

INDONESIA Briefing

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ACEH: A SLIM CHANCE FOR PEACE

OVERVIEW

Indonesia's efforts to end the separatist rebellion in Aceh entered a new phase in April 2001 with the launching of a military offensive against the guerrillas of the Free Aceh Movement (GAM). Three months later, the government passed a law conferring "special autonomy", or limited self-government, on the province. This briefing paper charts recent events in Aceh, updating two ICG reports in 2001 which analysed these two strands of Indonesian policy: military force and the offer of autonomy.¹

The military offensive has done some damage to GAM but the guerrillas do not seem close to defeat. The majority of the war's victims are civilians and both sides are thought to have committed atrocities in the last year, including mass murder. One of the worst periods of violence was in the district of Central Aceh in mid-2001, during which hundreds of people were killed by GAM, the military or local militias.

The military has had some success in improving its battered public image in Aceh, though soldiers still seem largely unaccountable to the law, and reports continue of civilians being killed. This lack of accountability is also true of the police, who have an even worse reputation. As for GAM, parts of the movement have degenerated into banditry, costing it some support in Aceh. Although civilian views are hard to assess in the midst of the conflict, disillusionment and despair appear widespread.

Against this gloomy background, the meeting between representatives of the Indonesian government and GAM in Geneva on 2 and 3 February 2002 was a welcome development. They

agreed to turn the armed conflict into a political dispute and involve other Acehnese groups than GAM in the discussions. However, previous agreements along these lines were violated by both sides, and there is a risk the current round of talks will meet the same fate. There is a need for concerted international pressure on both sides to continue talking and to uphold any future agreements that are reached, or the war is likely to drag on for some time at great human cost.

Indonesian policy aims to balance military action with political and economic measures to win back the loyalty of Acehnese who favour independence. In practice, military action is still the dominant factor. The implementation of special autonomy, intended to reduce Acehnese grievances against the government, is still in its early stages, and progress on fleshing out the law with local regulations has been slow. The implementation of autonomy is likely to take some time, and its final shape is far from clear. Given that GAM cannot force Indonesia to leave Aceh and the lack of international support for self-determination in the province, some form of autonomy still offers the only realistic chance of an eventual compromise peace. Such a plan is unlikely to work, however, without further reform of the Indonesian military and bureaucracy, which are still largely unaccountable for their actions to the Indonesian public and to the law.

¹ See ICG Asia Reports No.17 and No. 18, *Aceh: Why Military Force Won't Bring Lasting Peace*, 12 June 2001, and *Aceh: Can Autonomy Stem the Conflict*, 27 June 2001.

I. THE MILITARY CONFLICT

The offensive launched in spring 2001 by the Indonesian military and police, which continues, has inflicted some damage on GAM's guerrillas and reduced their political power in Aceh. While the military picture is far from clear, GAM is undoubtedly under pressure. However, the movement does not appear close to defeat.

The security forces killed the commander of GAM's military wing, Teungku Abdullah Syafi'ie, on 22 January 2002, only three days after he had been invited to peace talks by the provincial governor of Aceh.² Syafi'ie was replaced by his deputy, the Libyan-trained Muzakkir Manaf. The death of Syafi'ie may have been a symbolic blow for the movement but, according to one Indonesian intelligence officer, GAM's guerrillas are decentralised into small bands and the killing of its field commander may not have a major impact on its ability to fight.³

The military's own figures suggest that GAM retains much of its fighting strength. The military said in November 2001 that it had killed 36 GAM leaders in Aceh over the preceding six months, while the officer commanding the western half of the province said in February 2002 that his men had killed "at least 200" GAM members in 2001.⁴ There are also unverified claims that hundreds more guerrillas have been captured or deserted. At the same time, the military says GAM has 2,000 guerrillas (down from 3,000 in the past) with 1,000 weapons.⁵

Reports from both the military and GAM are prone to distortion but these figures seem plausible. However, GAM has a much larger number of members and supporters who do not have modern weapons, and many of the dead reported by the

military may be from this group or civilians.⁶ As of February 2002, the military said it had 17,000 soldiers in Aceh.⁷ Adding the paramilitary (Brimob) and other police, the strength of the security forces is estimated to be 25,000-30,000 personnel.⁸

GAM's power has shrunk since the start of the offensive. The movement says it continuously controls only 30-40 per cent of the province, compared to 60-70 per cent a year ago, though the size of this GAM-controlled area varies according to the intensity of military operations.⁹ In parts of the northern coastal region, including the district of North Aceh with its natural gas plants and heavy industry, state officials say that the movement's ability to disrupt local government has diminished.¹⁰ Residents of Lhokseumawe, the main town in North Aceh, stay out later in the evening than a year ago, and the atmosphere is noticeably busier and less tense. Indonesian soldiers in the town say they feel less threatened although home-made bombs still go off at night.¹¹ The likely reason for this change is the presence of large numbers of soldiers and police. GAM's own actions also seem to have cost it some support in Aceh, an issue discussed below.

The guerrillas appear to have retreated into the remote interior to avoid military or police patrols. The security forces have placed posts in villages and along roads to block the supply lines of the guerrillas, while sending patrols into the countryside to track them down. However, the guerrillas continue to mount hit-and-run raids on the security forces and occasionally let off small bombs in Aceh's cities to make their presence felt. GAM displayed its influence by ordering a general strike in Aceh on 16-19 January, 2002. Public places and main roads were said to be empty for most of the period. The press reported that civilians were afraid of being punished by GAM if they did not strike and by the security forces if they did.

The conflict continues to claim roughly four civilian lives for every soldier or guerrilla killed. GAM

² The military, which had been hunting Syafi'ie for a long time, says troops stumbled on his party and killed him in a 30-minute firefight, without realising who he was. His wife and five bodyguards also died. GAM portrays the fight as a last stand against huge odds and claims Syafi'ie was betrayed by a microchip hidden in the invitation sent by the governor, Abdullah Puteh. The latter denies it. Syafi'ie's name is spelt Syafei in some media.

³ ICG conversation.

⁴ *Koran Tempo*, 25 February 2002.

⁵ Ibid, 16 February 2002.

⁶ For an account of the two sides' strength at the start of the offensive, see ICG Asia Report, *Aceh: Why Military Force Won't Bring Lasting Peace*, op. cit..

⁷ *Republika*, 16 February 2002.

⁸ ICG confidential interview.

⁹ ICG interview with GAM representatives in Banda Aceh. Whether or not these figures are geographically accurate, they offer an order of magnitude for the decline of GAM's influence.

¹⁰ ICG interviews with Tarmizi Karim, the Bupati (district chief) of North Aceh, and a local legislator.

¹¹ ICG conversations in Lhokseumawe.

asserts that its members account for one in ten of the total dead in Aceh, with half from combat. The military and police do not publicise their casualties.¹² The death toll in 2001 has been estimated by one local human rights group at around 900 and by foreign news agencies at 1,700. Since some deaths are not reported, it is possible that the real toll is even higher. As many as 200 people have been reported killed this year.¹³

Many bodies are found by roadsides or in fields and their deaths are ascribed to "persons unknown" (*orang tak kenal*). Witnesses are usually afraid to come forward, and the local press is under pressure from both sides to favour their version of events. Last year's toll included some 400 people killed in Central Aceh in violence notable for its concentrated savagery and for the involvement of armed civilians.

Excepting the violence in Central Aceh, the worst single incident reported since the start of the offensive was the Bumi Flora massacre of 31 people on a plantation in East Aceh on 9 August 2001. Witness statements indicate that the killers were soldiers, possibly revenging an earlier GAM raid. The state-sponsored National Commission for Human Rights (Komnas HAM) reported on the massacre but stopped short of identifying the perpetrators, a decision that does not inspire confidence in its independence.¹⁴

GAM has killed numerous civilians, including ethnic Javanese settlers and Acehnese whom it considered hostile. The latter group can include people suspected of being too close to the military, relatives of military or police personnel and some of those who refuse to meet GAM demands for money. Some deaths may be due to purely criminal activity, perpetrated by either combatants or third parties.

Assassinations of prominent Acehnese have continued. Dayan Dawood, the respected rector of Syiah Kuala University, was killed by gunmen on 6 September 2001. The identity of the killers is unknown, though he had said before his death that a local GAM commander had demanded a large payment from him out of university funds, with the threat that he would be targeted if he did not pay. His death came a year after the similar murder of Syafwan Idris, rector of the IAIN Ar-Raniri Islamic college, another leading educational institution. At least six local legislators, a national legislator and a number of human rights activists have been assassinated in the last two years.

In some cases the killers' identity is clear. In many other cases it is not. GAM and the security forces routinely blame each other. It is clear, however, that human rights activists and Acehnese seen to support independence are in potential danger from the military, while officials, legislators and other Acehnese who criticise GAM are at risk from the movement.

¹² ICG interview with GAM representatives in Banda Aceh.

¹³ The figure of "about 1700" is used by the "Associated Press" and "Agence France-Presse". A local NGO estimate was that 851 people were killed last year and another 106 kidnapped, many of whom were later murdered. Another local NGO told ICG that it had stopped collating death tolls because it was too hard to get accurate information.

¹⁴ Laporan Pemantauan Komisi Nasional Hak Asasi Manusia Kasus Bumi Flora-Aceh Timur (Report of the Observations of the National Commission for Human Rights on the Bumi Flora-East Aceh Case), Komnas HAM, 24-26 August 2001. A detailed critique of this report appears in a forthcoming paper by Human Rights Watch, "Indonesia": Accountability for Human Rights Violations in Aceh".

II. THE SECURITY FORCES AND HUMAN RIGHTS

The Indonesian military has come under heavy criticism for persistent human rights abuses against civilians in Aceh and elsewhere. In response, the army has issued its soldiers guidelines printed on plastic cards that detail the situations in which lethal force is acceptable, with the threat of disciplinary action if the rules are broken.¹⁵ The military claims that soldiers who break these guidelines are disciplined, though it has not released details.

It is not clear if such measures will have much effect in the absence of any serious attempt to make members of the security forces accountable before the law. The killings of three activists with the local NGO RATA in December 2000 not only remain unsolved, but civilian informers implicated were allowed to escape from prison while the soldiers involved were returned to their units.¹⁶ Looking at these and other cases, it is hard to avoid the conclusion that Indonesia lacks the will to bring human rights abusers in the security forces to account.

Some officers remain suspicious of the concept of human rights, seeing it as a political tool of the West to undermine Indonesia.¹⁷ There is little sign of a fundamental overhaul in attitudes, and the military still prefers to see abuses against civilians as an occasional problem caused by a handful of soldiers acting under stress, rather than the product of deep-seated attitudes. These criticisms also apply to Brimob, a paramilitary police force with a front-line role in Aceh.

The military has worked on its poor public image in Aceh, with some success. Soldiers have been involved for some time in social development programs, known as Bhakti TNI, that include building basic infrastructure in selected villages.¹⁸ In recent months, soldiers appear to have been told

to be more polite in day-to-day dealings with civilians. Several sources in towns along the northern coast, including NGO activists, reporters and local officials, told ICG this more sympathetic approach had reduced some of the fear of the military.

It would be unwise to put too much emphasis on this change in military behaviour because the evidence is anecdotal and hard to measure. It appears to apply to some military units and not others – the Siliwangi division from West Java is often mentioned as an example of better behaviour. It does not seem to apply in combat, where soldiers take few or no prisoners, and there are still reports of civilians being killed during patrols or in reprisal for guerrilla attacks.¹⁹

The military may belatedly have realised the importance of winning hearts and minds, if only for tactical reasons. One intelligence officer told ICG that as a result of the new approach, more civilians were coming forward to give information against GAM. However, this approach is likely to be hindered by behaviour which antagonises civilians but is deeply engrained in the security forces. For example, soldiers and policemen still extort bribes from drivers at checkpoints on the main roads, despite official promises to stop this practice.²⁰

All sources agree that Brimob units have not improved at all. Members tend to be worse-trained and equipped than the military and have a reputation for brutality and arrogance. In theory the police are in charge of operations against GAM, with the military providing backup, but in reality the military dominates. By coincidence or design, a “good cop-bad cop” approach has emerged in which the military tries to win back public acceptance while the police come in for harsh criticism.

¹⁵ ICG was shown one of these cards by an army officer in northern Aceh.

¹⁶ See ICG Asia Report, *Aceh: Why Military Force Won't Bring Lasting Peace*, op. cit., p. 20. According to Human Rights Watch, an Acehnese civilian implicated in the RATA killings, Ampon Thaib, is back in the field, working with military intelligence in Aceh.

¹⁷ ICG conversations in Aceh. Two officers complained that the United States had killed civilians in Afghanistan without widespread international condemnation, unlike Indonesia's actions in Aceh.

¹⁸ TNI is short for Tentara Nasional Indonesia, the Armed Forces of Indonesia.

¹⁹ See “Trouble for Anti-Terror in Indonesia”, Associated Press, 25 February 2002, for one such case, in which soldiers were said to have killed four villagers after losing two comrades in an ambush.

²⁰ ICG witnessed a driver giving money to Brimob personnel at a checkpoint in North Aceh district. Acehnese drivers say some soldiers also ask for money, though the police are greedier.

III. CIVILIAN VIEWS

It is very difficult, in the midst of conflict to ascertain the views of civilians. People are more open about fear of the security forces than of GAM. The latter is often referred to by euphemisms if at all. One reason is that many Acehnese sympathise with GAM, or at least its aims. Another is that GAM is said to have better intelligence about what goes on in Acehnese society than the security forces, and so is better able to punish “traitors”.

Acehnese activists and intellectuals have always held that given a free choice between independence and Indonesian rule, a majority would choose independence. This may still be the case, though it needs to be stressed that there is no way of charting views accurately in the midst of the conflict. Several ICG sources depicted a growing weariness and frustration among civilians, directed at both sides. One source commented: “People want freedom (*merdeka*) in the sense of freedom from fear, and freedom to make a living”.²¹ This sentiment is not new, but it is more apparent than a year ago. The causes are both political and economic.

Many Acehnese are said to feel abandoned by both sides. There is still widespread distrust of the government, which has broken too many promises and talks about negotiations while allowing the military free rein. This distrust also extends to the local government and legislators, who are often seen, as elsewhere in Indonesia, as driven by self-interest rather than concern for the needs of the people. This does not mean that people in Aceh will reject out of hand any initiative by the government, but that they need tangible proof of good intentions before they extend their trust.

There is also discontent with GAM. Like suspicion of the government, this is not a new phenomenon: the guerrillas also antagonised many civilians during the early 1990s by attracting military retaliation for their raids. When it re-emerged after Soeharto's fall in 1998, GAM was able to capitalise on enthusiastic support for Acehnese independence. Since then, it has lost some of this support. The movement promised foreign backing for the revolt and an independent Aceh where natural gas revenues would provide generous welfare services for all. Nearly four years later, GAM is far from

fulfilling any of these promises, and Aceh appears no closer to independence.

The movement's political program is limited to the demand for an independent state with exiled leader Hasan di Tiro as its monarch. GAM supporters have destroyed state facilities such as schools and courts and intimidated local government officials, but offer little in the way of alternatives. GAM did begin to construct an alternative government at the village level in parts of Aceh, including civilian officials, police and courts, though some of these arrangements may have been suppressed by the military offensive. In practice, GAM emphasises a narrowly military view of its struggle, and its raids have brought harsh military and police punishment down on civilians.

The behaviour of some GAM members has antagonised civilians. The guerrillas commonly use assassination, or threats of assassination, to ensure the silence of Acehnese who oppose them. There are numerous complaints of robberies and extortion by members acting to enrich themselves. GAM and its supporters insist that such crimes are the work of common criminals or military provocateurs, and these elements may account for some of the crimes. However, there are credible reports of bona-fide GAM members behaving in the same way. One senior local government official maintains that GAM has started to take disciplinary measures against some of its members, though ICG has not confirmed this.²²

The conflict has brought economic hardship to Aceh. Although the number of people being driven from their homes has fallen sharply since the first years, the constant violence has led to abandonment of crops in some areas. Road links to parts of the province are cut from time to time, and basic infrastructure is no longer reliable. A power line along the northern coast was sabotaged twice in early 2002, causing long blackouts across much of Aceh. There is a general sense of uncertainty and fear that makes it harder for the economy to run smoothly. An indication of widespread need is that when a government office in Pidie district advertised to fill 150 vacancies, several thousand applicants turned up.²³

It would go too far to say, on available evidence, that the military offensive and GAM's miscalculation

²¹ ICG interview. This is a play on words, as “Merdeka” also means independence.

²² ICG interview with Tarmizi Karim, the Bupati of North Aceh.

²³ *Serambi*, 26 November 2001.

have swung the balance of Acehese opinion away from independence and back towards Indonesia. The prevailing mood seems to be one of apathy, fear and a dispiriting sense that whatever their political views, civilians are stuck in a relentless war over whose course they have no influence.

IV. MASS VIOLENCE IN CENTRAL ACEH

Last year saw an outbreak of mass violence in the remote, mountainous district of Central Aceh which claimed as many as 400 lives in a few months.²⁴ This outbreak is notable because it took place in a region where there had previously been relatively little violence. It was also unusual in that it involved civilian militias using home-made weapons and targeting whole communities.

Central Aceh is inhabited by three groups: ethnic Acehese, who form the majority in Aceh as a whole and live mainly on the coastal lowlands, ethnic Gayo from Central Aceh itself and ethnic Javanese, who have settled in the district since the early 1900s to work on its coffee plantations. Relations between these groups were said to be generally good, with frequent intermarriages.

After Soeharto's fall, the re-emerging GAM spread its influence in Central Aceh by a blend of persuasion, intimidation and bribery. During the same period, some local politicians began agitating for central, southern and eastern Aceh, which are inhabited mainly by ethnic minorities, to become a new province separate from Aceh.²⁵ This demand is part of a wider trend across Indonesia for local elites to demand the status of province. There are unconfirmed reports that these politicians asked Jakarta for arms, presumably to protect their position against GAM.²⁶

By the end of 2000, two simultaneous developments had made Central Aceh much more volatile. GAM had built support among poor and marginalised Acehese and Gayo, and had fanned anti-Javanese sentiment. Some local officials and politicians are also said to have aided GAM, either out of sympathy or fear. A militia or self-defence force had emerged to guard communities under threat from GAM, its members mostly Javanese. Sources sympathetic to independence link this militia to the ambitions of the

²⁴ Large-scale violence began in March and peaked in June and July, falling off at the end of 2001.

²⁵ The names suggested for this province include Galaksi, an acronym of the various ethnic groups in this part of Aceh, and Leuser Antara.

²⁶ The source for this claim is a report on the Central Aceh violence by the Centre for an Aceh Referendum (SIRA), a group seeking a referendum on independence. SIRA downplays the role of GAM in the violence and therefore cannot be considered an objective source, though some of its other assertions seem plausible.

local politicians seeking their own province.²⁷ The date of the militia's emergence are unclear: rumours started to circulate in late 2000, though the local military commander implies that it was formed later.²⁸

The militia consisted of village men armed with sharp weapons and later home-made guns firing military-issue bullets. The bullets were provided by the military and police, though it is not clear whether as a policy or for personal enrichment. The role of the security forces in creating this militia is unclear. At the least, they gave moral support and some basic training. The militia's function appears to have been defence of villages (which later expanded into reprisal raids) and support for the military and police, whose forces in Central Aceh were relatively small.²⁹ Some militiamen accompanied military patrols as guides and informers.

The army also gave uniforms and modern weapons to some of the local men who served as guides or informers, though it is not clear if they were part of the militias or a distinct group. The use of armed informers by the military has been common in many parts of Aceh since the early 1990s: these men, particularly hated by GAM, are usually known by the derogatory term "*cuak*" (collaborator). GAM argues that the militia resemble those formed in East Timor by the military in 1998-99 and are intended to foment communal conflict. The evidence is unclear on this. The orientation of the Central Aceh militias appears to have been local and at least partly defensive.

In early 2001, sporadic GAM harassment of ethnic Javanese began to escalate. There were raids by GAM guerrillas and local sympathisers on Javanese communities in which people were killed, houses looted and burned. One source says GAM told its supporters, who included Acehnese and Gayo (and reportedly a few Javanese) that they could take the lands if the Javanese were forced out. The small military garrison in Central Aceh took little action other than ferrying people back to their villages after they had fled. It is possible that, outnumbered, they were afraid to intervene. In one case, local

Javanese reportedly fought off an attack by GAM unaided, with deaths on both sides.³⁰

On 6 June, GAM attacked a small military post in northern Central Aceh, killing two soldiers and forcing the rest to flee. A week later came the belated military response: elite Kostrad and Kopassus soldiers were sent to Central Aceh to restore government control. Before this point, most of the violence seems to have been inflicted by GAM. Afterwards, the military and the Javanese militia meted out the same brutal treatment to ethnic Acehnese and some of the Gayo, including civilians. The military did not act as an impartial law enforcement force but as the avenger of the Javanese. As a result, many ethnic Acehnese have left the district and moved to the coast. The violence claimed nearly 400 lives, according to the local government, and destroyed more than a thousand houses.³¹ It is not clear from evidence available to ICG which side caused the most deaths, but both were involved in atrocities.

The violence continued sporadically for several months, and the militia were still active at the end of 2001. In late January or early February 2002, the military and police told the militia to hand in their weapons. The reasons are not clear but armed civilians are apparently now seen as a problem. The issue is sensitive for the security forces. One police officer interviewed by ICG fiercely denied there was a "militia" (*milisi*) armed by the security forces, though ICG had not in fact used this word in the interview.³²

There is still sporadic violence in Central Aceh. At the end of January 2002, a married couple was reportedly murdered and seven others kidnapped by armed men, and in February several hundred people fled from different parts of the district, trekking to the coastal plain to seek refuge. Guerrillas are active in remote areas, and local people remain reluctant to go to the coffee plantations to work.³³ People are still

²⁷ The sources for this are SIRA and local.

²⁸ Colonel Rochana Hardyanto told *Tempo* magazine the militia was formed "at the start of Operasi Cinta Meunasah", a crackdown on GAM that began in mid-2001. *Tempo*, 10-16 July 2001.

²⁹ According to Tagore, a deputy chairman of the district legislature, there were about 500 soldiers and police to guard an area of half a million hectares, with 300 villages.

³⁰ ICG heard two reports of this incident, one drawing on accounts of villagers and the other from Tagore, who is sympathetic to the militias.

³¹ Local government officials told ICG they recorded 391 violent deaths between January and December 2001. The peak of the violence was in June and July.

³² Three sources in Central Aceh told ICG of this decision: one source was critical of the security forces, the second was Tagore (see below), who is sympathetic, and the third was critical of both sides.

³³ Tagore, the deputy speaker of the local legislature, estimated to ICG that there were about 200 guerrillas in

fearful and reluctant to talk to outsiders about what happened last year, though a reinforced military and police presence has made the roads more secure. This is a vital consideration, for only one tarmac road connects Central Aceh with the outside world, and its closure during the violence had blocked supplies.

Central Aceh is not the first place in Aceh where militias have been created with military support. This also took place during the early 1990s. GAM claims there are militias in East Aceh, another area with a large Javanese settler population, though there is no independent confirmation. Major-General I. Gde Purnama, then the senior military commander in northern Sumatra, was reported as saying in January 2002 that there were civilian security forces in Southeast Aceh and Singkil, two districts inhabited mainly by ethnic minorities, as well as Central Aceh.³⁴ Unlike East Timor in 1999, there is little evidence so far that the security forces are arming civilians in a large-scale and systematic way.

V. THE POLICY CONTEXT

Indonesia's policy has two elements that are often conflicting. The first is the military offensive. The second is an effort to reach a negotiated solution with GAM, based on limited self-government for Aceh within Indonesia. This dual approach began during the presidency of Abdurrahman Wahid but the emphasis on force became stronger towards the end of his term as his power weakened and has increased under President Megawati Soekarnoputri, though the stop-start dialogue with GAM has continued.

In theory, these aims are part of a broader strategy that combines efforts to put down the armed rebellion with an attempt to deal with the root causes of the conflict by granting Aceh more autonomy and involving its people, including GAM, in a wider dialogue. In practice, these two aims are supported by people with quite different views of the conflict, and the military influences remains dominant.

Foreign Minister Hasan Wirajuda, an advocate of dialogue who mediated in the southern Philippines conflict in the mid-1990s, reportedly said: "We should learn from the Philippines, namely that the military option is not the only way ... for dealing with the separatist movement".³⁵ This position is thought by some observers to be supported by the Co-ordinating Minister for Politics and Security, Susilo Bambang Yudhoyono, though his public position on Aceh is ambiguous. A former general and an ambitious politician, Yudhoyono combines calls for dialogue with bellicose statements against GAM which may be intended in part to preserve his credibility with the military. Yudhoyono has said he has come under pressure to drop negotiations altogether and solve the conflict by force.³⁶

Many military officers believe the war against GAM can be won if the soldiers are given a free hand. Some seem uneasy about talking to GAM at all. The most publicly assertive is General Ryamizard Ryacudu, who commands the army's elite Kostrad unit. He has complained that civilian politicians lack the will to deal with GAM and even has reportedly said, "We have enough GAM here (in Aceh). We don't need GAM in Jakarta".³⁷

Central Aceh, of whom ten had been trained in Libya. He said this estimate was based on information from villagers.

³⁴ *Jakarta Post*, 22 January 2002.

³⁵ *Ibid*, 8 January 2002.

³⁶ *Koran Tempo*, 25 January 2002.

³⁷ *Jakarta Post*, 22 December 2002.

The military has consolidated its presence by recreating a provincial command, known as a Kodam, which was abolished in Aceh in the 1980s. Previously, troops in Aceh were commanded from Medan in neighbouring North Sumatra. The new Kodam caused controversy and led to protests by students and some NGOs and political analysts in Jakarta, who saw it as an attempt by the military to make its presence more permanent. These groups consider the new Kodam a step back from the reformist goal of dissolving the Territorial System, a nation-wide network of military posts that reaches from the provincial to the village level and was used in the past for political control.³⁸

The provincial government supports the Kodam, possibly because it hopes that having the military command close at hand in Banda Aceh will give it more influence over the military. The impact of the Kodam's creation on military strategy in Aceh is unclear. Its timing is suggestive however, for it came shortly after the start of special autonomy. It may be that the military hopes to establish its influence as Aceh is set to gain wider political powers and a much greater share of revenue from its natural resources.

The government has long been criticised for not co-ordinating its various representatives in Aceh. Acehnese legislators in the national parliament came up with the idea of a National Commission on Aceh, to draw together the strands of government policy. A version of this, the "Aceh Desk", was incorporated into a presidential instruction issued by Megawati on 11 October, 2001, but the concept did not resurface for another three months, when it was announced that the Aceh desk would be headed by the Minister of Religion, who has relatively little authority within the cabinet. However, the latest presidential instruction of February 2002 puts Yudhoyono, a more senior figure, in charge.³⁹ He is said to be recruiting five Acehnese advisers from academia, civil service, human rights and business backgrounds. This is positive, providing the team can make its views heard by other officials and the military.

More coordination is needed because Indonesia's Aceh policy is often at odds with itself. The most striking example was in July 2001, when police arrested the six men representing GAM at the ongoing (but now defunct) negotiations on security and humanitarian issues that are facilitated in Banda Aceh by the Swiss-based Centre for Humanitarian Dialogue.⁴⁰ The police accused them of abusing their status as negotiators. One was released after 24 hours and four more at the end of August, on condition that they report regularly to the police. The charges have not been dropped, and the sixth remains on trial in Jakarta for falsifying documents. GAM condemned the arrests and kidnapped nine civilians (later released) as leverage.

These arrests impacted on the vexed question of how and where Indonesia and GAM should negotiate. GAM insisted in September 2001 that all talks should take place abroad, with international mediation, because it no longer trusted Jakarta. At the same time and periodically since, Jakarta has tried to delegate its role in the negotiations to the provincial government. Jakarta would prefer to localise the talks within Aceh so that the conflict can be kept a domestic issue. Conversely, GAM wants to internationalise the conflict in the hope of bringing foreign pressure to bear on Indonesia and increasing the chance of eventual independence.

The provincial government announced in November 2001 that it could not host talks because GAM would only deal with the central government. Jakarta then agreed that talks would again take place overseas. Confusion continued, however. In January 2002, Interior Minister Hari Sabarno was still saying GAM should talk to the provincial government, not Jakarta, though Foreign Minister Wirajuda was at that moment arranging another round of talks between Jakarta and GAM overseas.⁴¹ Even in the wake of the Geneva talks in February (see below), the government was still suggesting the talks could be moved to Aceh if they failed to produce results.⁴²

Sabarno's statement had unexpected consequences. Aceh's governor, Abdullah Puteh, revived his attempts to start a local dialogue with GAM. He

³⁸ Previous ICG reporting has examined the Territorial System and recommended that it be phased out. See ICG Asia Report No. 24, *Indonesia: Next Steps in Military Reform*, 11 October 2001.

³⁹ Presidential Instructions (Inpres) No. 7/2001 of 11 October 2001 and No 1/2002 of 11 February 2002. These documents lay out policies for each department and provide legal authority for them.

⁴⁰ The Centre for Humanitarian Dialogue is an independent organisation acting as a facilitator in the conflict. It was formerly known as the Henri Dunant Centre and is commonly referred to in Indonesia by the initials HDC. For more information see www.hdcentre.org.

⁴¹ Tempo Interactive, 5 January 2002; *Kompas*, 7 January 2002

⁴² Bambang Yudhoyono, quoted in *Jakarta Post*, 7 March 2002

announced on 19 January 2002 that he would invite GAM military commander Abdullah Syafi'ie, to a dialogue on peace. This was rejected by GAM, which insisted that only its political leadership in Sweden was empowered to negotiate with Indonesia. As noted earlier, Syafi'ie was killed by troops three days later, and GAM blamed Puteh for tricking him. There is no evidence the Indonesian military sent troops against Syafi'ie to torpedo negotiations, though this has happened in the past.⁴³ His death sparked a debate within GAM about whether to continue talks or not. GAM officials in Aceh and Sweden were quoted as saying variously that the talks could not go ahead, that they should be delayed, and that dialogue was still possible. In the event, a new round of talks did happen in Geneva.

VI. THE GENEVA TALKS

GAM and Indonesian representatives met in Geneva on 2-3 February 2002 and emerged with an agreement that offers a possibility of progress towards an eventual peace settlement. It follows on from earlier agreements that failed amid mutual recrimination. It states that both sides respect the desire of the people of Aceh to govern themselves peacefully and agree to use the special autonomy law for Aceh, passed in July 2001, as a starting point for talks. The two sides also regret the loss of life and accept that all parties should respect human rights. There are the following steps for building confidence:

- ❑ hostilities should stop, and all violence cease, during 2002;
- ❑ an "all-inclusive and transparent" dialogue should take place in 2002 and 2003; and,
- ❑ there should be free and fair elections for the government of Aceh in May 2004.

The two sides also agreed to meet again in 30 to 45 days (e.g., in March 2002) to discuss concrete steps towards ending hostilities and to meet thirty days later to look at ways of creating a dialogue that includes other Acehnese groups.

The agreement reflects small signs of flexibility on both sides. Indonesia has hitherto insisted that the only basis for a settlement is the special autonomy law, which gives Aceh greater self-government within the Indonesian republic. GAM has hitherto shown little interest in special autonomy, but its representatives have now agreed to "neither accept nor reject" it. The gap remains huge. For example, one GAM representative in Aceh told ICG GAM would take part in local elections but if it won, Indonesia should give up its sovereignty over Aceh. Nonetheless, some observers detect willingness among some GAM leaders to look again at special autonomy. At the same time, Indonesia's negotiators no longer demand that GAM give up its call for independence.

The problem is that the negotiators are meeting abroad, far from the sources of the conflict, and do not necessarily speak for their constituencies. The Indonesian military is unhappy about negotiating with GAM at all, and it is not clear whether the latter's exiled leaders have full authority over all GAM guerrillas. There is risk that, as has happened

⁴³ In early 2000, an emissary of then-president Wahid held a groundbreaking meeting with Syafi'ie at a village in Aceh. Hours later, troops burst into the village in a vain attempt to catch Syafi'ie.

before, an agreement on paper may be undermined by one or both the armed parties in the field.

There are two promising aspects of the recent talks. One is involvement of three foreign “wise men”. This is intended to give credibility and put pressure on both sides to compromise, without formally involving a foreign government or organisation like the United Nations. Indonesia objects to formal international involvement on grounds of national sovereignty. The three are Budimir Loncar and Surin Pitsuran, former foreign ministers of Yugoslavia and Thailand respectively and, most significantly, the United States’ Middle East envoy Anthony Zinni. Loncar is a former ambassador to Indonesia and knows President Megawati. Indonesia agreed to the Wise Men after sustained pressure from the United States, but only on the understanding that they would be presented as advisers to the Centre for Humanitarian Dialogue (HDC).

The United States has encouraged the negotiations for some time, providing funds for parts of the process, and has also given some technical assistance for implementation of the special autonomy law in Aceh. This reflects the U.S. position that the conflict should be solved peacefully but Aceh should remain part of Indonesia. The ambassador to Indonesia, Ralph Boyce, went a step further after the Geneva talks by offering U.S. help as a facilitator in the negotiations, if needed. GAM welcomed this, though the Indonesian government was warier, in line with its concern about involvement of foreign parties.⁴⁴

The other interesting development is that civil society groups in Aceh had some indirect influence on the Geneva talks. A meeting of concerned organisations in Washington in late 2001 led to creation of the Aceh Civil Society Taskforce, which is headed by a local religious leader and aims to become an umbrella organisation for the many civil society groups in Aceh. Such groups need to play a wider role in the talks because GAM does not speak for all Acehnese. However, most observers believe that GAM cannot be excluded from peace negotiations.

GAM agreed with the Indonesian government in January 2001 and again in February 2002 to a wider dialogue on peace, but GAM members in Aceh seem to regard themselves as the only legitimate

voice of the Acehnese and have used violence and intimidation against groups that do not support them. At the same time, the security forces tend to treat civil society groups that criticise too openly as subversive. The result, some activists feel, has been a narrowing of negotiations to the single question of independence versus Indonesian rule, excluding wider social and humanitarian concerns.

⁴⁴ “Aceh rebels, Indonesia ponder US peace role”, Reuters, 13 February 2002.

VII. SPECIAL AUTONOMY

The special autonomy law, passed in July 2001, is an attempt by the Indonesian government to reduce support for independence in Aceh. It gives the province limited self-government and a larger share of the income from its natural resources, notably a 70 per cent share of net state revenues from its natural gas. The law also gives Aceh the right to create symbols of autonomous government.⁴⁵ Unlike other provinces, Aceh will be able to elect its own governor directly. According to the law, the governor must be “loyal to the Republic of Indonesia” and never have become citizen of a foreign country. This provision is clearly intended to exclude GAM leaders, though it could presumably be revised in a peace deal. Aceh will also have the right to set up local courts based on Islamic Sharia. The law stipulates that 30 per cent of natural resource income must be spent on education in Aceh.

The law contains few details on how these rights will be implemented, and one experienced observer noted to ICG that it contains few new powers for the province.⁴⁶ It says, and Acehese legislators assert, that the law is to be fleshed out in the provincial parliament by local regulations known as *qanun*. There is a view in Jakarta, however, that the central government must issue guidelines, 24 of which are now being prepared.⁴⁷

This question of the relative powers of central and provincial government under a broadly-defined, sometimes ambiguous, law could be thorny. There is a risk that bureaucrats and politicians in Jakarta, who tend to a very centralistic view, will try either to bend the law to their own concept or even, at some future point, to revise it.

The natural gas income is perhaps the single most tangible aspect of autonomy, because Jakarta’s appropriation of this money during the Soeharto era became a major grievance. It is not yet clear, however, how much extra money the province will get. When the law was passed, this was estimated at 2.8 trillion rupiah (U.S.\$280 million) but according to one Acehese legislator, the central government

is now talking about 1.9 trillion rupiah (U.S.\$190 million).⁴⁸ This latter figure is consistent with estimates by an official in the Department of Energy and Mineral Resources in September 2001, quoted in the local press.

The law allows for the appointment of an independent auditor if there is dispute over the amount owed to Aceh, but only if the central government and the province agree. Acehese legislators had been pushing for the money to be paid directly to the province, but this was not in the final law.

Acehese legislators appear positive about the law, although they lost a number of battles during the drafting, and Jakarta will retain its influence over key points of autonomy. The size and timing of gas revenue payments will be determined by Jakarta, raising the possibility that money might at some point be withheld. The Islamic court system will not replace the national courts in Aceh or be free-standing: there will be a right of final appeal to the Supreme Court in Jakarta. Aceh has no veto rights over the use of troops in the province. As one legislator says: “To put it in simple language, you can say that the head has been released but the tail is still being held by the central government”.⁴⁹

The provincial legislature has been slow in passing the *qanun* needed for implementation. One local legislator complains that the provincial government submitted the first 22 *qanun* to the legislature in August 2001 but as of early February 2002, only four had been passed. Two cover development plans, one a strategic plan for the province, and the fourth regulates the division of public funds between the province and its constituent districts.⁵⁰ One reason for the delay is a power struggle between the chairman of the legislature and a group of legislators trying to oust him. Another possible explanation is that local politicians, used to the centralised system of Soeharto’s Indonesia, lack the experience and the self-confidence to take rapid decisions.

The special autonomy law is unlike the regional autonomy laws which have been in force throughout Indonesia since 2001 in that it gives the predominant role to the provincial government rather than to the districts of the province. An example is the stipulation that 30 per cent of natural resource revenues be reserved for education, for this money

⁴⁵ The law refers to *Wali Nanggroe and Tuha Nanggroe*. The former is to be a head of state with symbolic rather than political power. The latter term is not explained but *tuha* in Aceh refers to a meeting of elders.

⁴⁶ ICG discussion.

⁴⁷ *Jakarta Post*, 15 January 2002, quoting Interior Minister Hari Sabarno.

⁴⁸ ICG interview with Syaiful Achmad, a national parliament member, 6 September 2001

⁴⁹ Legislator Ghazali Abbas Adan, quoted by *Kompas* online service on 9 December 2001

⁵⁰ *Waspada*, 7 February 2002

will be controlled by the province, not the districts. The division of natural resource revenues may also give a relatively larger share to the province than to the districts.⁵¹

Unless the local parliament can become a real check, in the public interest, on the provincial executive power could be consolidated in the hands of a narrow regional elite. A welcome counterbalance would be the rights, granted by the law, to hold local elections for governor and district heads. The former right cannot be applied for five years, however.

The process of preparing the *qanun* has been confined largely to Banda Aceh, the provincial capital, with little consultation with other districts. There have been complaints that the drafting is being carried out by civil servants without public consultation.⁵² Although there has been public debate on some *qanun*, it remains to be seen whether the final versions will reflect the wider public interest.

The local elite in North Aceh, the district which produces the natural gas, has complained that too small a share of the revenue will come back to its budget. This complaint has led to mutterings about breaking away from Aceh and forming a new province but these do not appear serious at the moment. As noted earlier, politicians from central and southern Aceh have also demanded the creation of a new province, complaining that the provincial government in far-off Banda Aceh puts its own interests above theirs. Such demands lack the support from Jakarta they would need to succeed. They do point out the risk, however, that an overly centralised provincial government will upset the districts in such a way as to exacerbate political tensions

The picture of local government is becoming more complicated in Aceh with the creation of five new districts to add to the existing ten. These five were due to be approved by the national parliament on 11 March 2002.⁵³ Their impact is not yet clear though, as elsewhere in Indonesia, there is a risk that competition for new posts may foment local rivalries and even conflict.

VIII. ISLAMIC SHARIA IN ACEH

The special autonomy law allows Aceh to base its local laws on the Sharia, the corpus of religious and legal precepts that defines the obligations of Muslims.⁵⁴ This has attracted attention in Indonesia and abroad, partly because non-Muslims and secularists tend to equate calls for Sharia-based law with religious fanaticism, a view that upsets Acehnese. As noted in an earlier ICG report, Sharia is generally seen in Aceh as having nothing to do with the conflict. Some activists claim the issue was contrived by Jakarta to make the Acehnese appear fanatical to the outside world.⁵⁵ However, the provision has support of religious scholars who have seen their influence eroded in recent years and of some government officials.

The power to implement Sharia-based law was granted to Aceh by the Habibie government in 1999 but had little lasting impact on daily life. The autonomy law strengthens this power by giving Aceh the right to set up Sharia courts, though the ultimate right of appeal lies with the Supreme Court in Jakarta. According to a senior court official in Aceh, the Sharia courts will be created from the existing religious courts (which handle matters such as divorce and inheritance) and will deal with civil and criminal cases for Muslims, leaving the national courts to deal with non-Muslims.⁵⁶

The details of implementing Sharia are still being discussed, until now mostly outside the provincial parliament, though a *qanun* is being prepared. A Sharia department has been created in the provincial government, and there is talk of recruiting a 2,500-strong "religious police" from among religious students to enforce Islamic morals such as a ban on extra-marital affairs.⁵⁷ The national police in Aceh said they would start enforcing Islamic dress codes for men and women from 15 March 2002, even though it is not clear what constitutes acceptable Islamic dress. There is concern from NGOs and women's activists that this will lead to more harassment of civilians by the police.⁵⁸

⁵¹ An early draft version of the *qanun* on dividing up public funds envisaged that of the 70 per cent of state income that should accrue to Aceh from natural gas, nearly 50 per cent would go to the province and the rest to the districts. ICG has not seen the final draft of this regulation.

⁵² USAID Office of Transition Initiatives, Indonesia Field Report November 2001.

⁵³ *Serambi Indonesia*, 11 March 2002.

⁵⁴ In Indonesia the term is spelt "syariah". This report follows the accepted English spelling.

⁵⁵ See ICG Asia Report, *Aceh: Can Autonomy Stem the Conflict?*, op. cit..

⁵⁶ *Serambi Indonesia*, 20 December 2001.

⁵⁷ *Jakarta Post*, 6 March 2002.

⁵⁸ "Aceh to Enforce Islamic Dress Code in Towns", *Straits Times*, 5 March 2002. There is a provincial regulation from 1999 setting standards of Islamic dress that has not been systematically enforced.

There is likely to be prolonged debate on some of the more controversial aspects of Sharia. There are, for example, widely differing views in Aceh on whether the hands of thieves should be cut off, ranging from people who think they should, to those who want this punishment used as a last resort, to those who think it should be interpreted metaphorically.

Sharia is welcomed by religious scholars, notably the modernist scholars associated with the IAIN Ar-Raniry, a state-funded religious college. Graduates of this college dominate the 27-member Majelis Permusyawaratan Ulama (Scholars' Consultative Council), the highest religious body in Aceh, and hope to use Sharia to spread their views of Islam among the traditional-minded scholars and students who influence religious life in the villages. It seems likely that the local government will use Sharia to channel patronage to scholars to gain their support. The security forces may also champion implementation in the hope of winning sympathy from a sceptical public.

There are few signs in Aceh of the religious militancy that characterises groups like Laskar Jihad, which has fought against Christians in eastern Indonesia. When that group sent members to Aceh in February 2002, both GAM and the military made clear that its sectarian message would not be welcome. There could, however, be a repeat of the "Sharia fever" of 1999, when vigilantes forced men and women to adopt what they saw as appropriate dress and shaved the heads of women accused of being prostitutes. This kind of behaviour is not necessarily condoned by the religious establishment.

Sharia in Aceh will do little to regain public confidence for the state unless it is applied to senior officials and the security forces as well as ordinary citizens. This is probably the biggest obstacle, from a Muslim perspective, to success of Sharia in Aceh. Like the rest of Indonesia, the civil service and local legislature are permeated by corruption and other abuses of power. Some of the illicit businesses most disliked by devout Muslims, such as gambling, prostitution and drugs, are widely thought to be run by the military and the police. In this context, Sharia-based law may have less of an impact than its supporters hope.

IX. CONCLUSION

Although Indonesian forces have made some headway in their war against GAM, there is little reason to believe the guerrillas can be decisively defeated without inflicting the kind of damage on civilian lives and property that would make renewed rebellion more likely. At the same time, GAM is far from forcing a government withdrawal. Without a negotiated peace, the war could continue for some time without clearcut victory for either side.

The Geneva agreement is a tentative step forward and may eventually lead to a negotiated settlement, though there is a high risk that it will, like previous agreements, be undermined by the actions on the ground of the military and/or the guerrillas. It is positive that the two sides are talking again after a hiatus of several months but it is too early to say whether the negotiations have much chance in the short term given that both GAM and the government (especially the military) draw domestic legitimacy from a refusal to compromise on independence.

As noted in an earlier ICG report, any solution based on autonomy for Aceh within Indonesia will depend on the state bureaucracy behaving in a more transparent and accountable way, and on the military and police being willing and able to control abuses by their members. These conditions are unlikely to be met without wider governance and military reforms in Indonesia. The international community should be aware that efforts to forge a peace settlement in Aceh and to encourage the gradual reform of the Indonesian state are interlinked and may be mutually reinforcing. These international efforts need to be patient and persistent.

Since neither side will easily abandon its claims to sovereignty over Aceh, the ultimate status of the province should be pushed into the farther future rather than made the focus of negotiations. A ceasefire is needed so that peace talks can make progress and Acehnese civilians can get back a desperately-needed sense of normality and freedom from fear. No ceasefire will work without credible monitors, but the failure of the "humanitarian pause" in 2000 suggests these monitors need to be backed by strong and consistent international pressure on both Indonesia and GAM. Military leaders on both sides will need to be convinced of the benefits of peace, so that they keep their subordinates under control.

Indonesia is likely to reject any formal international presence in Aceh on grounds of sovereignty. If the

international community is not prepared to compel Indonesia to accept such a presence, creative thinking will be needed to create some sort of cease-fire-monitoring system which is international *de facto* but not *de jure*. The “wise men” who took part in the Geneva talks offer an example in this direction. The Indonesian military fears GAM will use any cease-fire to build up its forces for renewed war. This fear must be addressed in any monitoring arrangements.

GAM will be reluctant to lay down its weapons because they are its strongest claim to being taken seriously by Jakarta. The government needs to offer GAM incentives for peace. These could include a wider role in an autonomous Aceh, won via local elections, and jobs or resettlement programs for members who disarm. Such measures will not in themselves lead those Acehnese who now support independence to accept autonomy. They may, however, soften attitudes so that the conflict becomes less military and more political. Local elections will be important to this process. The government is unlikely to allow a pro-independence party to run, and independence supporters are unlikely to take part if they must swear allegiance to Indonesia, so pragmatism will be needed.

At the same time, GAM does not speak for all Acehnese. Civil society groups should be given a wider role in the negotiations, not to replace GAM but to ensure that all views are represented. Acehnese civil society groups receive small amounts of foreign aid. This support could be increased, though it must be carefully monitored to reduce concerns about corruption.

The international community should not accept excuses from either Indonesia or GAM about human rights abuses. Indonesia has taken cautious steps towards improving the behaviour of its soldiers, but not nearly enough to deter future abuses, while past atrocities (including mass murder) remain almost unpunished. Human rights guidelines for troops are welcome but are unlikely to work unless soldiers who break them are punished, and seen to be punished. The same applies even more to Brimob police units.

Human rights cases awaiting trial should be prosecuted quickly and transparently. There is also need for full and independent investigation of the Bumi Flora massacre and of the violence in Central

Aceh, looking in the latter case at the roles of GAM, the military and local militias. If communities are threatened by GAM, it is better that they be protected by the security forces acting in a professional and impartial way than by civilian militias.

GAM also has a responsibility to prevent human rights abuses by its armed men. Provocateurs and criminals may be responsible for some crimes attributed to GAM, but that does not absolve the leadership from responsibility for its members' actions. Violence against civilians, especially the targeting of ethnic Javanese, should stop.

The special autonomy law for Aceh is still in early stages of implementation. If successful, it could reduce some of the hostility towards Indonesia that animates the independence movement. The provincial government will need to find the courage to start implementing the law on the ground, notably in beginning economic development projects that create jobs, even while there is still a threat of GAM attack. Corruption is as rife in Aceh as elsewhere in Indonesia, and there is a risk that provincial officials will bend special autonomy to serve their private interests. This will do little to win over a sceptical public and, at worst, could negate the positive effects of special autonomy. Unfortunately there are no easy answers to this other than to encourage the growth of civil society as a check.

It is unlikely that laws based on the Islamic Sharia will have much impact on the conflict. A Sharia-based system may well have some effects welcomed by devout Muslims, such as more funds for Islamic education, but as a legal system it is likely to run into the same obstacles as the secular law, namely corruption in the courts and the de-facto impunity of senior officials and the security forces. There will probably be public focus on the symbols of religiosity, such as women's clothing and behaviour, and there may be scattered outbreaks of religious vigilantism like those in 1999. Despite this, the militant brand of Islamic radicalism associated with groups like Laskar Jihad is not influential in Aceh. There is no known connection between the conflict and groups involved with the terrorist attacks of 11 September 2001 in the U.S.

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