GAM religious scholars (ulama) from Acehese Islamic schools (dayah), it is seen as largely representing the religious establishment co-opted by the Indonesian government during the conflict. As the only local party representing the ulama, however, it could attract the more religiously inclined (International Crisis Group 2008, 'Indonesia: Pre-Election Anxieties in Aceh', Asia Briefing No. 81, International Crisis Group website, 9 September, pp.2-4 http://www.crisisgroup.org/library/documents/asia/south_east_asia/b81_indonesia_pre_election_anxieties_in_aceh.pdf – Accessed 7 November 2008 – Attachment 10).

On 23 April 2009 *The Jakarta Globe* reported that only one local party, *Partai Aceh*, was successful in securing the required percentage of total votes to secure seats in the provincial representative council (DPRD-I or DPR Aceh):

The Aceh Party, founded by former guerilla fighters from the Free Aceh Movement, or GAM, is the only one of six local political parties in the province to clear the 5 percent electoral threshold guaranteeing their future, a political analyst from a local university said on Wednesday.

...Aceh is the only province in Indonesia allowed to have local parties, based on the 2005 peace deal between the government GAM [sic].

“With 69 seats in the DPRA, a local party can only pass [the electoral threshold] if it wins three seats, or 5 percent of all 645 seats in the 23 district and municipality councils,” Jafar said ('A Mixed Bag' 2009, *The Jakarta Globe*, 22 April <http://thejakartaglobe.com/justAdded/a-mixed-bag-for-acehs-local-parties-in-elections/273873> – Accessed 1 June 2009 – Attachment 11).

On 1 May 2009 *The Jakarta Globe* provided the further details that *Partai Aceh* had secured 46.93 percent of the total votes, winning 33 out of 69 seats. The article also reported details of other successful parties for the provincial council:

The announcement on Thursday of official results from the April 9 election in Aceh produced no surprises, with the local Aceh Party walking away with the majority of seats in the provincial legislative council, as had been expected.

The final results, which were announced by the Aceh Independent Election Commission, or KIP, after it finished counting votes from the province's 23 districts and municipalities, showed the Aceh Party had secured 33 of the 69 seats in the provincial council.

From a total of 2,146,141 valid ballots, the Aceh Party received 1,007,173 votes, or 46.93 percent. Trailing in a distant second was the Democratic Party of President Susilo Bambang Yudhoyono, which had 232,728 votes, or 10.84 percent, followed by Golkar Party with 142,411 votes, or 6.64 percent. The National Mandate Party, or PAN, finished fourth with 93,060 votes, or 3.87 percent, while the Prosperous Justice Party, or PKS, received 81,529 votes, or 3.80 percent.

...The Democratic Party secured 10 seats in the provincial council, Golkar eight, PAN five, PKS four and the United Development Party, or PPP, three.

The remaining seats were split between the Aceh Mandate Party, or PDA, another local party, and several national parties ('It's Official: Aceh Party Secures Majority Of Seats in Provincial Legislative Council' 2009, *The Jakarta Globe*, 1 May <http://thejakartaglobe.com/justAdded/its-official-aceh-party-secures-majority-of-seats-in-provincial-legislative-council/274830> – Accessed 1 June 2009 – Attachment 12).

In the 'Five Leading Parties Interim Results' published on the Aceh-Eye website, it appears that PAAS, PBA, PDA, PRA and *Partai SIRA* were not successful in gaining seats in the DPRA or DPRK ('Five Leading Parties Interim Results' 2009, Aceh-Eye.org website, 16 April, source: PPK/KIP http://www.aceh-eye.org/data_files/english_format/aceh_electnat/national_election_2009/election_2009_updates/election_updates_kip_b5_2009_04_16.asp – Accessed 26 June 2009 – Attachment 5).

It may be of interest that media sources reported allegations of electoral improprieties affecting Aceh. Articles from *The Jakarta Post* appear below:

- On 25 April 2009 *The Jakarta Post* reported that the provincial election supervisory committee “berated” the independent election commission “for missing the deadline for vote counting at a regency and municipality level” and alleged that “many stages of the election procedure were not followed as expected”, contributing to delays in the national vote tally. The article also reported that the independent election commission “will be forced to delay its plenary session due to allegations of voting mark-ups in favor of a particular parties legislative candidate” (Simanjuntak, H. 2009, ‘Aceh KIP Criticized for Delays in Vote Counting’, *The Jakarta Post*, 25 April <http://www.thejakartapost.com/news/2009/04/25/aceh-kip-criticized-delays-vote-counting.html> – Accessed 3 June 2009 – Attachment 13).
- On 22 April 2009 *The Jakarta Post* reported that *Komnas HAM* (national commission on human rights) “has set up a team to investigate why so many people were left off the fixed voter lists for the April 9 legislative elections.” The article further reports the commission’s claims that “the recent elections were rigged and that there were systemic violations that led to millions of eligible voters being disenfranchised...[T]he commission monitored several conflict-prone regions including...Aceh”. The article contains information that “[s]everal civil society groups...have taken legal action to challenge the recent election results by filing a civil lawsuit on April 14 against the KPU and the government for preventing citizens from voting in the recent elections”. The article reports that “prominent” politicians “have also criticized the legislative elections...[and] issued a joint statement challenging the poll results” (‘Rights body forms team over flawed voter lists’ 2009, *The Jakarta Post*, April 22 <http://www.thejakartapost.com/news/2009/04/22/rights-body-forms-team-over-flawed-voter-lists.html> – Accessed 1 June 2009 – Attachment 14).
- On 23 April 2009 *The Jakarta Post* reported further details of the civil lawsuit filed by various non-government organizations. The article quoted the YLBHI chairman, stating “the KPU and the government had violated article 299 of the General Elections Law by insisting on carrying out the general election despite lingering problems that could jeopardize the outcome of the voting.” The lawsuit reportedly made the following demands: “for the KPU and the government to suspend conducting presidential election prior to the delayed elections ...[and] the KPU and the government...apologize, over the matter, to the public” (Wulandari, E. 2009, ‘NGOs Sue Govt Over Voter List Fiasco’, *The Jakarta Post*, 23 April <http://www.thejakartapost.com/news/2009/04/23/ngos-sue-govt-over-voter-list-fiasco.html> – Accessed 1 June 2009 – Attachment 15).

2. Were KPA members successful in the April 2009 elections?

As noted above in Question 1, KPA did not contest the April 2009 elections as a political party, though its membership has a close association with *Partai Aceh*. Very few of the names of the successful candidates could be located and of those located no links to KPA could be established. Information follows on the various parties which have had an association with KPA in the lead up to the 2009 elections.

In the updated profile on GAM dated 7 January 2009, Jane's Information Services reported that prior to the election "[b]y March 2008, there were already four parties either headed by GAM/KPA or that draw heavily upon GAM support". These groups are listed below:

- The Independent Party (Partai Independen) established by formerly exiled GAM leaders Bachtiar Abdullah, Nur Juli, and Munawar Liza together with former GAM commander of Pase in North Aceh, Sofyan Daoud. Governor Irwandi Yusuf has denied public perceptions that he is involved in the party but it is nevertheless supported by many KPA members who see the party as a way to get access to power and resources.
- The GAM Party (Partai GAM) established by exiled leaders Malik Mahmud and Zaini Abdullah and formerly exiled leader Zakaria Zaman together with former GAM commander-in-chief Muzakkir Manaf and mid-level leaders such as Ibrahim KBS. This party is supported by the core constituency of GAM and most of the rank and file as well as many student activists.
- The SIRA (Sentral Informasi Referendum Aceh) Party formed by student activists of the SIRA (Aceh Referendum Information Centre). Some of the younger generation of GAM members support this party along with GAM members who regard SIRA rather than GAM as the popular mobiliser of the movement. It has also attracted GAM opportunists who see the party as another way to access power and resources through the current deputy governor Mohamed Nazar (the founder of SIRA).
- The GABTHAT Party (Partai GABTHAT) formed by a small group of Islamists within GAM. The party's objective is for a strengthening of sharia (Islamic law) and a remodelling of Aceh along the lines of the Sultanate of Iskandar Muda (1607-1636). Its supporters are GAM members from local Islamic schools (dayah) ('Gerakan Aceh Merdeka (GAM)' 2009, *Jane's World Insurgency And Terrorism*, 7 January – Attachment 16).

The reports of the International Crisis Group as well as Tapol have provided information which suggests that ultimately, only two of these parties were eligible to contest the 2009 elections – *Partai GAM*, which changed its name to *Partai Aceh*, and *Partai SIRA*. Tapol's 'Political Party Mapping in Aceh' reported that *Partai GAM* became *Partai Aceh* because "[t]he authorities in Jakarta refused to accept the name first adopted...arguing that this would portray it as a party in support of independence". The International Crisis Group report of September 2008 states that *Partai SIRA* also changed its name: "[f]or the election, [Sentral Informasi Referendum Aceh] was changed to Suara Independen Rakyat Aceh (Independent Voice of the Acehnese People)" (for *Partai Aceh*'s change of name, see: 'Political Party Mapping in Aceh' (undated), Tapol website, <http://tapol.gn.apc.org/reports/r080725.html> – Accessed 3 June 2009 – Attachment 9; for *Partai SIRA*'s change of name see: International Crisis Group 2008, 'Indonesia: Pre-Election Anxieties in Aceh', Asia Briefing No. 81, International Crisis Group website, 9 September, p.2

http://www.crisisgroup.org/library/documents/asia/south_east_asia/b81_indonesia_pre_election_anxieties_in_aceh.pdf – Accessed 7 November 2008 – Attachment 10).

In September 2008 the International Crisis Group reported that *Partai Aceh* had “a leadership structure dominated by those close to the former GAM ‘prime minister’-in-exile, Malik Mahmud” and that “the party [would] rely on the KPA structure to mobilise voters”. Significantly, it was reported that “GAM leaders have forbidden KPA members to vote for any other party” (International Crisis Group 2008, ‘Indonesia: Pre-Election Anxieties in Aceh’, Asia Briefing No. 81, International Crisis Group website, 9 September, p.2 http://www.crisisgroup.org/library/documents/asia/south_east_asia/b81_indonesia_pre_election_anxieties_in_aceh.pdf – Accessed 7 November 2008 – Attachment 10).

The International Crisis Group in September 2008 reported that *Partai SIRA* has its origins in the Sentral Informasi Referendum Aceh (Information Centre for a Referendum on Aceh) which was active during the conflict for independence and associated with GAM. The International Crisis Group report that *Partai SIRA* represents “a younger more urban base than *Partai Aceh* but [is] seen by some GAM members as having betrayed the movement by setting up a separate party” (International Crisis Group 2008, ‘Indonesia: Pre-Election Anxieties in Aceh’, Asia Briefing No. 81, International Crisis Group website, 9 September, p.2 http://www.crisisgroup.org/library/documents/asia/south_east_asia/b81_indonesia_pre_election_anxieties_in_aceh.pdf – Accessed 7 November 2008 – Attachment 10).

As noted in Question 1, both Tapol and the International Crisis Group reported that four other local parties were eligible for contesting the elections: *Partai Aceh Aman Sejahtera* (PAAS); *Partai Bersatu Aceh* (PBA); *Partai Daulat Aceh* (PDA); *Partai Rakyat Aceh* (PRA). Searches were conducted regarding the other four parties and no reports were located connecting them with GAM and/or KPA supporters or leadership (for further details about these parties see: ‘Political Party Mapping in Aceh’ (undated), Tapol website, <http://tapol.gn.apc.org/reports/r080725.html> – Accessed 3 June 2009 – Attachment 10; also see: International Crisis Group 2008, ‘Indonesia: Pre-Election Anxieties in Aceh’, Asia Briefing No. 81, International Crisis Group website, 9 September, pp.2-4 http://www.crisisgroup.org/library/documents/asia/south_east_asia/b81_indonesia_pre_election_anxieties_in_aceh.pdf – Accessed 7 November 2008 – Attachment 9).

Limited information in the English language was located about the individual names of successful candidates in the April 2009 elections and their political affiliations. The Aceh-Eye website provides undated results for the DPRA election but only for four districts. In these four districts, it appears that local parties were not as successful as certain national parties. The local party candidates are listed under their party name. Searches were conducted for links between these individuals and KPA. No such links were located. The Aceh-Eye website also provides the names of individual candidates running for, and undated results of, the DPD elections in 23 districts. Their parties are not specified. Searches were conducted for links between these individuals and KPA. No reports of links were located (for DPRA individual candidates see: ‘The Results of Elections on Provincial Representative/Senator in Aceh’ (undated), Aceh-eye.org website, Source: *Komisi Pemilihan Umum*, http://www.aceh-eye.org/data_files/english_format/aceh_electnat/national_election_2009/election_2009_updates/election_updates_final_002.pdf – Accessed 13 July 2009 – Attachment 17; for DPD individual candidates see: ‘The Results of Elections on Regional Representative/Senator in Aceh’ (undated), Aceh-eye.org website, Source: *Komisi Independen Pemilihan Aceh* [10](http://www.aceh-</p></div><div data-bbox=)

[eye.org/data_files/english_format/aceh_electnat/national_election_2009/election_2009_updates/election_updates_final_003.pdf](http://www.eyeforpeace.org/data_files/english_format/aceh_electnat/national_election_2009/election_2009_updates/election_updates_final_003.pdf) – Accessed 13 July 2009 – Attachment 8).

3. Are there reports of KPA candidates targeting former GAM supporters who did not support KPA candidates?

In April and July 2009 *The Jakarta Post* reported claims that, during the April 2009 elections, some *Partai Aceh* individuals were conducting themselves at remote polling stations in an intimidating manner. In March 2009 *The Jakarta Post* reported that *Partai Aceh* supporters may have assaulted *Partai SIRA* supporters. In March 2009 *The Jakarta Globe* reported claims from national parties such as *Golkar* that candidates were afraid to campaign in Aceh. No reports could be located of former GAM supporters being targeted by KPA candidates specifically for failing to support KPA candidates. Neither could any reports be located of KPA candidates attacking any political rivals or voters in the months leading up to the elections. Nonetheless, reports were located of KPA and *Partai Aceh* individuals being attacked in the lead-up to the April 2009 elections for reasons and by persons unknown. Reports generally relate that the elections themselves were relatively peaceful though there were a handful of violent episodes. The sources are addressed in further detail below (for reports of alleged intimidation and assault by *Partai Aceh* supporters see: Hillman, B. 2009, ‘Aceh Party victory legitimate despite threat’, *The Jakarta Post*, 7 July – Attachment 20; Barter, S. J. 2009, ‘A Deeper Look into the Recent Elections in Aceh’, *The Jakarta Post*, 28 April <http://www.thejakartapost.com/news/2009/04/28/a-deeper-look-recent-elections-aceh.html> – Accessed 1 June 2009 – Attachment 18; ‘Aceh Party denies seeking secession from Indonesia’ 2009, *The Jakarta Post*, 27 March <http://www.thejakartapost.com/news/2009/03/27/aceh-party-denies-seeking-secession-indonesia.html> – Accessed 22 May 2009 – Attachment 21; ‘Attacks on the rise in Aceh prior to elections’ 2009, *The Jakarta Globe*, 23 March <http://www.thejakartapost.com/news/2009/03/23/attacks-rise-aceh-prior-elections.html> – Accessed 1 June 2009 – Attachment 22; for reports of attacks on KPA/ *Partai Aceh* members see: ‘Another Aceh Party Official Shot Dead Days Before Polls’ 2009, *The Jakarta Globe*, 5 April <http://thejakartaglobe.com/justAdded/another-aceh-party-official-shot-dead-days-before-polls/271848> – Accessed 1 June 2009 – Attachment 23; International Crisis Group 2009, ‘Indonesia: Deep Distrust in Aceh as Elections Approach’, Asia Briefing No. 90, International Crisis Group website, 23 March. pp 16-17 http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1; *Aceh Conflict Monitoring Update 1 December 2008 – 28 February 2009* 2009, Conflict and Community Development Program website, 20 March, p.1 <http://www.conflictanddevelopment.org/data/doc/en/regCaseStudy/aceh/mon/Aceh%20Conflict%20Monitoring%20Update%20Dec08%20Feb09.pdf> – Accessed 18 May 2009 – Attachment 19; Simanjuntak, H. 2009, ‘Pre-election politics in Aceh: Trust remains a problem’ *The Jakarta Post*, 6 March <http://www.thejakartapost.com/news/2009/03/06/preelection-politics-aceh-trust-remains-a-problem.html> – Accessed 1 June 2009 – Attachment 24).

It may be of interest that the Aceh Conflict Monitoring Update in March 2009 comments of the incidents of violence in Aceh that “[t]he drop in overall conflict can be seen as related to the run-up to the elections, as **the attention of everyone, including the media, is focused on politics while other disputes are either not reported or put on hold until after the elections** [researcher’s emphasis]” (*Aceh Conflict Monitoring Update 1 December 2008 – 28*

February 2009 2009, Conflict and Community Development Program website, 20 March, <http://www.conflictanddevelopment.org/data/doc/en/regCaseStudy/aceh/mon/Aceh%20Conflict%20Monitoring%20Update%20Dec08%20Feb09.pdf> – Accessed 18 May 2009 – Attachment 19).

Reports of *Partai Aceh* Intimidation

On 7 July 2009 *The Jakarta Post* provided information relating to *Partai SIRA*'s allegations of intimidation against *Partai Aceh*. The report continues addressing the role of intimidation in the Aceh polls [bold font indicates researcher's emphasis]:

During recent hearings on election-related disputes, the Constitutional Court heard a petition from SIRA – one of six local political parties contesting elections in Aceh for the first time. The Independent Voice of Aceh People's Party (SIRA) charged that the Partai Aceh (PA) – the local party representing the former Free Aceh Movement (GAM) and the biggest winner in the local elections-of intimidating SIRA supporters and robbing the party of votes.

While rejecting SIRA's demands for seat adjustments, the Constitutional Court acknowledged that intimidation and violence had tainted the April polls in Aceh. This echoes complaints from other political parties and NGOs in the lead up to the elections. But to what extent can the PA's extraordinary victory – it won 33 out of 69 seats in the provincial assembly and absolute majorities in seven out of 23 regencies and cities – be attributed to intimidation and violence? Our recent study suggests some answers.

In the months before the elections, tensions were already high following a spate of political violence. The PA was a frequent victim of these attacks. According to the party, seven of its members and officials were murdered, while a number of its party offices were attacked – some with grenades, and its paraphernalia burned. Fingers were pointed at local elements within the armed forces, but anti-GAM militias were also thought to be involved.

This hostile environment appeared to harden PA leaders' resolve. Factional rivalries were set aside as party members and supporters united around the shared struggle for local autonomy (independence before 2005). Ex-combatant networks and the infrastructure of the Aceh Transitional Authority (KPA) – the organization succeeding GAM after demobilization – were put to effective use in mobilizing the party's support base. In large swathes of the province the PA completely dominated the political space.

In rural Aceh where physical presence matters more than television, the party's flags and banners could be found in the remotest village. Placards printed in the Acehnese language appealed to "loyalty". Some were menacing -"live together or die together", according to one sign. PA activists even took a with-us-or-against-us approach to other Acehnese parties, calling some of them "traitors", a term with troubling connotations. Some banners claimed that the PA was the only legitimate 'local' party defending Aceh's autonomy because GAM had fought for the right to contest elections.

Clearly, intimidation was widespread, but was it responsible for PA's landslide win? Our post-election survey reached 1,400 voters in 21 regencies and cities. Of those polled 96 percent of claimed not to have been pressured to vote one way or another – a finding supported by other election monitoring groups.

Among the small number of respondents that felt pressure to vote for a particular party of candidate, half of them said that such pressure did not ultimately influence their vote.

Our study suggests that the overwhelming majority of Aceh's voters felt free to choose their preferred parties and candidates. Two key factors help to explain the PA's strong polling.

First, PA voters expressed high levels of dissatisfaction with national parties. This was also evidenced by the high number of blank votes (golput) cast for the national assembly. Many voters cast ballots for district and provincial assemblies (DPRK and DPRA), but failed to post ballots for the national assemblies (DPR RI and DPD). Among six local parties, the PA was considered by many to be the only serious alternative to national parties.

Second, many voters expressed the view that the former rebels had earned their chance to govern. The right to form a political party and contest the elections was, after all, a condition of GAM agreeing to disarm and accept Aceh's status as province of Indonesia. Many voters also expressed their approval at the performance and integrity of Aceh Governor Irwandi Yusuf, a former GAM combatant. Some also expressed concerns that the peace would not hold if the PA was not given this chance.

But while the PA's victory is clearly legitimate, intimidation does remain a problem. Many Acehese journalists and public intellectuals remain afraid to directly criticize the party of the former rebels. Some received "warnings" when they tried to do so. Such a lack of open debate undermines Aceh's hard won peace and democratization. It also threatens to hinder the party's development, sullyng its potential to serve as a model for local democracy in other parts of Indonesia.

The PA's success beyond the elections will depend on how the party adapts to the post-election environment. If the party is to govern for all Acehese, the party must rethink its overly combative approach to politics.

Party leaders must learn to engage their critics with arguments instead of vitriol. And intimidation of political opponents, local or national, of the kind seen in the lead up to the elections must come to an end. The party should also welcome other local political movements and parties, so that Acehese interests are more comprehensively represented.

As the party's new legislators begin training this month, they should feel confident in their electoral mandate, but humbled by another of our study's findings.

The vast majority of the Aceh Party's supporters in the recent elections said they would only continue to support the party if it performed well in the legislature. Intimidation won't stop Aceh's conflict-weary citizens from voting for someone else if the PA lets them down (Hillman, B. 2009, 'Aceh Party victory legitimate despite threat', *The Jakarta Post*, 7 July – Attachment 20).

On 28 April 2009 an editorial in *The Jakarta Post* expressed the view that: "[t]here is little doubt that PA dominance is partially owed to intimidation by former GAM members and funding from grey-market construction contracts". The relevant extract appears in full below

Several parties, including other local ones, have reported PA intimidation at the polls. There is little doubt that PA dominance is partially owed to intimidation by former GAM members and funding from grey-market construction contracts. But even with these significant shortcomings, there can be no doubt that the election was a resounding indicator of continued rebel popularity in much of Aceh (Barter, S. J. 2009, 'A Deeper Look into the Recent Elections in Aceh', *The Jakarta Post*, 28 April <http://www.thejakartapost.com/news/2009/04/28/a-deeper-look-recent-elections-aceh.html> – Accessed 1 June 2009 – Attachment 18).

In the lead-up to the election, intimidation was reported against other local party supporters. On 27 March 2009 *The Jakarta Post* reported:

Some reports showed the Aceh Party, aiming to dominate the provincial council, was most likely behind several intimidation attacks against other local parties' supporters.

Three days ago, SIRA party supporters were beaten up by other party supporters during the campaigning period in Aceh Barat Daya Regency. PRA supporters also received death threats from unidentified party members several days ago in Bireun, North Aceh

Adnan [PA spokesman] denied accusations that his party had intimidated other party members ('Aceh Party denies seeking secession from Indonesia' 2009, *The Jakarta Post*, 27 March <http://www.thejakartapost.com/news/2009/03/27/aceh-party-denies-seeking-secession-indonesia.html> – Accessed 22 May 2009 – Attachment 21).

On 23 March 2009 *The Jakarta Globe* reported that national-based parties had been the targets of attacks and felt intimidated by threats of violence:

National-based parties also suffered a slew of attacks. There were at least five cases of physical violence reported against members of the Golkar Party, the Democratic Party and the Prosperous Justice Party (PKS).

Members of these parties admit they are afraid of campaigning in some areas along the east coast of Aceh due to terror threats and intimidation ('Attacks on the rise in Aceh prior to elections' 2009, *The Jakarta Globe*, 23 March <http://www.thejakartapost.com/news/2009/03/23/attacks-rise-aceh-prior-elections.html> – Accessed 1 June 2009 – Attachment 22).

The Aceh Conflict Monitoring Update in March 2009 reported that KPA and *Partai Aceh* were contributing to tensions and violence in the lead-up to the April 2009 elections:

KPA and PA hold their share of responsibility in stirring tensions. **Despite repeated declarations by the GAM elite condemning intimidation, both organizations have systematically refused to acknowledge that infractions have been committed by their members, let alone agree to be held accountable for them** [researcher's emphasis]. At the same time, threats and shows of force by PA supporters have reached such levels that other parties are afraid of campaigning in some areas along the east coast. Besides the grenade and arson attacks, at least five cases of physical violence against other parties' cadres and candidates (from PRA, PAAS, PKS and Partai Demokrat) were reported from December to February. It is likely that PA supporters were responsible for at least some of them. Some PA campaigners have reportedly been circulating propaganda saying that PA is the only legitimate local party according to the MoU, and making promises that a victory in April would lead to a referendum on independence (*Aceh Conflict Monitoring Update 1 December 2008 – 28 February 2009* 2009, Conflict and Community Development Program website, 20 March, p.1 <http://www.conflictanddevelopment.org/data/doc/en/regCaseStudy/aceh/mon/Aceh%20Conflict%20Monitoring%20Update%20Dec08%20Feb09.pdf> – Accessed 18 May 2009 – Attachment 19).

As noted in Question 2 of this response, in September 2008 the International Crisis Group reported that "GAM leaders have forbidden KPA members to vote for any other party [than *Partai Aceh*]". (International Crisis Group 2008, 'Indonesia: Pre-Election Anxieties in Aceh', Asia Briefing No. 81, International Crisis Group website, 9 September, p.2

http://www.crisisgroup.org/library/documents/asia/south_east_asia/b81_indonesia_pre_election_anxieties_in_aceh.pdf – Accessed 7 November 2008 – Attachment 10).

Attacks on *Partai Aceh*

On 5 April 2009 *The Jakarta Globe* reported that a *Partai Aceh* official was murdered by persons unknown:

An Aceh Party official and former separatist fighter was shot dead on Saturday night, just a few days before the legislative elections, making him the party's fifth murder victim since February.

Langsa Police Chief Marwan Syukur said on Sunday that Muhammad Jamil bin Razali, 41, also known as Teungku Leube, was shot by two gunmen at 8:10 p.m. in Lhokbanie village, Langsa city. The incident took place just hours after some 8,000 people prayed in one of Aceh's main mosques, Mesjid Raya Baiturrahman, for a peaceful election in the province.

...Muhammad Jamil was secretary of the Aceh Party's Sagoe Bireum Bayeue subdistrict board. The party was founded by former separatist fighters of the Free Aceh Movement, or GAM, and is expected to gain the majority of seats in the legislative elections this week.

Marwan said police did not know the motive of the shooting. No bullet casings were found at the crime scene, thus the police have yet to identify the weapon used. However, police found a bullet in the victim's body that will be sent to the North Sumatra Police crime laboratory.

Nobody saw the shooting, Marwan said, as it occurred while people were at evening prayer services. When people found Muhammad Jamil wounded, they took him to a hospital.

...Former GAM spokesman Teungku Cut Kafrawi said that before the peace agreement between the government and GAM was reached in Helsinki in 2005, the victim had been active in the civilian staff of the guerillas.

"I don't want to speculate whether or not this has some connection to the election, but I want the police to reveal the motive," he said ('Another Aceh Party Official Shot Dead Days Before Polls' 2009, *The Jakarta Globe*, 5 April <http://thejakartaglobe.com/justAdded/another-aceh-party-official-shot-dead-days-before-polls/271848> – Accessed 1 June 2009 – Attachment 23).

In March 2009 the International Crisis Group and World Bank Conflict Monitoring reported that KPA and, in particular *Partai Aceh* members, were targeted in incidents leading up to the April 2009 elections (for a list of reported incidents – printed in full in Question 4 of this response – see: International Crisis Group 2009, 'Indonesia: Deep Distrust in Aceh as Elections Approach', Asia Briefing No. 90, International Crisis Group website, 23 March. pp 16-17

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1; *Aceh Conflict Monitoring Update 1 December 2008 – 28 February 2009* 2009, Conflict and Community Development Program website, 20 March, p.1

<http://www.conflictanddevelopment.org/data/doc/en/regCaseStudy/aceh/mon/Aceh%20Conflict%20Monitoring%20Update%20Dec08%20Feb09.pdf> – Accessed 18 May 2009 – Attachment 19).

Prior to the release of the International Crisis Group and World Bank reports, on 6 March 2009, *The Jakarta Post* reported that *Partai Aceh* were the main targets of violence in the lead-up to the elections. The same article reports that other local parties were also attacked. The article does not name the perpetrators of the violence, though it proposes that they are well organised groups:

In a period of no less than a month, the Aceh populace has been shocked by various acts of violence like murder, bombing, arson and destruction of party symbols.

Media reports show from January to the first week of February 2009, 11 terror cases mostly affected the Aceh Party: bombing (2), symbol destruction (4), office burning (1), shooting (2), party executive killing (1), the KPA secretary murder in Batee Iliak, Bireuen, and a murder attempt.

Five cases concerned other local parties like the PRA, the SIRA, the PBA and the PAAS. Terror also spread to national parties: a bomb blast in the Golkar Party's Bireuen office and stone hurling at a Democratic Party member's home.

The helplessness of the police in the recent cases of hostility is closely connected with the capability of the terrorizing groups to launch their well-planned, neatly organized and systematic action [researcher's emphasis].

This causes deep public anxiety over the likely emergence of seeds of new conflict in Aceh.

The fear is further worsened by the appearance of the media as a means by which the competent authorities in Aceh interpret the cases arising in society. This certainly results in confusion, rather than illumination, leading to an atmosphere of public tranquility.

It is important to note the terror perpetrators in Aceh are groups with fixed targets, that operate via a cell system and are present in all parts of the region. These trained groups apply common methods, like bombing, as well as killing, kidnapping and intimidation, as a way of provoking other parties, thereby creating horizontal conflict.

Apart from that, they also launch provocation in certain areas by aiming at the Aceh Party – as they want no legislative control by this party – and finally, they recruit civilians to back their field operations, like those taking place in Central Aceh and Southeast Aceh.

These are potential areas to counter the Aceh Party's movement, with the support of rumors about Aceh Lauser Antara (ALA) and Aceh Barat Selatan (ABAS) provincial splits (Simanjuntak, H. 2009, 'Pre-election politics in Aceh: Trust remains a problem' *The Jakarta Post*, 6 March <http://www.thejakartapost.com/news/2009/03/06/preelection-politics-aceh-trust-remains-a-problem.html> – Accessed 1 June 2009 – Attachment 24).

It may be of interest that in March 2009 the International Crisis Group has commented on *Partai Aceh*'s "media savvy" and their ability to utilise a wide network to publicise any incident involving their members. The report also states that *Partai Aceh*'s "own actions against competitors are sometimes under-reported". The relevant extract states:

Partai Aceh also has a far better information network, developed during the conflict, than its competitors; it is one area where all the components of the conglomerate work together. As soon as an incident happens, GAM members with contacts in the media, NGO and diplomatic community send out text messages with the details. Other parties, including those that have been the subject of *Partai Aceh* intimidation, lack such extensive networks and are not as media savvy. The moves against *Partai Aceh* are real and should be taken seriously, but its

own actions against competitors are sometimes under-reported (International Crisis Group 2009, 'Indonesia: Deep Distrust in Aceh as Elections Approach', Asia Briefing No. 90, International Crisis Group website, 23 March, p.3 http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

Motivations for incidents of violence

On 21 February 2009 *The Straits Times* claimed that both the military and former GAM combatants were responsible for the continuing tension in the province. The article claimed that some *Partai Aceh* campaigners “are stoking [the military’s] paranoia by telling villagers that a vote for the party is essentially a vote for eventual independence”. The relevant extract states:

While few people believe the historic 2005 Aceh peace agreement is in danger of collapsing, the military appears intent on preventing the Aceh Party (AP), made up of former Free Aceh Movement (GAM) separatists, from winning a lion’s share of the vote.

The fault lies on both sides. Regional commander Major-General Sunarko, who previously headed the Indonesian Special Forces (Kopassus), is a hard-nosed nationalist who believes the whole peace process was a mistake. The military and intelligence community has long maintained that if AP does make a strong showing at the polls, the resulting GAM-dominated administration will challenge Jakarta.

It is not clear how widespread it is, but some AP cadre are stoking that paranoia by telling villagers that a vote for the party is essentially a vote for eventual independence.

Local analysts say the recent spate of assassinations and grenade blasts cannot easily be laid at the door of the province’s 14,000 soldiers and 9,100 policemen, who often feel vulnerable themselves [researcher’s emphasis] (McBeth, J. 2009, ‘Crimes, Bombs And A Shaky Bureaucracy’, *The Straits Times*, 21 February <http://www.straitstimes.com/vgn-ext-templating/v/index.jsp?vgnextoid=f0230c2ce149f110VgnVCM100000430a0a0aRCRD&vgnxtchannel=0162758920e39010VgnVCM1000000a35010aRCRD> – Accessed 1 June 2009 – Attachment 25).

Both the World Bank and the International Crisis Group report that the motives for the violence in Aceh are unclear. Both report that a peak in reported incidents is due to pre-electoral tensions, nevertheless the attacks on KPA and *Partai Aceh* members may not be politically motivated. In March 2009 the *Aceh Conflict Monitoring Update* stated:

Whether the assassinations of PA/KPA figures in early February were politically motivated remains unclear. Police quickly attributed the murder of M. Nur, a construction contractor, to business rivals within KPA. Abu Karim, the influential secretary of KPA Batee Iliiek, was also involved in housing projects and had many enemies both within and outside of the organization. Viewed in a broader context of repeated violent attacks against PA, the murders raised fears that they might signal a dangerous escalation in the methods of political intimidation just two months ahead of the elections (*Aceh Conflict Monitoring Update 1 December 2008 – 28 February 2009* 2009, Conflict and Community Development Program website, 20 March, p.1 <http://www.conflictanddevelopment.org/data/doc/en/regCaseStudy/aceh/mon/Aceh%20Conflict%20Monitoring%20Update%20Dec08%20Feb09.pdf> – Accessed 18 May 2009 – Attachment 19).

The International Crisis Group in March 2009 also reported the involvement of KPA members in the local Acehese economy, leading to internal rivalry:

Outside major urban areas, few people make a distinction between GAM and the KPA but they are nevertheless separate entities. KPA members have become heavily involved in business, especially infrastructure projects, often securing contracts from GAM-affiliated officials at the provincial and district level. This has led to competition and disputes, sometimes violent, among members themselves (International Crisis Group 2009, 'Indonesia: Deep Distrust in Aceh as Elections Approach', Asia Briefing No. 90, International Crisis Group website, 23 March, p.3

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

In March 2009 the International Crisis Group called for the Acehese police to quickly identify those behind the murders of three KPA/*Partai Aceh* members in February 2009:

The three killings raised tensions dramatically, especially because of the widespread assumption among GAM members and many others in Aceh that the military was behind them. But all of the victims seemed to have multiple enemies, and it was not at all clear a month later who the perpetrators were or whether indeed the killings were linked (International Crisis Group 2009, 'Indonesia: Deep Distrust in Aceh as Elections Approach', Asia Briefing No. 90, International Crisis Group website, 23 March, p.10

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

4. Are there any 2009 reports of attacks by KPA members on previous supporters of GAM who do not support the KPA?

5. Are there any 2009 reports of attacks on former GAM supporters by the Indonesian authorities?

The following sources refer to 2009 attacks on individuals identified as GAM, KPA or *Partai Aceh* supporters. As reported in World Bank and International Crisis Group reports, the motivations and affiliations of the perpetrators are not always clear (see question 3 – **Motivations for Incidents of Violence**).

Attacks on the KPA/PA in the lead-up to the elections

On 5 April 2009 *The Jakarta Post* reported that a *Partai Aceh* official was murdered by persons unknown ('Another Aceh Party Official Shot Dead Days Before Polls' 2009, *The Jakarta Globe*, 5 April <http://thejakartaglobe.com/justAdded/another-aceh-party-official-shot-dead-days-before-polls/271848> – Accessed 1 June 2009 – Attachment 23).

On 20 March 2009 The Conflict and Development Program published its *Aceh Conflict Monitoring Update* for December 2008 to February 2009. The *Update* reports that of 16 deaths only four were clearly identified as being linked to political disputes. The report contains a list of incidents of violence against *Partai Aceh*/KPA members taken from various Indonesia news publications, occurring in February 2009:

Box 1: Murders of PA/KPA members in February 2009

- February 3rd, 23:30, Bireuen. Dedi Noviandi alias Abu Karim, Secretary of KPA Batee Iliék (Bireuen), was shot dead at short range by two men on a motorbike.

- February 4th, 11:30, Banda Aceh – Krueng Raya road. Two KPA members, M. Nur and his driver Zakaria Daud, were shot in their car several times by armed men riding a motorbike. M. Nur was killed while Zakaria was critically injured.
- February 11th, Simpang Peuet, Alue Bilie, Nagan Raya. M. Yusuf, a PA member, was found dead on the side of the road. Relatives alleged the body showed a gunshot wound in the arm but did not authorize an autopsy to determine the exact cause of death.
- February 12th, 03:00, Meulaboh, Aceh Barat. Taufik, alias Benu, a Sagoe (sub-district)-level PA cadre and the husband of a PA legislative candidate, was found dead from several gunshot wounds at his house (*Aceh Conflict Monitoring Update 1 December 2008 – 28 February 2009* 2009, Conflict and Community Development Program website, 20 March, p.1 <http://www.conflictanddevelopment.org/data/doc/en/regCaseStudy/aceh/mon/Aceh%20Conflict%20Monitoring%20Update%20Dec08%20Feb09.pdf> – Accessed 18 May 2009 – Attachment 19).

On 23 March 2009 International Crisis Group commented on various incidents in the lead up to the elections. The report provides a “Partial List of Election-Related Incidents in Aceh”, which appears below:

- 1 February: A grenade was found near the car of Sabang mayor and **GAM member** Munawar Liza. He told the press the pin had been taken out and replaced with a red rubber band. Police were investigating.
- 2 February: Murder of **KPA leader** Abu Karim, see report text. (Not clear if election related.)
- 3 February: Murder of **KPA members** M. Nur and wounding of Zakaria Daud, see report text. (Not clear if election related.)
- 11 February: Military personnel harassed Iswandi Abubakar for having a **KPA membership card**, and burned him with lighted cigarettes, Bener Meriah.
- 12 February: Murder of **Partai Aceh member** Taufik alias Benu.
- 19 February: Around 11.30 pm a group of armed men wearing masks and plainclothes searched the home of Sukiman, a **Partai Aceh candidate**, in Pantan Lues, Timang Gajah, Bener Meriah. He was not home at the time.
- 20 February: A grenade thrown around 3.40 am at a **Partai Aceh campaign post** (pos kemenangan Partai Aceh) run by Ligadinsyah on Jalan Yos Sudarso, Blang kolak 2, Bebesen, Takengon, Aceh Tengah. No one injured and no serious property damage.
- 25 February: Partai Aceh reports to the election oversight body in Blangpidie, Aceh Barat Daya, that more than 1,533 **flags and banners of Partai Aceh have been vandalised** in the subdistricts of Babahrot, Kuala Batee, Jeumpa, Susoh, Blangpidie, Tangan-Tangan, Lembah Sabil, Suaq Setia and Manggeng.
- 28 February: **Two offices of Partai Aceh** in Aceh Jaya were burned. Dewan Pimpinan Sago in Kecamatan Panga and Posko Desa Lhok Kruet in Kec Sampoinet. Reported to police and election oversight body.

- 11 March: Five people wounded, two seriously, when two men on a motorcycle threw a grenade into “Reintegration” coffeeshop in Muara Satu, Lhokseumawe.
- 20 March: Tumijan, an ethnic Javanese **member of Partai Aceh**, was found dead in the waste-dumping area of a palm oil plantation two days after he disappeared in Nagan Raya district. His throat had been cut. He reportedly had recruited many Javanese into the party (International Crisis Group 2009, ‘Indonesia: Deep Distrust in Aceh as Elections Approach’, Asia Briefing No. 90, International Crisis Group website, 23 March, pp.16-17
http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

Incidents of the Military targeting KPA

On 17 March 2009 *The Straits Times* reported allegations that the military may be responsible for incidents of violence in the lead-up to the elections:

Local parties insist they are not out to get one another and say they do not know who is causing the trouble.

But some suggest that the military is at work. They say the military remains suspicious of local parties, fearing that members who enter local government will abuse their power and resurrect the independence movement of the past.

But the parties, including former hardcore proponents of independence from GAM, say they have accepted being part of Indonesia [researcher’s emphasis].

Mr Kamaruddin Abu Bakar, a combatant turned No. 2 in the Aceh Party, told *The Straits Times*: ‘We respect the rules of the peace agreement, we respect democracy. Before, we used to fight, but now we want to make sure the peace process stays and make the lives of Aceh people better’ (Lee, L. 2009, ‘Peaceful start to election campaigning in Aceh’, *Tapol Elections Digest* No 11, 16-31 March, Source: *The Straits Times* (17 March)
<http://tapol.gn.apc.org/elections/digest11.htm#L14> – Accessed 1 June 2009 – Attachment 26).

The International Crisis Group in March 2009 reported that military authorities had taken action against officers targeting *Partai Aceh*, nonetheless suspicion of the party remains and “it was unclear how it would affect soldiers’ behaviour elsewhere”:

The military nevertheless remains sensitive to accusations that it is not a neutral party in the elections. In North Aceh in early March, a court-martial was held of seven soldiers accused of taking down *Partai Aceh* flags. In the end the commander and his men were given a stern warning and removed from their positions. It was an important message, but it was unclear how it would affect soldiers’ behaviour elsewhere.

It was GAM that raised the issue first. On 3 March, its members circulated a text message widely, saying, “Information from the field: On Monday 2 March, about 400 *Partai Aceh* flags in subdistrict Simpang Keuramat, North Aceh, were pulled out and stomped on by about ten members of the TNI’s subdistrict military command led by Zainal on the instructions of their commander, First Lieutenant Erwin” (International Crisis Group 2009, ‘Indonesia: Deep Distrust in Aceh as Elections Approach’, Asia Briefing No. 90, International Crisis Group website, 23 March, p.9
http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

The other incident involving a KPA member and the military is recorded in the International Crisis Group list above, that on 11 February 2009 an individual was singled out by the military for possession of a KPA membership card. The same March 2009 report gives further details of the incident, as well as describing another incident where the military targeted Partai Aceh supporters.

In an incident on 11 February widely covered by the press, a KPA member named Iswandi bin Abubakar was stopped by two men in plainclothes in Digul Meriah Jaya village, Bener Meriah, and asked for his identity card. He was then told to report to an army post down the road, manned by soldiers of the infantry battalion. They asked to see his mobile phone and his wallet, and in the wallet, they found a KPA membership card. He was accused of being GAM, then told to unbutton his shirt, whereupon he was beaten and his face burned with lighted cigarettes. The subdistrict military commander Captain Elfin Junaidi arrived, and asked Iswandi to investigate whether a Partai Aceh candidate from Bener Meriah, Joni Suriawan, had a weapon. Captain Junaidi then handed him a phone and told him to speak to the head of intelligence at the Bener Meriah district command. The intelligence officer told Iswandi that if he was willing to cooperate, the safety of his family would be guaranteed. He hung up, and Iswandi was allowed to go. The military denies any wrongdoing.

The following day in the same area, the military stopped a group of Partai Aceh sympathisers at 9.00 pm ostensibly to check vehicle documents. Party member Dahlan Rasyid was the leader of the group, but others with him were also reportedly kicked and punched. The Central Aceh military commander said the post was being run jointly by the police and military commands of subdistrict Timang Gajah, Bener Meriah, and that no ill-treatment took place; witnesses say there were no police present.

The Iswandi incident is particularly revealing because it strongly suggests an intelligence operation in which the police are playing an almost non-existent role. In February, the then provincial police commander Inspector General Rismawan said 1,000 military troops had been assigned to assist the police search for weapons, in an effort to address Aceh's soaring crime. Military officers in Banda Aceh point to the continued commission of armed crimes by ex-combatants as evidence that GAM hoarded many guns at the time of the decommissioning, despite having turned in the 840 weapons specified in the MoU. The military also claimed that new weapons were showing up in GAM hands. It remains unclear how much the military are acting at the behest of the police and how much they are in fact acting on their own without explicit instructions from their civilian counterparts (International Crisis Group 2009, 'Indonesia: Deep Distrust in Aceh as Elections Approach', Asia Briefing No. 90, International Crisis Group website, 23 March, p.6

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

The International Crisis Group in March 2009 commented on the attitude of the military towards former GAM combatants and the military's continuing suspicion of GAM motives in seeking political power:

Soenarko's more aggressive stance was exemplified by three high-profile arrests made of senior KPA leaders, most notably in late September 2008 when after a soldier from the East Aceh district military command was kidnapped by suspected ex-combatants, troops arrived at the homes of KPA leaders Tgk Sanusi Muhammad and Ridwan Abubakar alias Nek Tu accusing them of responsibility. It is true, as the military has argued, that the criminal code authorises citizens to arrest anyone in the act of committing a crime, but the actions of the military have gone beyond that, to acting on the basis of their own surveillance or intelligence and then turning the suspect over to the police.

In late January 2009, the district military commander in Bireuen, Lieutenant Colonel R. Suharto, sent a letter to his police counterpart, copied to the provincial military and police commanders and several others, listing seven incidents involving Partai Aceh members, some of them extortion, others election-related intimidation. By asking him to follow up, the commander seemed to be implying, “We’re doing the job, and you’re not”.

...Even more distressing from the military’s point of view is that the GAM name and the letterhead continue to be used by “foreigners”, not just the Malik Mahmud group, but other groups based in Sweden, Malaysia and New York that oppose the MoU as a sellout to Indonesia. Some of these are associated with a faction known as MP-GAM that long ago broke with Hasan Tiro, but some officers in the regional military command lump them together, apparently unaware of any distinction. (They may also be unaware of the shadowy links of some MP-GAM personnel to Indonesian intelligence in the past.)

The military also makes no distinction between the armed criminal gangs of ex-combatants that operate completely outside the KPA command structure, and the tacitly sanctioned extortion activities that go straight to the heart of the KPA organization (International Crisis Group 2009, ‘Indonesia: Deep Distrust in Aceh as Elections Approach’, Asia Briefing No. 90, International Crisis Group website, 23 March, p.6 & 8

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

Reported failure by the authorities to investigate incidents or act appropriately

Media sources were located which report claims that security forces are failing to take proper action to investigate and identify the perpetrators of these attacks. Reports were also located in which *Partai Aceh* candidates have called for effective investigation of the incidents. The International Crisis Group has reported that the military believe that the police are failing to take action because they are colluding with the KPA. The same report offers alternative opinions that the failure of the investigations is due to lack of policing skills and witness intimidation.

On 7 April 2009 *The Jakarta Globe* reported that several individuals were arrested in connection with the incidents. Information of their motives and affiliations was not released:

Aceh Police have arrested another two men in relation to the ongoing spate of attacks targeting the Aceh Party, or PA, ahead of the upcoming elections, a police source told the *Jakarta Globe* on Monday.

...The source, however, would not discuss what organization the men were affiliated with or the motives for the attacks, only saying that they had been charged under laws restricting possession of illegal weapons and explosives.

...Despite pledges by leaders of political parties to engage in peaceful campaigns, election preparations in Aceh Province have been marred by acts of terror and intimidation. **Police have been criticized for failing to act against those responsible** (‘Two more arrested in lead-up to Aceh polls’ 2009, *The Jakarta Globe*, 6 April <http://thejakartaglobe.com/justAdded/two-more-arrested-in-lead-up-to-aceh-polls/272010> – Accessed 1 June 2009 – Attachment 27).

On 23 March 2009 *The Jakarta Post* reported the opinion of a World Bank Aceh Post-Conflict spokesman that the pre-election incidents merited further investigation by authorities:

...”Only four of the 16 people killed were clearly identified as being linked to political disputes,” World Bank coordinator for the Aceh post-conflict program Muslahuddin told The Jakarta Post on Sunday.

He added the remaining 12 fatalities were “unreasonable” and should be investigated by security authorities.

...The tensions between these organizations and security forces heightened to alarming levels and raised fears of an escalation in violence in the run-up to the elections.

...Muslahuddin said tensions in Aceh would intensify in the days before the April 9 polls, **especially because security forces had failed to identify and arrest the attackers.**

“Even now, there are no significant results from the investigations into these cases,” he said (naf) (‘Attacks on the rise in Aceh prior to elections’ 2009, *The Jakarta Globe*, 23 March <http://www.thejakartapost.com/news/2009/03/23/attacks-rise-aceh-prior-elections.html> – Accessed 1 June 2009 – Attachment 22).

On 2 April 2009 *The Jakarta Post* reported a *Partai Aceh* candidate’s calls for thorough police investigations:

Out of the villagers though, election observers and legislative candidates have expressed a much greater concern for the violence that has directly targeted political leaders.

“The police must investigate these incidents thoroughly,” said Nurzahri, a legislative candidate from the Aceh Party (PA) (Alfian 2009, ‘Acehnese unconcerned by threats’, *The Jakarta Post*, 2 April <http://www.thejakartapost.com/news/2009/04/02/acehnese-unconcerned-threats.html> – Accessed 1 June 2009 – Attachment 28).

On 6 April 2009 VivaNews published a translation of a report that the police had failed to solve any of the 55 incidents in which *Partai Aceh* was targeted:

Prior to the Elections in Aceh, the Aceh Party is recorded to have experienced 55 terror and intimidation cases. Seven cases among the 55 have involved killings of party’s members and officials.

“The cases are concerned with grenade throwing to murder, yet the police have not solved even a case,” said the spokesperson of Aceh Party Adnan Beuransyah on Sunday, April 5.

Beuransyah elaborated that there were 30 cases recorded as minor terror cases experienced by his party which covered dismissal of party attributes and threat to party cadres.

While there were 25 cases recorded on serious case of terror, such as office burning or grenade throwing and cadre killings.

“Amongst the serious case of terror, there were seven murder cases of party’s members or officials,” said Beuransyah.

He said that the intimidation cases occurred in Aceh will endanger peace if they are not taken seriously. “It seems that the present violence cases are systematically disturbing the Elections in Aceh” (‘55 terror cases threaten s the Aceh Party’ 2009, *Vivanews.com*, 6 April http://en.vivanews.com/news/read/46818-55_terror_cases_threatens_the_aceh_party – Accessed 22 May 2009 – Attachment 29).

The International Crisis Group report in March 2009 posited possible reasons for the failure of police investigations, reporting that police maintain that KPA intimidation plays a role in failing to bring perpetrators to justice:

Police say the main reason the killers remain free is that witnesses are afraid to come forward with information, particularly if it implicates a KPA member. They point to how the case against Muharram, head of the KPA in Aceh Besar, fell apart when witnesses withdrew their testimony.

In late December 2008, Muharram was accused of kidnapping a man named Nazaruddin, an ex-combatant, because of his failure to repay a Rp.35 million (\$3,500) debt, and holding him for eight days in a 2 by 2.5 metre cell with iron bars in a warehouse in Lhoknga, Aceh Besar. Like many KPA members, both men were involved in the construction business, and Muharram had loaned Nazaruddin equipment as well as cash. He reportedly thought that by holding Nazaruddin, he could force his family to come up with the money. A text message from Nazaruddin to a friend led to a joint military-police team going to the warehouse and securing his release.

By the time the trial began in mid-January, the victim had withdrawn his complaint, saying that he and Muharram had forgiven each other, and other witnesses were reluctant to testify. The prosecutor had little to work with, although the trial continued. On 3 March, he asked for five months on the grounds that Muharram had provided a place where Nazaruddin was detained; the final sentence was likely to be even less.

Senior military officers in Aceh use this case as an example of how KPA intimidation prevents people from testifying, and therefore why the three killings are unlikely to be resolved any time soon.⁵⁸ In the Muharram case, while it was clear some witnesses thought better about testifying, there were also intensive efforts behind the scenes by GAM officials to prevent an internal conflict from spreading beyond the men involved (International Crisis Group 2009, 'Indonesia: Deep Distrust in Aceh as Elections Approach', Asia Briefing No. 90, International Crisis Group website, 23 March, pp.11-12 http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

The same report addresses the military's attitude towards the police and why police have failed to investigate the incidents. The report cites lack of policing skills as a factor, as well as the prevalence of other criminal activity in Aceh:

Local military officers, who like their counterparts elsewhere in Indonesia have only disdain for the police, believe that police failure to stand up to KPA members or other ex-combatants involved in crime is a result of collusion, which in some cases is true but in others is based merely on the assumption that family links produce bias. They point, for example, to the fact that Governor Irwandi's younger brother is the deputy police commander of East Aceh, as if sibling ties alone are proof of obstruction of justice. The failure of the police in North Aceh to go after a notorious GAM splinter group called Pasukan Peudeung (Troops of the Long Swords) may be better evidence of collusion.

Another factor is simply lack of skills. A district police commander, one of the few with a university education, said, "I'm the police chief, but I'm also in effect my own head of intelligence, operations and investigations", because the level of training of his subordinates is so low. He is more concerned about the narcotics trade than he is with GAM misdeeds (unless they also related to drug trafficking), and unlike the military, sees reintegration as a long-term problem that requires patience with ex-combatants who have little education, do not understand the MoU, and are going to do and say things that are inappropriate unless they

are made to understand that there are limits they cannot cross. His approach to first-time offenders is to warn them, perhaps hold them overnight, and only take a harsher line for repeated violations. But what might be seen as an enlightened stance to outsiders is seen by some inside Aceh, including the military, as dangerously naïve or worse. That this man has one of the best records in the province for solving serious crimes is immaterial (International Crisis Group 2009, 'Indonesia: Deep Distrust in Aceh as Elections Approach', Asia Briefing No. 90, International Crisis Group website, 23 March, pp.9-10 http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

6. Have the elections in April 2009 altered the situation for supporters of Acehese independence?

A paper on the 2009 Indonesian elections reports that the successful candidates of the April 2009 legislative elections will not be sworn into office until October 2009 (Sherlock, Dr S. 2009, 'Indonesia's 2009 Elections: 'The New Electoral System and the Competing Parties', January, Centre for Democratic Institutions website http://www.cdi.anu.edu.au/research/2008-09/D_P/2009_03_RES_PPS6_INDON_Sherlock/2009_04_PPS6_INDON_Sherlock.pdf – Accessed 5 June 2009 – Attachment 30).

The Jakarta Post published a useful analysis of the 2009 elections on 28 April 2009. The article addresses the success of *Partai Aceh* as a local party, and whether the party's success constitutes a renewed call for separatism [bold font indicates researcher's emphasis]:

On the ninth of April 2009, Indonesia held its third set of legislative elections since the collapse of Soeharto's New Order. Numerous political sagas continue to unfold, including concerns over the implications of the first legislative elections in post-conflict Aceh.

The core compromises leading to the Helsinki Agreement were that the Free Aceh Movement (GAM) would drop its demand for independence in exchange for substantive autonomy and the right to organize as a political party.

Through its powerful Transition Committee, the former rebels formed Partai Aceh (PA). PA quickly became visible throughout the province, symbolized by their variation of the GAM flag. Along with PA, five other local parties were also established.

In the months leading up to Aceh's elections, there were numerous instances of violence, mostly against PA leaders. There was a great deal at stake in Aceh's elections for the province and the country. **Would a Partai Aceh victory signal a renewed call for separatism?**

There were four elections held in Aceh on April 9 for the Regional Representatives Council (DPD), the provincial legislature (DPR-A), district and city legislatures (DPR-K), and the House of Representatives (DPR-RI). The DPD elections were the least politically charged of the four. Candidates ran as individuals, campaigning more on ethnic cues than platforms for these largely symbolic positions.

The DPR-A and DPR-K elections have received the most attention, the two races featuring local political parties.

Though the results continue to trickle in, it is clear that, using the organizational machine of the former rebels, Partai Aceh dominated.

Local parties did not win these elections, the PA did; early returns suggest that other local parties won between 0.7 to 2.3 percent of the popular vote.

Several parties, including other local ones, have reported PA intimidation at the polls. There is little doubt that PA dominance is partially owed to intimidation by former GAM members and funding from grey-market construction contracts. But even with these significant shortcomings, there can be no doubt that the election was a resounding indicator of continued rebel popularity in much of Aceh.

However, this does not mean that the election as a whole went the way PA wanted, and it does not translate into a mandate for separatism. Looking at district results, one finds the emergence of distinct voting blocs.

PA dominated in the north and west coasts, which are the most densely populated, which accounts for PA's strong polling in the provincial aggregate. And, not coincidentally, the coastal regions are the most ethnically homogeneous. But some contests remain too close to call.

In Aceh Besar and the two races in the southeast, PA looks to a whisker ahead of President Yudhoyono's Partai Demokrat (PD). A third cluster saw PD defeat PA in local elections.

In the capital city of Banda and Sabang Island, PD gained more votes than PA in both sets of local elections. PD also appears to have defeated PA in three highland districts, with Golkar victorious in Bener Meriah, and PD also looks to have won the all three pairs of elections in the southwest corner of the province.

So while the populous north and west coasts supported PA with extreme devotion, the northwest, centre, and south of the province did not. Ethnically diverse provinces were either divided or supported Indonesian parties.

Beyond the regional variation in support for Partai Aceh, a second story which has not received much attention thus far concerns the party which placed second.

Disregarding a long-standing local tradition, Acehnese voters did not vote for Islamic parties, nor did they support Golkar. In all but two DPR-A and DPR-K contests, President Yudhoyono's Partai Demokrat (PD) won or placed second.

Support for SBY is most apparent in the fourth set of elections, the DPR-RI contests. PD won the popular vote in all but one district, and did so with over 50 percent of the vote, rivalling the overwhelming victories of the PA in the DPR-A and DPR-K. For a new party with few roots in Aceh, this is a strong endorsement of a President who is widely credited with ending the conflict.

DPR-RI voting shows an important difference between the two zones of PA control. In the west coast, PD ruled DPR-RI tallies, gaining similar numbers in national elections as PA in local elections.

This suggests that voters in the west coast simultaneously support the former rebels and the peace agreement. But things are very different along the north coast, the lone region where the elections should be seen as supporting separatism.

Here, even though PD won the DPR-RI vote, there is a considerable gap between the number of ballots cast in national and local elections. Although the final count is ongoing, it appears that voters here supported Partai Aceh, but spoiled their ballot for national elections, sending a clear message to Banda and to Jakarta.

In coffee shops around Aceh, the topic of conversation is the same one heard in army barracks around the country and in the villas of Menteng. Does the victory of Partai Aceh signal a renewed call for separatism? **PA won 85 percent of the vote in some regions, winning nearly half the votes in the province as a whole. PA will control the provincial legislature while another former rebel controls the executive branch.**

In this article, I suggest this victory is not as clear-cut as it appears. PA dominated in the north and west coasts, with PD approaching or surpassing the PA in the capitol, the interior, and the south.

Even in PA strongholds, SBY's blueshirts came in second. In the national elections, it was PD that dominated. Only on the north coast, where locals not only supported PA, but also refused to cast a national vote, should the results be taken as support for separatism.

As a whole, rather than showing support for independence, this election delivered support for the country's incumbent ruler, and by extension, the recent peace.

As a unit, Aceh's election results support the status quo, but with the spectre of a renewed conflict should Jakarta and the military come up short (Barter, S. J. 2009, 'A Deeper Look into the Recent Elections in Aceh', *The Jakarta Post*, 28 April <http://www.thejakartapost.com/news/2009/04/28/a-deeper-look-recent-elections-aceh.html> – Accessed 1 June 2009 – Attachment 18).

Statements by GAM and *Partai Aceh* leaders

In March 2009 the International Crisis Group reported that senior GAM and *Partai Aceh* leaders, as well as the current governor of Aceh, have stated that a victory for *Partai Aceh* will not result in renewed calls for independence. The report continues that Hasan di Tiro's speech, delivered during his visit to Aceh in October 2008 "was unequivocally supportive of the peace process and he went out of his way to thank President Yudhoyono and Vice President Kalla":

Irwandi Yusuf, the GAM leader elected governor in 2006, Muzakkir Manaf and even Hasan Tiro have said that the MoU is final; Irwandi in two op-eds dismissed any suggestion that a Partai Aceh victory and control of the provincial parliament would lead to a referendum on independence from Indonesia. Now that Acehnese have regained control of their lives, it is also not at all certain that a referendum would have popular support. No one wants to see conflict resume, and that includes the vast majority of the ex-combatants (International Crisis Group 2009, 'Indonesia: Deep Distrust in Aceh as Elections Approach', Asia Briefing No. 90, International Crisis Group website, 23 March, p.4 & 8 http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

This information is in contrast to a profile on GAM published by Jane's Information Services. The profile was most recently updated on 7 January 2009; however, some details may be out of date. The profile still contains reference to *Partai GAM* as a contender for the April 2009 elections, although the name changed to *Partai Aceh* in April 2008. The profile continues to report that "[t]he majority of its personnel espouse independence and the establishment of a democratic Acehnese state". The relevant extract follows:

There are disparate views within GAM over its objectives. The majority of its personnel espouse independence and the establishment of a democratic Acehnese state. A minority has favoured the establishment of a government based on Islamic principles. There is also a wide body of support in the province for extensive autonomy. The complaints of most supporters

focus on economic and social issues such as a fairer distribution of the area's hydrocarbon wealth, respect for human rights, a reduction in Indonesia's security presence, and greater monitoring of the police, particularly the police mobile brigade (Brigade Mobil: Brimob) ('Gerakan Aceh Merdeka' 2009, *Jane's World Insurgency and Terrorism*, 7 January – Attachment 2).

Nonetheless, reports were located that individual *Partai Aceh* supporters continue to engage in pro-independence rhetoric. The *Aceh Conflict Monitoring Update* in March 2009 stated:

Some PA campaigners have reportedly been circulating propaganda saying that PA is the only legitimate local party according to the MoU, and making promises that a victory in April would lead to a referendum on independence (*Aceh Conflict Monitoring Update 1 December 2008 – 28 February 2009* 2009, Conflict and Community Development Program website, 20 March, p.1

<http://www.conflictanddevelopment.org/data/doc/en/regCaseStudy/aceh/mon/Aceh%20Conflict%20Monitoring%20Update%20Dec08%20Feb09.pdf> – Accessed 18 May 2009 – Attachment 19).

According to the International Crisis Group in March 2009 “[r]eports that local members of *Partai Aceh* are continuing to use pro-independence rhetoric in their campaigning come not only from the military but from other local parties and non-governmental organisation (NGO) fieldworkers who have directly observed their campaigns”. The relevant extract continues:

The message from senior GAM leaders that such talk is no longer acceptable clearly has not filtered down, but this should not be cause for undue alarm. Internal discipline is not the conglomerate's strong suit, and Jakarta might have more reason for concern if it were (International Crisis Group 2009 'Indonesia: Deep Distrust in Aceh as Elections Approach', Asia Briefing No. 90, International Crisis Group website, 23 March, p.4

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

On 21 February 2009 *The Straits Times* reported that some *Partai Aceh* members were responsible for fueling military concerns that *Partai Aceh*'s victory would result in renewed calls for independence:

...The military and intelligence community has long maintained that if AP does make a strong showing at the polls, the resulting GAM-dominated administration will challenge Jakarta.

It is not clear how widespread it is, but some AP cadre are stoking that paranoia by telling villagers that a vote for the party is essentially a vote for eventual independence (McBeth, J. 2009, 'Crimes, Bombs And A Shaky Bureaucracy', *The Straits Times*, 21 February

<http://www.straitstimes.com/vgn-ext-templating/v/index.jsp?vgnextoid=f0230c2ce149f110VgnVCM100000430a0a0aRCRD&vgnextchannel=0162758920e39010VgnVCM1000000a35010aRCRD> – Accessed 1 June 2009 – Attachment 25).

No sources were located reporting that *Partai Aceh* campaigners were attacked for expressing pro-independence views.

According to the January 2009 GAM profile published by Jane's Information Services, tensions between the central government and GAM have eased to the point that in 2006, “[o]n 19 April, nine GAM leaders returned to Aceh after 30 years of exile in Sweden”

(‘Gerakan Aceh Merdeka (GAM)’ 2009, *Jane’s World Insurgency and Terrorism*, 7 January – Attachment 2).

The International Crisis Group reported that upon Hasan di Tiro’s return to Aceh in October 2008, coinciding with the launch of *Partai Aceh*’s electoral campaign, his public appearance was tightly controlled by the head of GAM:

Malik is very protective of his relationship with the Indonesian government and has no interest in confrontation. When Hasan Tiro came, Malik went out of his way to make sure his speeches, delivered with top provincial military and police officers present, included references to the new era of cooperation that the MoU had ushered in and how the bitter past was over (International Crisis Group 2009, ‘Indonesia: Deep Distrust in Aceh as Elections Approach’, Asia Briefing No. 90, International Crisis Group website, 23 March, p.2 http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1; for further details of Hasan di Tiro’s visit in October 2008 see Smith, C. & Dibley, T. 2008 ‘We miss you wali nanggroe’, *Inside Indonesia* 94, October-December <http://insideindonesia.org/content/view/1148/29/> – Accessed 22 May 2009 – Attachment 31).

Current conflict within GAM/KPA/*Partai Aceh* and other affiliates

The World Bank has reported instances in which *Partai Aceh* and the KPA have been stigmatising rivals by labelling them “pro-independence”, when they have expressed dissatisfaction with the implementation of the 2005 MoU. In September 2008 the *Aceh Conflict Monitoring Update* considered whether a member of the KPA was assassinated perhaps because he was opposed to the implementation of the 2005 MoU:

Tgk Badruddin and Sawang’s KPA were pitted against one another in a local feud that resulted in his assassination in December of last year (see December 2007 Update). The feud reportedly originated from the exclusion of Badruddin and his men from the KPA’s list of beneficiaries of the Rp. 25 million (US\$ 2500) individual reintegration assistance to ex-GAM combatants. It also stemmed from broader political divergences. Stigmatized by KPA as “anti-MoU”, Badruddin was not so much opposed to peace itself as to the way GAM’s elite was, according to him, betraying the aspirations of Aceh’s people in the name of their own personal ambitions. In a document dated March 26th 2007, Badruddin denounced how KPA had taken advantage of the MoU to become the “new self-proclaimed king of Aceh” and demanded the disbandment of the organization, the revocation of the Law on the Governing of Aceh (LoGA), and the strict implementation of the MoU provisions “in accordance with the will of the people of Aceh” ... The “commandeering” of a Cardi NGO car by Badruddin in 2007, a crime for which he later served a seven-month prison sentence, was justified by his supporters as a way to draw the attention of the international community to the “failure of the MoU” (*Aceh Conflict Monitoring Update 1st – 30th September 2008*’ 2008, Conflict and Community Development Program website, p. 6 http://www.conflictanddevelopment.org/data/doc/en/regCaseStudy/aceh/mon/Aceh%20Conflict%20Monitoring%20Update_September%202008.pdf – Accessed 17 November 2008 – Attachment 32; see also *Aceh Conflict Monitoring Update 1st – 31st December 2007* 2008, Conflict and Community Development Program website, pp. 3-4 <http://www.conflictanddevelopment.org/data/doc/en/regCaseStudy/aceh/mon/Aceh%20Conflict%20Monitoring%20Update%20-%20December%202007.pdf> – Accessed 17 November 2008 – Attachment 33).

The above report highlights an issue also addressed in the analysis of the post-conflict situation in Aceh by the International Crisis Group, who report that post-conflict violence is

less about the fight for independence and the implementation of the 2005 MoU than about a struggle for a share of post-reintegration and post-tsunami reconstruction funds. In March 2009 the International Crisis Group stated:

The problem with many GAM members is that they are using democratic means not to push for independence, but to acquire access to spoils. This has turned an organization that was always decentralized into a fractured organisation that, while ready to unite in the face of a serious threat, is composed of small units out for themselves (International Crisis Group 2009, 'Indonesia: Deep Distrust in Aceh as Elections Approach', International Crisis Group website, Asia Briefing No. 90, 23 March, p.1

http://www.crisisgroup.org/library/documents/asia/indonesia/b90_indonesia_deep_distrust_in_aceh_as_elections_approach.pdf – Accessed 18 May 2009 – Attachment 1).

External Advice

Research Response IDN34065, dated 5 December 2008, at Question 3 contains advice from Dr Edward Aspinall regarding the treatment of Acehnese independence supporters. The advice refers to a letter provided by Dr Aspinall to the RRT via the Legal Aid Commission (Dr Aspinall is the author of a number of studies on Aceh, GAM and the relationship between the Acehnese and the state of Indonesia). Relevant extracts from that advice appear below [bold font indicates researcher's emphasis]:

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 person associated with GAM splinter groups which reject the Helsinki MoU and continue to advocate in favour of Acehnese independence. These groups include the Majelis Pemerintahan – GAM (MP-GAM) and the Government of Independent Aceh-Sumatra. They are mostly active in exile (especially in Europe, Malaysia, the US and Australia) and have few active supporters in Aceh, in part precisely because of the dangers their supporters would face there.**

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** [researcher's emphasis]. 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.

2. Individuals associated with these groups would also be at risk of harm from members and supporters of the mainstream GAM organisation. There is a history of bitter factional dispute, including violence, within the Acehese pro-independence movement [researcher's emphasis]. During the conflict years (especially 1999-2005), members of MP-GAM were targeted by supporters of the mainstream GAM. Some were killed. Since the Helsinki MoU and local government elections in December 2006, members of the mainstream GAM now dominate local politics in Aceh. Much of the (low-level but ubiquitous) violence which continues to plague the territory has been caused by internal factional competition and rivalries among GAM members and supporters. In my fieldwork I have heard of two separate occasions where the epithet "MP-GAM" was used to justify violent attacks against a group (in Sawang, North Aceh) accused of disobeying the GAM leadership. Hostility to MP-GAM continues to run very deep among supporters of the mainstream GAM. Anybody associated with MP-GAM or allied anti-MoU groups, if returned to Aceh, would in my view thus face a real risk not only of political persecution, but also of violent attack. (for the Research Response related to this correspondence see: RRT Research & Information 2008, *Research Response IDN34065*, 3 December – Attachment 34; for Dr Aspinall's advice see: Aspinall, E. 2008, Email to RRT: 'Situation in Aceh, and continuing risk of persecution and violence for supporters of Acehese independence', 5 November – Attachment 35; for the email that elicited this advice see: RRT Research & Information 2008, Email to Dr Edward Aspinall: 'Country Information Request IDN34065', 19 November – Attachment 36).

This advice updates earlier advice offered by Dr Aspinall to the Tribunal in 2006 and 2007. On 9 November 2006, Dr Aspinall provided the following advice on the factional splits within GAM and the security situation for returning GAM members who might choose to continue to advocate for an independent Aceh

1. There is indeed a split among former supporters of Free Aceh Movement (GAM) outside the country about the Helsinki Peace Agreement, with one (relatively small) group continuing to support independence for Aceh. This split partly continues an early and very bitter division in the movement which developed some years ago between a group called MP-GAM and the mainstream GAM (the mainstream was led from Sweden by individuals like Malik Mahmud and Zaini Abdullah). This split led to bitter acrimony and at least one murder in Malaysia. Many (though not all) of the group who now criticize the Helsinki peace agreement and condemn the mainstream GAM leadership for supporting it, were formerly supporters of MP-GAM. For your information, I paste below [see Attachment 37] a declaration made earlier this year by supporters of this group. From my own associations with members of the Acehese community in Sydney, I am aware that several members of the Acehese community in Australia are affiliated with this group (or at least share its views) and continue to support Acehese independence.
2. This split is separate from the one which Sidney Jones refers to. That split has occurred in the mainstream GAM ranks – ie among those who support the Aceh peace process. There is considerable bitterness here, too, and I have read some reports about intimidation and minor violence resulting from it, but not of very serious violence (e.g. killings). This does not mean that such violence has not occurred, just that I haven't heard about it.
3. I do not know if the history of tensions within GAM referred to in point 1 above would put someone who was affiliated with the minority position (ie support for continued independence) at risk of violence from other GAM members if he/she returned to Aceh. I certainly could not rule that out: certainly at the height of the conflict, there were many rumours of such violence taking place and I have heard GAM members themselves say at that time that they would kill members of MP-GAM they found in Aceh. I do not know to what extent that rancour and hostility continues into the post-peace agreement climate. Discussions among Acehese on various email lists I am party to do reveal that there is

much continuing bitterness; it may be possible that this would lead to violence, though I cannot say for sure.

4. I believe that any person who returned to Aceh and campaigned for the independence of Aceh would be at serious risk of arrest. The peace agreement has been possible only because GAM gave up its support for independence. In other parts of Indonesia, advocates of independence for various regions continue to be arrested for violating makar (treason) provisions of the criminal code. Government security force leaders in Aceh have stated at various times that they are suspicious of, and would like to take action against, former independence supporters who now endorse the peace process, but they have been constrained by the fact that all such persons have carefully avoided stating their support for independence. It is thus very likely that if a person was to openly advocate independence, that security forces would find it politically expedient to make an example of such a person (Aspinall, E. 2006, 'Country Information Request IDN30882: "factional splits in GAM"', 9 November 2006 – Attachment 37; for the RRT Country Research Email which elicited this advice, see: RRT Country Research 2006, Email to Dr Edward Aspinall: 'Country Information Request IDN30882: "factional splits in GAM"', 30 October – Attachment 38).

Research Response IDN32369 of September 2007 also referred to updated advice from Dr Edward Aspinall on the situation of advocates of Acehnese independence in Indonesia:

3. In your opinion, has there been any change in the nature of the security risks faced by Aceh independence advocates since the time of your November 2006 advice? Would such advocates enjoy greater security if they relocated to Jakarta?

I don't believe the risks will have changed. It is possible the risks would be lesser in Jakarta, but I'm not able to offer a conclusive opinion on this score; it may not be so. Well-established GAM networks operate also in that city and people associated with "MP-GAM" may continue to be under threat from them. **Open advocacy of Acehnese independence would make a person liable to prosecution wherever they were in Indonesia** [researcher's emphasis] (Aspinall, E. 2007, Email to RRT: 'RRT Country Information Request IDN32369: The Government of Independent Aceh Sumatra', 18 September – Attachment 39; RRT Research & Information 2007, Research Response IDN32369, 19 September – Attachment 40).

This contrasts with advice provided on 30 October 2006 by Associate Professor Damien Kingsbury in regard to the security situation for returning GAM members who continue to advocate for an independent Aceh. (Associate Professor Kingsbury is the author of a number of studies on security in Indonesia and, during the peace negotiations which led to the signing of the July 2005 Helsinki Memorandum of Understanding, he acted as an advisor to the GAM delegation.)

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

There continues to be many problems in Aceh, but these are largely as a consequence of the post-tsunami environment, and the slow pace of reconstruction. Of course, the Indonesian military continues to extort money from locals, but it does that everywhere in Indonesia. In this respect, Aceh is now not very much different from any other part of Indonesia (Kingsbury, D. 2006, Email to RRT Country Research: 'Country Information Request IDN30882: "factional splits in GAM"', 30 October – Attachment 41; for the RRT Country

Research Email which elicited this advice, see: RRT Country Research 2006, Email to Dr Damien Kingsbury: 'Country Information Request IDN30882: "factional splits in GAM"', 30 October – Attachment 42).

Previous Research

Previous research has recently addressed the issue of the treatment of advocates of Achenese independence. Dated 19 Nov 2008, *Research Response IDN34009* extensively addresses at Question 3 treatment of Acehese independence supporters. The response divides the information under the following headings: Attitude of Indonesian Authorities to Acehese Independence Advocates; Attitude of GAM/KPA to Acehese Independence Advocates; Recent Attacks involving GAM/KPA members in Aceh; Recent Violence and Criminality in Aceh. The response includes previous advice obtained by the Tribunal from Dr Aspinall and Associate Professor Damien Kingsbury. The response also provides a useful overview of previous research on these issues (RRT Research & Information 2008, *Research Response IDN34009*, 19 November, pp.10-31 – Attachment 3).

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