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Acehnese Refugees in Malaysia -A Current Overview-

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The Acehnese Refugee in Malaysia -A Current Overview-

Abstract

The ongoing military conflict and the state of martial law that existed over the past year in the north Sumatran province of Aceh sparked an ongoing human rights crisis. Despite the recent lifting of martial law and the new classification of “civil emergency” the crisis in Aceh continues. Thousands have been killed, injured, and become IDP’s (Internally Displaced Persons). Countless others have become refugees—forced to flee and seek safety inside Malaysia.

Their plight once inside Malaysian borders continues to be filled with suffering, marginalization, and persecution. The reality of Malaysia Inc. and the developing social structure—based upon Mahathir’s ideals—has left an environment hostile to refugees seeking asylum within Malaysia. Malaysia’s desire to become a formidable world economic power and its attempts to placate its ASEAN neighbors have left the issue of asylum seekers to a struggling, but steadily developing, civil society. Those working with refugees are forced to cope with a government structure that wishes to side-step the issue.

Between September 2003 and January 2004, I conducted a series of interviews with Acehnese refugees and human rights workers regarding the status of these Acehnese refugees in Malaysia. Additionally, outside reports, forums, and news clips were utilized to help provide additional context for this report.

This paper will first provide an introduction to the reality in Aceh and then a summary of the Malaysian government’s position on refugees. Then the bulk of the information gained by interviews will look at why the refugees left Aceh, their life in Malaysia, and their political hopes for the future. The paper will conclude with a brief analysis of the current situation and its broader implications.

The intent of this report is to provide the reader with an overview of the day-to-day reality of an Acehnese refugee living in Malaysia and to place this reality within the context of a broader political and social spectrum.

Introduction

“When GAM and TNI fight—Aceh loose.”

-Acehnese refugee in Kuala Lumpur

****Note:** For the purposes of this report all the identifying traits of name, specific location, and physical features of refugees have been excluded. This is done at the request of the interviewed to protect them from further persecution by both the Indonesian and Malaysian authorities.

The Situation in Aceh

In May 2003, when the Indonesian Government declared martial law in the North Sumatran Province of Aceh, it was only the most recent of political and military actions to befall the already beleaguered territory. Since the 1976 Declaration of Independence of Aceh-Sumatra by Hasan di Tiro, there has followed three-decades of violent conflict that has killed over 12,000 people in the resource-rich province (Marshall, 2003, p. 17). The conflict between the Indonesian Government forces and those of GAM (Gerekan Aceh Merdeka or Free Aceh Movement) has had a devastating impact on civilians.

The primary purpose of this report is not to vindicate or condemn either GAM or the Indonesian Government, but rather to focus on the refugee crisis in Malaysia stimulated by the inability of both sides to come to a peaceable solution. GAM has been accused of human rights abuses and the Indonesian Military has an infamous and well-documented track record throughout the archipelago of grave human rights violations. Clearly, it is the citizens of Aceh, caught between these forces that are suffering the brunt of the hostilities.

The BBC reported in November 2003, according to the Indonesian military and human rights groups, already 300 civilians had been killed since May 19, 2003, the start of martial law. They also stated the military claimed to have killed or captured 2000 GAM rebels (p. 1). It is impossible to know how many of the rebels were actually civilians and to verify any of the numbers given by military sources because of restrictions on independent verification.

A recent report by Human Rights Watch (2003) characterized the situation in Aceh as follows:

Human Rights Watch is...concerned about deteriorating material and economic conditions that could presage (or even reflect) a humanitarian crisis, something that Human Rights Watch and others have been warning about for many months.

Anecdotal information from refugee testimony, sporadic press accounts, and reports from nongovernmental organizations (NGO's) leaking out of the province suggest that thousands of Acehese civilians have been forced to flee their homes to escape the conflict or to seek food and shelter. Residents who remain in their homes are subjected to shortages of food, water, and sanitation, and breakdowns in basic services such as healthcare and education (p. 2).

The report noted the Indonesian military was conducting a campaign of killings, "disappearances", and beatings of civilians.

Of course it is impossible to verify the exact reality on the ground in Aceh because the Indonesian authorities have blocked all NGO's and journalists from entering into the province, other than select areas of Banda Aceh, and reporting on the situation. The same Human Rights Watch (2003) report continued:

In a largely successful attempt to control information, Indonesia has prohibited international human rights organizations and even humanitarian organizations from entering Aceh and international news organizations from moving much beyond the provincial capital, Banda Aceh...Despite the fact that in early June Army Chief of Staff General Ryamizard Ryacudu welcomed any party to observe operations in Aceh, the province remains almost entirely closed to outsiders. The Indonesian government has barred diplomats, independent international observers, and international human rights NGO's from entering Aceh and advised U.N. humanitarian agencies and foreign humanitarian NGO's to leave. Indonesian NGO workers attempting to monitor the situation have been threatened and detained by police (p. 2).

The current situation shows no sign of immediate resolution. Thus, we can expect a continued outflow of refugees from Aceh.

The Malaysian Governments Position

"Migration issues in Malaysia are emotionally charged."

-Stephane Jaquemet, Acting Representative for the UNHCR in Malaysia
Speaking at a Colloquium on Refugee issues held at USM, Penang, January 2004.

The August Arrests

On August 19, 2003, some 300 Acehese were making their way to the UNHCR (United Nations High Commissioner for Refugees) office in Kuala Lumpur to apply for refugee status, and hopefully gain asylum in a friendly nation, when they were confronted with police roadblocks on roads leading to the office. This was the second week of a new

intake policy, initiated by the UNHCR, requiring all of the Acehnese to arrive on one day per week for registration. This made them an easy target for the authorities.

In the end, some 232 Acehnese were arrested and detained in immigration detention centers reserved for illegal migrants pending deportation. Those with refugee papers and who had already secured asylum in a third country were released. Some have subsequently been resettled. Due to the continued heavy police presence the UNHCR was forced to close their doors for a period of time after the mass arrests (Kuppusamy, 2003, p. 1). Many of the arrested refugees chose deportation voluntarily to Aceh, despite the danger there. Others, apparently, had no choice.

The arrests brought the sort of international and domestic attention the Malaysian government loathes. “The whole thing blew-up after the arrests at the UNHCR. There was more attention given. There have always been arrests but before it was on a smaller scale,” noted K. Shan, Coordinator for the Malaysia based Solidarity for Aceh (interviewed 23-01-04, Kuala Lumpur). It remains unknown if the arrests were officially sanctioned to target the Acehnese population.

“There are many stories but we don’t know what caused the government to act. We don’t know if there were any directions from the ministry. We are pretty sure it is police initiated. The procedure is to act—then go report to the ministry—then to immigration. The police are given the power to act under the Immigration Act. From the detentions centers a lot of people went voluntarily back,” continued Shan.

The official stance of the government seems to be to treat all undocumented migrants as illegal immigrants, and to avoid labeling them as refugees at all costs. Then Deputy Prime Minister Abdullah Badawi was quoted in the Malay Mail shortly after the August arrests, “If foreigners are found without valid entry permits, they will be sent back. This is the law of the country (Kuppusamy, 2003, p. 1).”

The problem of classification and treatment of refugees from Aceh is not a recent phenomenon either. A March 28, 1998 UNHCR press release “urged Malaysia to stop deporting Acehnese Indonesians to Indonesia’s island of Sumatra” because, as an UNHCR official explained, “We are very worried, since genuine refugees in need of international protection may well be among those sent back by Malaysia.” At the time of the report the UNHCR was being denied access to the incarcerated refugees making verification of their numbers impossible. The plea by the UNHCR had followed a decision by the Malaysian authorities to deport large numbers of illegal Indonesians. The announcement had sparked riots in detention centers leaving several dead.

The 1951 U.N. Convention on Refugees—“The right not to be forcibly returned...”

At the center of the Acehnese refugee issue is the Malaysian governments refusal to sign the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol that guarantees refugees special protective status. If Malaysia were to sign, they would

need to uphold their responsibility to acknowledge the Acehnese as refugees and not simply classify them as illegal migrants. Article 1 of the 1951 Convention defines a refugee as someone who:

Is outside his or her country of nationality or habitual residence; has a well founded fear of persecution because of his/her race, religion, nationality, membership in a particular social group or political opinion; and is unable or unwilling to avail himself/herself of the protection of that country, or to return there, for fear of persecution (UNHCR, 1999, p. 5).

Additionally, Article 33 guarantees, “The right not to be forcibly returned, or *refouled*, to a country in which the refugee has reason to fear persecution.” Article 31 guarantees, “Exemption from penalties for illegal entry into the territory of a contracting state (UNHCR, 1999, p. 8).” Currently in Malaysia, none of these provisions are followed, though they clearly apply to the Acehnese.

Because Malaysia refuses to sign the 1951 Convention it has the ability to sidestep international pressure on the issue of deportation of the Acehnese. It also allows them to apply existing laws in an ad hoc manner. Laws in place for illegal migrants without a valid entry permit subject them to a possible 10,000 ringgit fine, six strokes of the cane, and a five-year jail sentence (Kuppusamy, 2003, p. 1). Not to mention deportation and the danger it entails. It is important to note there is increasing pressure by both Malaysian and International NGO’s to address this refusal to sign the 1951 Convention.

According to Stephane Jaquemet, the Acting Representative of UNHCR in Malaysia, the Acehnese refugees in Malaysia are in trouble because, “they have no status and the problem in Malaysia is that they have the flexibility as to how they apply the law. If they have legal documentation they are ok. If not, then they are illegal persons and can be arrested under the Immigration Act.”

State Articulations about the Refugee Population: Tensions and Dialectics

The Malaysian governments fear of refugees and of committing to a set policy on refugees is founded on two factors. The first is the fear of an uncontrollable flood of refugees and the possible collapse or damage to the prosperous Malaysian economy. The second is Malaysia’s desire to placate their large and powerful neighbor Indonesia.

The “Refugee Flood”

The first fear is not completely unfounded when one considers the history of the South East Asia and the potential for mass numbers of people fleeing from war torn or politically unfriendly regions. Not to mention the difficulty of differentiating economic

from political refugees as they attempt to gain entry into one of the regions most prosperous economies.

Jaquemet acknowledged it is a legitimate fear for countries like Malaysia to imagine a flood of refugees from countries like Burma, if they were to ratify the 1951 Convention. “ASEAN has a number of countries with conflicts in their territory and many of these have human rights issues. There are four or five countries that don’t have respectable human rights records,” Jacquemet said. If Malaysia were to ratify the 1951 Convention there is a strong possibility it would see citizens from these countries seek asylum in large numbers.

According to the news report by Kuppusamy:

Government officials have often privately said that Malaysia’s refusal to ratify the U.N. convention is partly prompted by fears that refugees from countries like the Philippines, Indonesia, and Vietnam that have perennial refugee problems would swamp the country. A senior government official, who requested anonymity, said Malaysia is a small nation with porous borders in a region with potentially explosive refugee problems. ‘Like the Vietnamese boat people—anybody in the region just has to take a boat and in a matter of hours would reach our shores,’ he said. ‘We don’t want to open floodgates that would overwhelm the nation (2003 p. 2).’

In the days immediately after the declaration of martial law in May 2003 it was reported by Agence France Presse, that then Deputy Prime Minister Abdullah Badawi was already warning about a feared influx of refugees from Aceh due to the conflict. Badawi said, “There’s a big possibility of people fleeing here. We must be ready to tackle the incidence of people from that region flooding our land (Agence France Presse, 2003, p. 1).”

Whether or not the Malaysian government chooses to ratify the 1951 Convention or not, the refugee movement is already taking place. Given the proximity of Aceh to Malaysia, and more broadly, of the density of unmanned border regions throughout the ASEAN region, this refugee flow will no doubt continue. One advantage to signing the 1951 Convention, and officially acknowledging the issue, would be to gain international assistance in more effectively managing the refugee population. The idea is known as burden sharing. Malaysia would be able to obtain financial assistance to this end.

The ASEAN Way—Placating Indonesia

A desire to placate the Indonesian government seems to be a dominant factor behind the Malaysian government’s position. Indeed, in typical ASEAN fashion the Malaysian government has been carefully playing its hand with the Indonesians in regards to Aceh. The same news report in which Badawi cited Malaysia’s fear of a refugee crisis also referred to reassurances Badawi gave to the Indonesian government

that Malaysia considered the Aceh issue to be an internal problem and promised they would not interfere in the matter. The report quoted deputy defense minister Mohamad Shafie Apdal as saying, "I hope it will be resolved amicably and in a very peaceful manner (Agence France Presse, 2003, p.1)."

Part of the political maneuvering for this ASEAN form of diplomacy requires that the Malaysian government avoid any statements or actions that may be considered as critical to the Indonesians. By declaring the Acehnese within the Malaysian borders as refugees one would be placing a value judgement on your neighbors and violating an elemental ASEAN value—that of noninterference. Jaquemet described the situation:

What strikes me with the conversation now is that they don't want to label the Acehnese as refugees or the Burmese as refugees because if they do, then you antagonize your neighbor. If you say that the Acehnese (or Burmese) are refugees bluntly... You may be starting a political war against the Burmese and Indonesian governments. They want to maintain good relationships. If you declare as refugees you are saying your neighbors are wrong. In international law it is considered a friendly act (accepting of refugees) but this is very legalistic and dry. In reality you are making a judgement.

Privately, some in the government acknowledge the plight of the refugees. "Some in the government agree the fate of the Acehnese is tragic and that we have to do something to help our brothers. But this is more their (personal) point of view," said Jaquemet. "It is very difficult to speak on behalf of the Malaysian government. My feeling and the feeling of the Malaysian government is that it is a very emotional issue. And there may be disagreement about what to do."

The key thing for the Malaysian government seems to be to avoid targeting the Acehnese specifically for arrests. To do so would then lend credence to their status as special. Shan explained:

Now they are lumping them as illegal immigrants—(They) don't do anything to establish their identity as refugees—(they) just want to see (the Acehnese) as illegal Indonesians. They have a fear of creating public sympathy for Acehnese. On one side you have to help the Indonesians, but you can't be seen as inhumane. Malaysia will not take a position—it won't say anything about Mindanao or Sri Lanka. They will choose not to discuss it. That is what Malaysia is known for. Indonesia is the best friend. The (Malaysian) government says we don't hear—we don't see anything.

As a direct result of this approach, the UNHCR is left to operate with a void of power that the 1951 convention, if signed, would give them. "The UNHCR does refugee status determination under the U.N. mandate, but it is not binding," said Jaquemet. The negotiations between the UNHCR and the Malaysian government are left to what Paul White, Lawyer and Protection Officer for the UNHCR, classified as "quiet diplomacy... done on-the-quiet and behind the scenes." For their part the Malaysian government is

cooperative in UNHCR effort's to provide third country asylum. "Malaysia will tolerate people until we can move them out of the country," said Jaquemet.

But, as Jaquemet explained, the UNHCR must work to avoid antagonizing either of the governments they are working with. The August arrests were a source of consternation for the Indonesians. "The Indonesians are just a little bit displeased because when we had the August incident we had to go public. This put the issue into the public domain. But lately they are ok." A recent conversation with the Indonesian authorities in Kuala Lumpur was positive, he said. Still, these relationships are in a delicate balance that must constantly be maintained. Jaquemet elaborated:

If the UNHCR had a very radical line and said that Aceh should be recognized and that there were severe human rights issues and breaches of humanitarian law I am sure the Indonesian Government would react. As long as we stay free from reacting to the conflict it is much more acceptable to the Malaysian and Indonesian Government. We try to depoliticize the issue.

Of course, this does not mean that countries outside the region are not free to criticize the dynamics of the conflict. But when they do the same ASEAN paradigm of noninterference still dominates the response. According to a BBC report, in response to a November 2003 joint "statement of concern issued by the United States, Japan, and European Union" a foreign ministry spokesperson for Indonesia said it was "leading to meddling (p. 1)." This type of criticism is much easier for players existing outside of the region to level at a sometimes-sensitive Indonesian government. "It is much easier for a European country to declare Acehnese as refugees versus an ASEAN country," said Jaquemet.

All of this political sidestepping leaves the Acehnese living in Malaysia in a precarious situation. Without legal protection they are subject to the whims of political change as well as to the daily attitudinal shifts of local law enforcement. "At the moment the government is playing it safe until the elections. There is no real security for them. We are still uncertain what will happen. It is up to the political climate," said Shan. The result is the "refugees are extremely vulnerable precisely because they don't have legal status. Lack of legal status makes people particularly vulnerable to all kinds of abuse," said Jaquemet.

Who is a Refugee?—"...virtually all of them are at risk."

For their part the UNHCR is clear about who deserves protection. According to White:

We consider at the moment virtually all refugees that come from North Sumatra to be in need of protection. At this stage—if they are from Aceh—we will give them temporary status. Others (non-Acehnese) are interviewed to determine if they are here because of economic concerns. The Acehnese are outside of this

process because of the situation. Because of the seriousness of the Aceh situation virtually all of them are at risk.

The Refugees

“We are easy to spot. Malaysians don’t walk. If they see you walking they know you are Acehnese (laughter).”

-Acehnese refugee during a group interview in Penang.

Dynamics

As noted earlier, no identifying information will be used to describe the subjects that were interviewed. However, for means of general description, the broad dynamics of the Acehnese interviewed are given here. The interviews were conducted in two areas—Penang and Kuala Lumpur. Two groups were interviewed in the Chow Kit area of Kuala Lumpur, a widely known location for Acehnese. Chow Kit 1 was comprised of approximately 10-15 males and Chow Kit 2 was comprised of 7-12 males. Both groups had approximate age ranges of 20 to 40. Many had arrived since the implementation of May 2003 martial law—some within the week before I spoke to them. Others had been here for a number of years, possibly owing to the fact they were part of a larger urban community.

Two groups were also interviewed in Penang. Penang 1 was located in an urban kampung and consisted of 15 males. Three females were also present, with children, but didn’t participate in the conversation. The vast majority of this group confirmed they had arrived after the declaration of martial law in May 2003. They also estimated only 10 percent of the Acehnese they knew had legal papers.

Penang 2 was located in an apartment building and consisted of between 15-30 males—the number in the room grew as word spread of the interview in progress and more people arrived. Approximate age range for this group was 25-40. Most in this group had arrived in Malaysia between six months and one year previously. One man in the group had only been in Malaysia for two weeks. Overall, this group seemed to have been in Malaysia for a longer period than group Penang 1.

Additionally, three males were interviewed one-on-one. Subject 1 was approximately 25-years-old and had arrived from Sigli, Aceh shortly after the declaration of martial law in May 2003. Subject 2 was approximately 45-years-old and also arrived from Sigli, Aceh soon after the declaration of martial law. Subject 3 was 27-years-old and had arrived in Malaysia in 1992.

It should be noted it is impossible to factually verify much of the information given by the subjects. Due to the nature of the situation on the ground in Aceh it is

impossible to go there and confirm. Here in Malaysia, due to the secretive nature of the refugee's lives, it is also difficult to confirm or deny many of the stories. No doubt also, many of the Acehnese are aware of the importance of telling the story of the Acehnese to the media and academic worlds in a way that stands to further their cause.

However, despite these issues, while conducting this research the consistency of the testimonies gathered about the situation—both in Aceh and here in Malaysia—was both startling and compelling. The information came from varied people—in differing locations—yet still it painted a clear and consistent picture of the daily lives of Acehnese refugees living in Malaysia as well as of the fear and horror that drove them from their homes. Much of the information given has been validated and repeated in numerous news reports and in reports from both local and international NGOs and human rights groups.

Other researchers validate these difficulties. The recent Human Rights Watch (2003) report was also comprised of the testimonies of Acehnese refugees in Malaysia due to the inability of their researchers to enter Aceh. In their introduction they noted similar problems and conditions for their research:

As this report has been prepared from interviews from outside Aceh, it cannot paint a comprehensive picture of the armed conflict. But perhaps the most disturbing fact of our research was the ease with which stories of serious and apparently systematic human rights abuses since the start of martial law were uncovered. All the Acehnese interviewed by Human Rights Watch had a story to tell. Many were victims. Unusually, many were eyewitnesses to the abuse of others—in some cases to killings, in others to beatings (p. 2)."

Why They Left—The Stories

"If you give one cigarette to GAM—they want to kill you."

-Acehnese refugee living in Kuala Lumpur.

Subject 1—"I will only go back with a gun in my back."

Subject 1 arrived in Malaysia shortly after the start of martial law in May 2003. He is tall and lanky with tired eyes. As he talked he looked up to make sure I was taking in the full impact of his words. He chain-smoked clove cigarettes and offered me the best seat in the room. In a subdued manner he told his story.

The former university student from Sigli was arrested along with 9 other students by the TNI in December 2001. All were accused of being members of GAM. He said he was not politically active but had, like thousands of his classmates, participated in the SIRA Aceh referendum gatherings in November 1999.

For the first 10 days of his incarceration his family had no idea where he was. The family eventually learned of his confinement and was terrified he would be killed. A friend listening to the interview explained the fear for the families of those held by Indonesian authorities and accused of being GAM members. “All family just know military kill GAM,” he said.

Many people, he told me, are accused of being GAM and then jailed, beaten, or killed. “The mountain goat eats the corn and the village goat gets the beating,” he said

He was questioned and beaten almost daily over a four-month period. Each time they took him they accused him of being a member of GAM. He was terrified they would kill him. When asked about the beatings he demonstrated how the TNI soldiers struck him about the head. He mimed the flow of blood coming from his ears, eyes, and nose and showed me two four inch scars that ran down the back of his head. The crooked nose he received after soldiers broke it is obvious. Several of his ribs were broken, he said. After four months, his family was able to secure his release by paying 2.5 million rupiah to the soldiers.

Of the original 10 that were arrested two were released after a couple nights. But not all of his friends arrested with him were so lucky. Like him, three others were held, beaten, and interrogated for four months before they were released. Three were sentenced to three years in prison. The soldiers killed the last, he said.

Before he was released the soldiers took his photo and threatened him. When martial law was declared in May 2003 he feared for his life and left Aceh for Malaysia. Now he lives in the Chow Kit area and earns money doing odd jobs. He spends a lot of time on the Internet looking for new information about Aceh and sending it to those he thinks may help.

As we were talking, he was clearly distraught when he showed me photos taken from the Internet allegedly showing TNI soldiers engaged in torture. He shook his head back and forth slowly. When I asked about GAM he said he supports them and would like to return and fight with them. But later, as we were finishing the conversation I asked him when he would go back to Aceh. “I will only go back with a gun in my back,” he replied.

Subject 2—“Who can take care of my family?”

Subject 2 left Aceh two weeks after the May 2003 declaration of martial law. Before we talk he makes sure I have eaten. When I assured him I had, he insisted I have something to drink. While we talked he compulsively smoked clove cigarettes and sipped repeatedly from a cup of dark tea. He is in his mid forties and looks physically wearied. As he spoke, his eyes drooped—glazed—and were prone to tearing up when he

mentioned his family. Still, he was compelled tell his story. “My heart must talk—do you understand?” he said.

“My head is like this all of the time (he made a gesture of a fist squeezing repeatedly at his temple). All the time like this—the heads of Aceh people,” he said. He left Aceh after police began looking for him, or someone with his same name, he is still not sure who they were after. He thinks they were looking for him because he sometimes acted as a mediator between those in his community and the local Indonesian police.

“Sometimes population want to tell police. I tell police for them. But I am not political,” he explained. “I got big problem (in Aceh). Soldiers all around going in and out. I cannot sleep.” I press him on the issue of his political involvement and he repeatedly assured me he was not active. “I am not GAM. I am not political. I support the referendum with the rest of population—along with population.”

His second mistake was to help an old man in the community—giving him a place to stay. After that, he was forced to flee:

Police came one day to my place. ‘Do you know this name—where he now—what his house.’ (They) look for this old man. Police know I am helping. Someone ring up and tell. Old man comes to stay with me. Later police come but I leave before they come. Before police come I out already. I going around there and staying in other places. I tell wife and children to tell soldier I went to Medan or Banda Aceh—you don’t tell I go to Malaysia.

He continued to talk about the TNI presence and the reason for the large number of refugees leaving Aceh:

If Indonesian soldier fight with GAM no problem. But he fights population. This is a problem. Sometimes he must kill population. He says he must kill because GAM. But what GAM? Just population. Before we fight Dutch and British. No one go outside (they didn’t flee Aceh as refugees during those conflicts). Now people fight Indonesia and people go. Why now people go? Before never go out. Dutch not kill so much. They not (makes gesture of slitting the throat and gouging the eyes out). They not cut—take out stomachs. Sometimes (the TNI) cut eyes and take out. Cut stomach, cut body—before with Dutch not like this. 350 years fight Dutch and people (refugees) never leave. Indonesian soldier also Muslim. Aceh also Muslim—why they do this? Sometimes soldier take son. Parents must get money and give. Sometimes 2 million rupiah but mother and father no have money then what can they do? Indonesian soldier then kill.

At this point he became visibly distraught. He rocked slightly as he spoke and his hands shook as he smoked. I asked him if he had witnessed these things:

I have seen many dead people. Sometimes see 10 or 20 people in a line. If you come I can show you this is where this happened—this is where happen. Can

show you many places of military atrocity—army atrocity. Many (Acehnese people) see. But how to talk—cannot talk (he makes a gesture of silence). Then killed—if talk killed. Here I can talk. There I can show you this is where atrocity happen by military. Many, many places.

He had to leave his family, a wife and six children. I asked how he stayed in contact and when he would return to them:

No Contact. The phone lines are cut. Now I don't know about my wife and family because no one come out from my home to tell me (no refugees have arrived from his home with news). So all the time I think how to support my family. Sometimes I have so much thinking for my wife I can cry. Until now, I could not talk about my family—it is too hard.

I don't know what to do with my wife inside Aceh. How to get money to the family? How can I tell you they are safe? I cannot. Five months here and I cannot talk to them. All the time I think how to send money, how to call them. I cannot. Father is in Malaysia and mother is there. What can I do? I am waiting for Aceh. I want to go back. If maybe have one country want to take me (for asylum) I will go. But I have no UN card. If Amnesty want to take me—I cannot go because I have wife and family in Indonesia. If can take all I will go. If me alone I cannot—my family is there. This time impossible to go back to Aceh. If together with UN I go back to Aceh. Me alone it is impossible. It is dangerous—I cannot go.

He concluded the interview by talking about the frustration he and other Acehnese in Kuala Lumpur felt at the international communities inability to help:

How can you help me? Can you go get my family? Many people come and write but how can this writing help me? Can you get my family here? How can this help? Who will give food to my wife? Who can take care of my family?

Subject 3—“I don't want to stay there because everyday police and army come. I am very scared.”

Subject 3 is a 27-year-old male who escaped from Aceh when he was 15. He lives and works in Kuala Lumpur doing a steady job that doesn't require legal documentation. “I have been 12 years here. If I go back to my hometown I think maybe two to three days I will be dead.” He, like the others, left Aceh because of the constant harassment and killings by the Indonesian military. “Everyday, police come with some question. Every time army come—I don't want to live in Aceh. Every time army comes...(he makes gesture of throat being slit). Police Indonesia take everything if they want.”

“Sometimes (in Aceh) you want to eat—then nothing to eat,” he said. He has not returned since he arrived. “I have not gone back. I have one brother killed. He was just normal—was not a guerilla.” But, he told me, one of his brothers did join GAM.

Having grown up during the DOM, the period between 1990 and 1998 in which Aceh was proclaimed a “special military zone” and grave human rights violations occurred at the hands of the Indonesian authorities, his brother saw little choice. “My brother—18 years old—join GAM.” He also has another refugee brother living in Malaysia illegally. His family represented the futility of choices the conflict continually creates for Acehnese families. Two brothers forced to flee Aceh and live illegally in Malaysia, one killed by the TNI, and one who chose to join GAM and fight. He adds, “My mother and father want to come here.”

“Indonesia wants to control Aceh because of resources,” he told me. His 12 years living as a refugee in Malaysia has given him much time to learn about the issues and reflect on what he sees happening in his homeland. His voice is prone to rising, and people at nearby tables turned to listen, as he talked cynically about the political situation in Aceh and Indonesia:

I don’t think after Megawati they can control Indonesia—too big—too many to control. I think if a good person can. But if they have money—they will do what they want. (Under) Suharto have all the power. Can do what want. Give money to who wants. Like Papua. People can’t get what they want. They have money (resources) but can’t get anything. If someone wants to make money they can come to president and make a deal.

I asked him about President Megawati’s accusation the GAM rebels were terrorists:

Anyone can talk like that. Osama Bin Laden—they want to fight people who are not Muslim. We are only fighting for freedom of country. You can talk like that. But don’t know what happen.

He continued to talk about GAM. I asked if he thought they were losing the conflict and if the fighting was slowing down because of it:

Not less fighting because we want Indonesian police and military to leave Aceh. Of course more people are joining GAM. GAM ok. Still want to fight. Today kill 20. They send 1000. One GAM fight 10 army from Indonesia.

When I asked him what he thought needed to happen for the conflict to end he became very serious and said:

We want journalist to know what happened. We want them to come so you can get story to know what happened because under Indonesian control journalist can’t come. If have power (like) U.S. or British can come. If Indonesian journalist come only talk good—don’t tell what happened.

A Perspective, Life in Aceh—"The only thing we see is the fist."

Many of the stories about life in Aceh and why the refugees left were startlingly similar. Mostly male, the common complaint was that if you were between the ages of 15 and 60 you were automatically considered to be GAM or a GAM supporter. Many of those now living in Malaysia grew up during the DOM period in the 90's when Aceh was heavily militarized. A substantial portion had relatives or friends who were harassed, beaten, or killed by the Indonesian forces. Consequently, they have little trust for the promises of the Indonesian government or military. I was told the kampungs are filled with broken homes because so many men have left. The women are forced to have gardens and to raise bananas to feed those left behind.

Some try to escape to other parts of Indonesia, adding to the growing number of IDPs from Aceh. But in places like Medan and Jakarta they are subject to continual suspicion and harassment by authorities. "Some go to Java," one man in Penang told me as he made a gesture with his hand of slitting his throat. "But if you are in Java without paperwork you are dead, all you have left is your name." I asked what he meant and he told me the police will kill you—all that will remain is your memory—and name.

During the group interviews a number of those present told stories about life in Aceh before they left. Though the Acehnese I spoke with were very respectful, they often engaged in joking and playful teasing—until the conversation turned to this subject. Then they would all become serious and listen intently to whoever was sharing their story. What follows are examples of life in Aceh and reasons refugees gave for leaving.

A man in his early twenties from group Penang 1:

The soldiers blindfolded me and tied my hands behind my back. They put a gun in my mouth and told me if I was GAM I was 'mati' (dead). I had to pay 3 million rupiah before they let me go.

Another young man in his late teens from the same group:

The soldiers came and brought me to the police station. They beat me and accused me of being GAM. They threatened to cut off my head. They took me out of the police station and put me in a car. I knew that they were going to kill me. When the car stopped I jumped out and ran. The soldiers shot at me but I ran into the jungle. I went to a village and hid there for one month. Then I came to Penang.

Several members of Penang 1 told me this past December (2003) at a checkpoint 12 miles from Medan, a whole family was killed. Allegedly the husband, wife, and two children were singled out because they had been helping IDPs who were Acehnese and living in Medan.

From group Penang 2:

My sister was stopped at a roadblock in Sigli on her way to Medan on December 29 (2003) and she is still being held. My nephew was shot he was 25.

Another man from the same group:

I am sad because I can't go back to Aceh and I am afraid. I am afraid of who still will be killed. I want merdeka (freedom) for Aceh.

And another:

My uncle was shot. He was 25.

A man in the group Chow Kit 2 told me about two female family members that were shot and killed. A third family member, a 13-year-old child, was shot and went 12 days without medical attention because the family was afraid to bring the child to the hospital. Finally, he reported, an American nurse from an NGO came and administered medical attention. Several refugees told me people were scared to seek medical attention in Aceh because the TNI would accuse them of being GAM or of taking any medicine that was given to them and giving it to GAM.

Subject 3 said it was not the scarcity of goods and medicine that was a problem in Aceh—but the control of them:

If you have money cannot buy—only can buy for one day. Under control police and military cannot buy more than one day. Army thinking if you buy many it is for GAM. That is why they control everything. If want to come to doctor, if something happen—cannot go because soldier control. Because soldiers thinking if you buy medicine it is for GAM. Sometimes Ok and they give medicine and sometimes not.

Another man in group Chow Kit 2 told me he had only been in Malaysia for one week—but it wasn't his first time. He had first come in 1995 but was deported back to Aceh in 1996. He tried to stay there but was forced to leave. "Soldiers think I give cigarettes and food to GAM and so they shoot at me." Many said that with the declaration of martial law in May 2003 it was no longer safe to stay in the kampungs.

"In case after case, soldiers have gone into Acehnese villages and publicly executed or beat people seemingly at random," said Brad Adams, Executive Director of Human Rights Watch Asia division. "If the aim is to instill fear in the people, sadly it's working (Human Rights Watch, 2003 p. 2)."

Soldiers Lists and Identity Cards—“Same name, same die.”

A common fear was that if the soldiers came to their village and had the name of a person they were looking for that everyone in the village who had the same name or a similar name would be treated the same—as the suspected GAM member. As one man told me, “Same name—same die.”

Another common scenario also had to do with the lists of names the soldiers were always making. The soldiers go to a kampung suspected of housing or supporting GAM members and count the number of people. If some of the people from the kampung are out traveling, they are not put on the list the soldiers make. Then they return. If the soldiers then return and find this person who has just returned is not on the list from the first visit, they are shot because they consider them to be GAM.

One of the tactics the Indonesian military forces used after the start of martial law was to introduce a new identification card. It is called the *kad merah putih* (red and white card). All citizens in Aceh had to apply for this card at local military headquarters. Many of the refugees I spoke to did not have the card. One young man told me, “You can’t go back without it (he made a slitting of the throat gesture). If you don’t have it, it is trouble. You are mati (dead).”

Another problem occurs when you go apply for the card and your name is the same as someone who has been blacklisted by the TNI. The same was true if your father or someone else in your family was blacklisted. Several refugees who had left Aceh after the introduction of martial law said they were scared to go and apply for this reason. There were stories about people who had gone and applied for the card but never returned. Some, they said, were killed after applying

Needless to say, most of the refugees interviewed did not have the card. Subject 3 estimated, “Here some people have. Maybe 1000 people, only 50 got. If don’t have they will kill you,” he said. Then he added, sounding disgusted, “(In Aceh) If you pay money you can go anywhere you want. You can buy the military.”

The Culture of Fear: Deportation and Its Consequences—“Aceh mati (die).”

Several people from different groups relied a common story with slightly different details. In the first version, I was told nine people were deported from Malaysia to Sumatra. Once in Sumatra they were killed and decapitated and only the heads were sent back to the kampung. Another version said the refugees were deported to Medan and then taken to the kampung where they then were decapitated—there was disagreement if it was the heads or bodies that later arrived.

And in yet another version Subject 3, the 27-year-old man, told me “Last year people go to UNHCR, police take them and sent to Medan and half killed. Not yet sent to Aceh. For three days they were in Medan and half killed. They cut (he made neck slicing

motion with his hand).” I asked him how many were deported and he estimated 200 were. I asked him how he knew it was true and he said, “Half killing. Others then telling my friend that my friend is dead. That my friend (was) cut.”

Another story had soldiers entering into a kampung and accusing a pregnant woman of storing weapons in her stomach. The soldiers allegedly proceeded to cut her stomach open. She and the child both reportedly died.

Clearly these stories have a fantastical element characteristic of rumor and urban legend. When I relayed them to Jaquemet he said he had not personally heard them—but they sounded somewhat improbable. But, he added, this was the problem at the core of the Aceh conflict—the almost total secrecy in which the Indonesian and GAM forces are operating now. It is impossible to know what is happening and what elements of the refugee’s stories are true. It must also be noted, that stories of decapitation and mutilation by Indonesian military forces are frequent among other news reports and refugee testimonies coming from Aceh. That these sorts of acts occur is frequently reported—it is impossible, because of the sealed conflict, to know to what extent.

Human Rights Watch has also acknowledged this issue. “The almost hermetic seal that Indonesia has placed on Aceh’s villages and mountains raises fears that military forces on both sides believe that, as in the past, they can commit abuses with impunity (2003 p. 3).”

Clearly, whatever the level of truth in the more graphic stories they are most certainly indicative of a culture of fear and uncertainty surrounding the life of the Acehese refugee. Unable to get reliable information about the reality on the ground in Indonesia and Aceh, and not knowing from day to day if they will be arrested and deported from Malaysia, is an ample breeding ground for stories of a very real horror permeating their lives.

Life in Malaysia

“Here we are just illegals. We’re not seen as terrorists.”

-Acehese refugee in Penang.

The Acehese Population—“The largest number of Acehese are here over two to three years.”

“There are 1.5 million people in Malaysia without legal status,” said Jaquemet while discussing refugee issues. The number of Acehese is but a fraction of this number.

The exact number of Acehnese living in Malaysia is impossible to predict. We can, however, assume that with each flair-up of military action in Aceh their numbers increase. Malaysia, Aceh's closest neighbor, shares a common Malay ancestry and a common Islamic religious heritage. It has been a historic recipient for Acehnese migrants as well as those fleeing the violence of the recent and ongoing conflict. The latest round of violence has seen an influx of Acehnese, mostly young men, arriving to the safety of the Malaysian shores. One refugee estimated that only one woman for every 20 men have arrived from Aceh.

NGO's and human rights groups frequently estimate the number of Acehnese refugees living in Malaysia at around 20,000. The total number of Acehnese is not only comprised of refugee populations. "There are actually some ministers and high profile people here that are Acehnese. There are many Acehnese descendents in Malaysia," said Shan. According to Jaquemmet, Acting Representative of UNHCR in Malaysia:

There are old Acehnese who have been here for several generations. Some of them are citizens. There are long standing patterns of migration. The majority is pre-martial law and naturalized citizens are the exception. The newcomers are the minority of the Acehnese population. The largest number of Acehnese are here over two to three years.

Of course, new or old arrivals without legal status fear deportation equally. "In our opinion (the UNHCR) there is no difference between the old and the new arrivals because if they are returned, the fate is the same for them," said Jaquemmet.

Members of the group Penang 1 estimate there are at least 2000 Acehnese refugees living in Penang alone.

How They Arrive—"There is a 50/50 chance you will die."

The majority of the refugees that were interviewed had arrived by boat from Sumatra. Most often these boats were piloted by Acehnese fishermen who returned to Sumatra after transporting the refugees. One group in Penang said that when they arrived they destroyed and sunk the boat and all of them, passenger and crew, remained. The main routes they took were from Aceh to Penang, Medan to Malacca, and Medan to Klang. Typically, around 30 people make the journey at a time, but this number may vary depending on the boat and the cargo.

The journey can last anywhere from one day and two nights to three days and three nights. One man living in a kampung in Penang explained, "It is only three days and three nights as long as you don't have problems. But you have to worry about the boats engine, the police, and the sea." One man said about the perilous journey, "There is a 50/50 chance you will die." Though there is no set price for the journey—several refugees said you paid as you were able—a number frequently mentioned was 500,000 rupiah.

The journey is not only dangerous but it is also uncomfortable. They are usually forced to hide in the cargo compartment. A man from Penang shared his experience:

I arrived with five other people on a wood traders boat. Police checked the boat and I had to hide in with the cargo. The wood trader was a real businessman. When I arrived I took a taxi and then I just walked around. Sometimes people stay in the jungle and sometimes people are arrested before they get help.

A man from the same group, “We had to hide in the boat in the compartment where they store coal so we could not be seen.”

Once they arrive they typically locate a taxi. They sometimes wait in the jungle. A male refugee from Kuala Lumpur explained, “You don’t know anyone when you arrive. You take a taxi to where there are Aceh people.” This pattern seemed to be repeated in all of the groups. New arrivals would pool money, get a cab, and ask the driver to take them to where Indonesian or Acehnese people were located. From there they would walk around and ask questions until they are able to locate the refugee community. Although they are nervous about police, they often said they felt relatively safe because it was easy for them to blend in with the local population because they looked the same.

I asked Subject 3, who had been living in Malaysia for 12 years, how it worked for the new arrivals. “Before they come they know they have friend. Maybe 30 people come and one friend know people and then they all (can) start job. Some have no money and some have money. Some come to work. Some come to enjoy. But come because afraid of killing (in Aceh). Here—nothing happen.”

He said it was easy for the new arrivals to blend in. “Aceh people have same face, the same talking. I will know after one day or hour they are Aceh from them talking. They are all friends.” I then asked where the Acehnese lived once they arrived. “Everywhere have,” he said. “In Kelantan, J.B.—everywhere. Sabah, Sarawak, Singapore.”

Communication and Information Sharing Among the Refugees—“I call once a month.”

Communication and information sharing is focused on two primary concerns. First, to stay informed of events in Aceh. Second, to share information about how to survive as a refugee in Malaysia.

Because of the iron grip the Indonesian forces have on the information coming out from Aceh, communication among the refugees to stay informed of what is occurring at home is vital. Many reported the main source of factual information for them was recent refugees arriving in Malaysia. Their main hope is the new arrival comes from the same region they are from and they have specific information about family and loved

ones. Some, like Subject 2, are in a constant state of distress. He, as mentioned has had no communication with his wife and six children since he left in May 2003.

Others made arrangements via SMS to call at specific times from phone shops in Malaysia to phone shops in Indonesia. The shops were a favorite because they felt their calls were secure from being traced by the authorities in either country.

Staying informed is a constant concern. Subject 1 was a heavy Internet user, culling information and reports and sending it out to a list of concerned people and groups in a number of countries. He also shared news he downloaded from the Internet with his local community of Acehese refugees. He also used personal e-mail to gather information from Aceh and disseminate it.

The Internet was used by many of the refugees for information gathering. During several conversations with the Chow Kit 1 group they were eager to show me different documents and photos pertaining to the conflict taken from online. During one period a large number of individuals at different locations showed me a series of downloaded photograph images of what was alleged to be TNI soldiers torturing Acehese. These were extremely gruesome images that appeared to be personal snapshots taken by soldiers. A small number appeared to be news photos.

It must be noted that the images are impossible to verify. It is unknown if the images were staged or real, or if they did occur, where—it is possible they were from East Timor or any other number of locations. Whatever the source, the effect on the Acehese—as they distributed them among themselves and showed them to me—was evident. The images caused much distress and provoked anger among those looking at them.

Others pull information from a variety of sources. “I follow newspaper. I follow TV. I call my mother sometimes every week and friends send me SMS. I want to find out what happen. I follow information everyday,” said Subject 3.

Within Malaysia there are various levels of communication and information gathering. Some groups like Penang 2 rarely used the Internet. While group Chow Kit 1 had several people who used it extensively. The use of SMS, especially for inter-group communication was far-reaching and common. According to Penang 2 when a new refugee arrived with news they would then begin to circulate the information. The same would happen with late breaking news coming out of Aceh. One person would get it and a chain of forwarded SMS messages would ensue. While writing this report I received one such SMS telling of a recent killing in Aceh. When the refugees find out about someone being jailed in or deported from Malaysia, the same use of SMS occurs.

The lack of information or the danger of inaccurate information is a constant and pervasive issue. Rumors spark unwarranted fears and important and helpful knowledge goes unknown and unused. NGOs and human rights groups must constantly find ways to cope with communication and getting proper information to these hidden groups.

K. Shan, from Solidarity for Aceh worries there are many refugees who don't know about the resources available. "These are people who don't have access to us, they don't know about UNHCR, and they don't know their rights."

The Public Perception—"The Malaysian media demonizes migrants and foreigners."

There is also the problem of public information, or the lack thereof. The conflict is considered by many peace activists to be the "hottest" in all of SE Asia, yet the reporting in Malaysian media of the conflict, and especially of the local refugee population, is sparse and often negative.

Consequently, many Malaysians are unaware of the crisis of refugees from Aceh or they have internalized perceptions made popular by those who don't want see the Acehnese gain proper refugee status. I spoke to one young Malaysian citizen from Penang and he told me the reason the Acehnese were in Malaysia was to make money to send it back to GAM. He didn't feel the refugees were here for legitimate reasons.

The problem is an overriding xenophobia in Malaysian society perpetuated by the media, according to Eric Paulsen, Lawyer and Coordinator on Refugee Issues for the Malaysian human rights group, SUARAM. "The Malaysian media demonizes migrants and foreigners. It makes them the bogeyman. They are characterized as dirty and all of the social ills are attributed to them," he said while speaking January 27, 2004 at the Colloquium on Refugee Issues at the Universiti Sains Malaysia in Penang.

He cited a recent extended news segment on local TV that was attributing social ills in Malaysia to the migrants. The program characterized them as "dirty." As evidence the broadcast showed a group of alleged migrants at the KLCC towers in Kuala Lumpur and then zeroed in on a single empty plastic bottle as visual proof of their disreputable status. He was "disgusted" by the program but said it unfortunately was a common portrayal of migrants and refugees that helped create a bad public image.

Such distortions make it difficult for the public to understand the plight of the Acehnese in Malaysia. It does help to perpetuate the idea the Acehnese are here only to exploit the system and not because they are true refugees. "Clearly not all applicants for refugee status are legitimate. The system is open to abuse by those with financial interest," Paulsen conceded. But, this is a small fraction of those applicants. We have to look at the deeper issues of why they keep coming back, he said. "Many migrants return to Malaysia despite being deported. They previously were detained, deported, and then they return."

It is important for Malaysia, Paulsen said, to ask why they continue to return. Clearly, in the case of the Acehnese, there are much deeper issues than finances causing them to take all the risks involved in returning to Malaysia. "Everyday people come because they don't want to be killed. Not for working. We can work in our country, but we cannot go anywhere—army and police everywhere," said Subject 3.

Shelter—“If we stay in the kampung it is no problem. If we cross the street it is a problem.”

When I made contact with the group Chow Kit 1 in September 2003 I spent an entire weekend with them—staying the night in an apartment they shared. The arrangement, I later found out after subsequent contact with other pockets of Aceh refugees, was typical.

A group of refugees would pool financial resources to rent an apartment. The room I shared with the men was approximately five by ten meters and sparsely furnished. Two plastic chairs and a small table; a few pillows, rugs, and a large mat adorned the floor. A small TV was in the corner and a shoe rack by the door finished the furnishing. There was a small-shared bathroom down the hall.

On the cigarette-smoke stained walls were a number of slogans written in black marker calling for freedom for Aceh. One said, “Kalau ibu ku tanya, katakan aku sudah pergi. Kalau pacar ku tanya, katakan aku cepat pulang. Tapi kalau polis yang tanya, katakan aku sudah mati.” Or “If my mother asks, tell her I’ve already left. If my lover asks, tell her I’ll come home soon. But if the police ask, tell them I’m already dead.”

Also taped to the wall were photos of GAM soldiers taken from newspapers, Aceh flags, and an Internet download image of Hasan M. di Tiro, the exiled leader of GAM. The TV played VCDs of Acehnese pop singers. As one video played with images from the 1999 SIRA demonstrations an older refugee commented, “If they see this (he pointed to the TV) in Aceh they arrest. They cannot see this.”

The single room essentially functioned as a crash pad. The night I stayed there between 12 and 15 people came in and out of the room during the night—taking turns sleeping on the floor. Some came in and used the shower and left. Each time I was there I saw and was introduced to several different people, reflecting the large number of people who seemed to share the same small space as a home base. Here they would also pool money and order food from the local Acehnese restaurant. Despite the general poverty, the pooling usually ending up meaning one or two would pay for a group of up to 10—good-naturedly arguing over who would get to pay, each one insisting on picking up the bill.

The group Penang 2 also shared a similar set-up of a small apartment in a low-cost housing block where 15 to 20 people would sleep on the floor each night. Many of the refugees tend to stay in these low-cost housing blocks. It too, was sparsely furnished and had images of Aceh, Mecca, and GAM taped to the soiled walls. They paid 500 ringgit rent each month to which they all contributed. None renting the apartment had legal documents.

Previously, police had raided the apartment in Penang. One refugee explained when the police arrived there were six people in the apartment. Four were arrested because they had no legal documentation. One had an I.D. card and one remained hidden throughout the raid. He said the police were very aggressive and demanded to check the documents of all that were there.

Sometimes if they suspect that there will be a raid, they all go and sleep in the jungle and return around five in the morning. Friendly police officers sometimes tip them off or they tell local Malaysians who then warn the Acehnese. In order to protect themselves they often don't tell each other where they live and they avoid being in large groups where police could arrest many of them in one sweep. According to this same Penang group, the police don't harass or arrest the landlords even though they are knowingly renting the apartment to individuals without legal documentations—only the occupants are subject to persecution.

The group Penang 1 was living in a large urban kampung. There, they estimated, upwards of 200 Acehnese refugees lived trying to blend in among the locals. They spend most of the day in the kampung to avoid detection. "If we stay here in the kampung it is no problem. If we cross the street (to the shopping area) it is a problem," one man told me.

The night we met, they arrived in groups of two or three, spaced out over approximately 45 minutes, rather than arriving in one large group. After we had spoken for about two hours, they advised us we should leave because it was dangerous for them to gather in one place for such an extended period of time.

Security Issues—"If police come and take me—keep me here for two years, three years. But don't send me to Aceh."

The common complaint of every group and every individual I spoke with was harassment and subsequent bribery and economic exploitation at the hands of the local Malaysian police. Because the local police have the authority to implement the immigration laws—they wield an enormous amount of control and power over the lives of the refugees. An arrest will most likely lead to deportation, the primal fear of the Acehnese who have risked so much to arrive in the relative safety of Malaysia.

Eric Paulsen, of SUARAM, summarized the situation. "They are extorted daily from everyone—the police, the immigrant officials. They are fearful for their safety going from point A to point B. They are concerned about issues of health care and shelter."

Some, like subject 3, maybe owing to his long-standing experience living in Malaysia, was casual about the exploitation. "Police ok-lah. Sometimes want you to give 10 ringgit." When I ask him further questions about the stories I had heard about the police he said, "Of course if something happen you have to give money. Some police

understand—(please) don't send me to Aceh. They know situation. You might as well kill me now."

A man from Penang 1 had a less casual attitude about the police, "When we are stopped by the police they hold us until we can pay them. Sometimes we have to pay 500 or 1000 ringgit (there is much discussion about costs of bribes—all agree this is the average range police demand). They will hold us and we call our friends and they raise the money and bring it. Then they let us go."

The Kuala Lumpur refugees also said the police usually demanded 1000 ringgit. If someone cannot pay they may be arrested and threatened with deportation. They did report that some police were "ok." Subject 2 from Kuala Lumpur said, "If have no passport keep us in jail. Nobody here wants to go back. If see police—(you) go away, walk this way...many of them understand—they know. Sometimes have to give money. We have no money, no jobs. We have nothing to give."

Those in the group Penang 2 said the bribe prices were not fixed, but that the police would take whatever you had of value—hand-phones were a frequent target. Near the apartment they were centered in was a large hawker center and they felt safe going out and eating there among the locals. But, because they frequently had to walk for transportation, they kept their eyes open for police when they ventured out of the neighborhood. If they saw anyone they suspected to be police, they would remove their shoes and get ready to run.

Besides bribery, there was the constant fear of infiltration by Malaysian detectives or of Indonesian Interpol into the Acehnese population. When I was speaking to the group Chow Kit 2 in a local restaurant they appeared somewhat nervous. I asked why and they told me they generally felt safe in Kuala Lumpur, "but (they had) trouble also. Detectives come and look for people. Both Indonesian and Malaysian. Always dangerous (because of) Interpol. We are living in danger," one man explained in a quiet voice.

They said undercover authorities sometimes frequented the restaurant. The presence of a Caucasian taking notes and talking to a group was definitely something that could bring unwanted attention. The second time I spoke with the refugees at the restaurant they insisted we moved to table at the back with only a small group for the interview. The group Chow Kit 1 also had the same concern. During one conversation a suspicious man walked by our outdoor table and eyed our group. Immediately after he left the area, the group insisted we move inside a local apartment to avoid detection.

The fear follows them to whatever jobs they can find. One group in Penang said when they are on the job site with Indonesians they never talk politics—they only talk work. They are afraid because some may be informants or Indonesian Interpol collecting information. Generally, they said they avoided mixing with the Indonesian population as much as possible for fear of informants.

Even if they are arrested—the refugees are still subject to further threat of the intelligence networks of Malaysia and Indonesia working together. “Indonesian Intel is working with Malaysia. We have heard of a number of cases where Indonesian Intel has gone into detention camps and done interviews,” said Shan.

Work and Money—“The boss said, ‘If I want to pay you I will pay you. If I don’t I won’t. It’s up to me’.”

The difficulty of finding work was a subject that almost all of the refugees discussed. In Kuala Lumpur I met a young Acehnese couple that was making money by selling fruit at a night market. A few had work in the Acehnese restaurants that are found in Chow Kit. Still others did whatever odd jobs they could find in the area. If they didn’t have money they would rely on friends to help them get food or to give or loan them a small amount of money.

The sense of community that I witnessed was strong, people frequently buying each other meals and drinks. “I have been five months here. Sometimes I have money, sometimes not have money for food. Sometimes hungry—they will give food (he points to the people seated around him). All of us brothers here,” said subject 2 in Chow Kit. One refugee in Kuala Lumpur told me, “We want the international community to help and bring food to Aceh people in KL.”

Established employment in factories is impossible because they mostly lack proper documents like work permits or the Malaysian I.C. But lack of experience is another problem. “Many people can’t find (good jobs). Want good work but have no experience. Everyone can get money—working in restaurant. No money, my friend can give.” subject 3 told me. Unfortunately, there are only a few Acehnese restaurants, and these are well known by the police.

When the subject of work is brought up to the group Penang 2 they start talking and laughing amongst themselves with an air of frustrated resignation. They are asked how many of them have worked and not been paid. They all laugh cynically and all immediately raise their hands. “I spent 10 days building a school and I was only given a receipt for my work but paid no money. The boss said, ‘If I want to pay you I will pay you. If I don’t, I won’t. It’s up to me,’” one man said.

Others were paid with fake checks. They work, are paid, and go to the bank to cash their checks. Then the teller tells them the checks are worthless because they are fakes. One man showed me a check, complete with banking numbers and authentic-looking graphics, written for RM322—it looked real enough, but it was completely worthless.

Other times they are given receipts promising payment at a later date that never comes. Even if they receive payment they are often still ripped off. One man in Penang showed a receipt for a cashed check. The original payment was for RM179 but RM30

was deducted for bribe to local police, of course, written in code. Another RM51 was deducted for “borrowing” money—in reality the employer took money because he claimed the man had done “bad work.” In the end he received RM97. There is no legal recourse for the workers to try and recover stolen wages and they don’t dare make it an issue with an employer—who only has to threaten to turn them in to local police.

Still, the Penang 2 group said they were able to find work from time to time. Mostly doing construction. Some bosses, they said, preferred Acehnese workers and not Indonesians. Some of the bosses like the Acehnese because they had a reputation for protecting a boss’s identity if authorities came around, pretending he was just another worker.

Medical Care—“We don’t go unless we are very sick.”

Again, the community network is at play for those needing medical care. Some of the Penang refugees told me if someone got sick they would pool their money and send them to a private clinic. They were not too worried about private clinics reporting them. One of the men started laughing and said once when he went to the clinic the staff thought he was an Indonesian Interpol officer because of his strange identity card from Aceh. They also said that the Aceh identification number was similar to the Malaysian one and so they were able to give their own numbers without detection.

The Penang 2 group told me that they pooled their money and sent one woman to the hospital when she was having a baby. Still, private clinic or not, the general hope is they don’t get sick as they prefer to avoid contact with the Malaysian system at all costs. “We don’t go unless we are very sick,” several in the group said.

Besides the potential for detection, the major hurdle for health care is the cost. Routine dental work or basic preventative care is all but unheard of. Few have the financial resources on their own to pay for any form of medical care. Relying instead on the hope they stay healthy and the charity of the group if they don’t.

One member of Solidarity for Aceh told me of a recent death of an ill Acehnese in Penang. No one was able to go and deal with the remains at the hospital because of fear of the police involvement. Instead, they were forced to rely on local Acehnese university students, with legal documents, to care for the deceased.

The Role of the UNHCR

“UNHCR acts as a community service sector and assists the community of refugees or asylum seekers.”

-Paul White, Lawyer and Protection Officer for the UNHCR in Malaysia

The UNHCR Focus—“We have 550 cases we have resettled. We hope to increase the number.”

According to UNHCR literature:

UNHCR’s role complements that of States and it contributes to refugee protection by:

- Promoting accession to, and implementation of, refugee conventions and laws.
- Ensuring that refugees are treated in accordance with internationally recognized standards of law.
- Ensuring that refugees are granted asylum and are not forcibly returned to the countries from which they fled.
- Promoting appropriate procedures to determine whether or not a person is a refugee according to the 1951 Convention definition and/or to other definitions found in regional conventions.
- Seeking durable solutions to the problems of refugees (UNHCR, 1999, p. 6).

As mentioned earlier in this paper, because Malaysia has not signed the 1951 Convention, the UNHCR is hampered in fulfilling its goals with the Acehnese refugees. So they negotiate as best they can with the government on the issues and focus on what White characterized as the:

...community service sector mostly looking after women and children. We spend a lot of time working with women and children and looking at ways of providing them with security. Young men are mostly able to look after themselves. (Also) We help with some of the medical issues. Occasionally we help with serious psychiatric assistance.

They also work to find asylum for the population. “We have 550 cases that we have resettled. We hope to increase the number,” Jaquemet said. Some have gone to Scandinavian countries like Denmark and Norway. Others have gone to Canada and the United States.

They also work to monitor those who have been arrested and are in deportation centers and prisons. The Malaysian government is cooperative with the UNHCR in this capacity. “We have no problem with immigration. We have access to people. Everyday we go and visit the prisons,” Jaquemet explained.

Generally, the UNHCR works towards three durable solutions for refugees:

1. Voluntary repatriation.
2. Local integration.
3. Resettlement to a third country.

The UNHCR Letter of Temporary Protection—“We hope that it is respected.”

It was the hope of gaining recognition by the UNHCR that led to the large number of refugees traveling to the UNHCR office, and their subsequent mass arrest, in August 2003. The number of Acehnese seeking protection had grown to the point the staff decided to have one day specifically for the Acehnese to register with them. The first day of this policy brought no problems. It was the second week of the policy that the mass arrests occurred.

The refugees were hoping to get the UNHCR issued “Temporary Protection Letter.” According to White, the letter acknowledges the holder is a “person of concern” and has a serious need for protection. From the perspective of the UNHCR, the Acehnese with the letter are deemed as refugees though technically it does not give them full refugee status under the UNHCR guidelines. But for practical purposes, the letters’ hopeful intent is to allow the Acehnese to escape harassment and deportation by the authorities.

The general outline of the letter reads as follows:

To whom it may concern

The bearer of this letter (name/birth date) is a person from the province of Nangroe Aceh Darussalam in the republic of Aceh. In view of the developments in the province of Aceh he is currently a person of concern to the office of the United Nations High Commissioner for Refugees and in need of international protection until such time that he can safely return home. This group assessment may be subject to individual review at a later stage.

The office of the United Nations High Commission for Refugees respectfully requests the Malaysian authorities to allow (name) to remain in Malaysia, not to subject him to detention and deportation, as well as to treat him in a humane manner in accordance with international standards.

During his stay in Malaysia, the bearer has the obligation to respect national laws and not to engage in any criminal activities.

UNHCR bears no responsibility for any financial expenses incurred by the bearer of this attestation. Please do not hesitate to contact us if you have any further queries.

The bottom of the letter bears an official stamp and a photograph of the individual or individuals (sometimes one letter is issued to a family). The top portion has UNHCR information and a case reference number.

The letter has produced mixed results. “We hope that it is respected. We have no guarantee it will be politically good. From time to time they deport because it pleases the Indonesians,” said Jaquemmet. Again, without the ratification of the 1951 Convention the Malaysian authorities are not bound to any decisions by the UNHCR.

It is hoped the letter will prevent police from lumping the Acehnese in with other undocumented migrants and arresting them. If the refugees can stay out of the Malaysian legal system from the street level upwards they can avoid deportation. But how effective is the strategy?

I asked White, the UNHCR Protection Officer, if the police respected the letter. “Sometimes it has no effect. Sometimes it does. It depends on the mood of the police and their want of money. Sometimes they accept it with a payment. Sometimes they accept it without money.”

Virtually all of the refugees knew of the letters existence and a few of them already had the document. But most did not. In group Penang 2, of the 30 men present, only three had the letter. Many in the Penang group wanted the letter but said they were afraid to go to Kuala Lumpur to get it. To do meant risking a long ride and the strong possibility of police roadblocks along the way.

Once in Kuala Lumpur the location of the UNHCR office prevents them from using public transportation and blending in with the population. They have to travel by taxi, making them easy targets for police. The other problem is the letter is only good for six months—then it has to be renewed. That means risking another trip when the letter expires.

In the group Penang 1, they estimated only two percent of the Acehnese had the document. They also said they were afraid of traveling to get it because of police roadblocks.

Several of the groups said the police sometimes destroyed the letter when they presented it to them. “When we show the police they rip it up,” said one man. Some have even reported that the police have threatened them specifically because they were carrying the letter. Police said if they are arrested carrying the letter they will be deported specifically because they are in possession of it. Several of the refugees with the letter already had taken it to be laminated so that the police couldn’t destroy it easily.

GAM on Malaysian Shores—“If in conflict as GAM members and they have committed serious crimes—they would be excluded.”

One issue of obvious concern to all the players—the Indonesian and Malaysian governments, the UNHCR, the Acehnese, and the Malaysian public—is the issue of GAM members masquerading as refugees and coming to Malaysia either to further their political and military agenda or simply because they no longer wish to be part of the conflict.

“If they are in the conflict as a GAM member and they have committed serious crimes—they would be excluded,” Jaquemet said about their ability to get support from

the UNHCR. There have been, he said, some cases where GAM members were not issued the letter of temporary protection. He continued:

The Refugee Convention is clear on one point. If someone has committed war crimes or crimes against humanity they cannot be considered a refugee. Not all will fall under the refugee status. If it is clear he has been found to have committed war crimes then he cannot have refugee status.

He said there have been very few cases that have been of concern to the UNHCR staff—but they have occurred:

There are two or three cases. But the largest profile is of people as pure citizens that have no clue about conflict. We have a few cases of people who have worked for GAM and we did more interviews to determine if they were involved in any Human Rights violations or Crimes Against Humanity.

Those suspected of being GAM members are put through a very intensive interview process lasting over a period of “two to three days” according to the White. It is impossible, he said, to put every applicant through the intensive interview process because of finances, time, and staffing logistics. The sheer number of applicants makes this impossible. “If someone comes into our office, first we separate for Acehnese. If confirmed they are from Aceh we separate and give temporary protection.” He explained:

If they tell us they are GAM we will not give them the letter immediately. If we are suspicious they belong to GAM we put them through the long-interview process to work out if they are combatants or have committed other crimes.

UNHCR literature states, “A refugee is a civilian. A person who continues to take part in military activities against his or her country of origin from the country of asylum cannot be considered a refugee (1999, p. 10).”

The other issue is that of war criminals and those considered to be terrorists. According to the same UNHCR document:

International protection is provided only to persons who meet the criteria for refugee status and certain categories are deemed not to be deserving of help including:

- Persons who have committed crimes against peace, a war crime, crimes against humanity or a serious non-political crime outside the country of refuge.
- Persons guilty of acts contrary to the purposes and principles of the United Nations (1999, p. 9).

This does not mean that an ex-GAM member could not potentially gain refugee status under the UNHCR guidelines. According to Jaquemet:

If someone has participated in the hostility as a soldier and if, first, has sincerely and thoroughly laid down arms and second, has not committed any excludable crimes, and third, can meet refugee description—they are a refugee. Basically as long as they have not committed crimes and don't have military agenda in country they are refugees.

During the 5-month-long process of interviews only one time did I meet anyone who proclaimed to be a GAM member. It was early on in the process and after talking to a large group, two individuals said they wanted to show me some documents and talk further at a different location. We went to a Chinese restaurant several blocks from where we had been, and there they showed me the previously mentioned Internet images of the torture scenes allegedly perpetrated by the TNI on the Acehnese populous.

During the discussion of the images that followed, this was the first time I had seen them, one of the men said he was a member of GAM. He spoke quietly and said he had come to Malaysia because he had been involved in military operations and the TNI was looking specifically for him, and so he had escaped to Malaysia. Now in Malaysia, he was waiting his return to Aceh.

It is possible other people I spoke with were GAM members, but it is impossible to know. Many expressed support for GAM—but expressing sympathy or having a photograph of GAM does not make them a member.

The Refugee's Future

“If Aceh has no freedom we cannot go back.”

-Acehnese man in Kuala Lumpur.

Freedom or Autonomy—“Now there is autonomy but we have Indonesian soldiers even with autonomy.”

The question that plagues the lives of the refugees is when they will be able to return to Aceh. Some of them were hopeful it would soon happen and others could only shake their heads bleakly when I asked when they would return. Almost all of the refugees I spoke with wanted freedom for Aceh. They no longer trusted, nor were they interested in an autonomous arrangement for the province granting them special rights. “Now we have autonomy but we have Indonesian soldiers even with autonomy,” said one man staying in Chow Kit in reference to questions about previous autonomy arrangements between the Indonesian government in Java and the Acehnese province.

Indeed, this frustration and distrust with the Indonesian government permeated the conversation whenever the future of Aceh was brought up in the interviews. Over and over the refugees said, “We want referendum like East Timor.” Many of the refugees were supportive of GAM, yet felt only a referendum could bring a peaceful end to the conflict. “I am not sure we can (have freedom) by fighting because many, many people die. Need referendum,” said Subject 3.

When I posed the question of whether they wanted freedom or autonomy for Aceh to the groups, each time there was unanimous agreement they wanted freedom. It was only with freedom for Aceh that most of the Acehnese said they felt safe returning. “When the UNHCR says it is safe to go back then we can go ahead,” said one man in Kuala Lumpur. “I try to stay here until operation finished,” said another. “We don’t want to live under Indonesian government.”

With talk of the political future of Aceh the conversation always became very serious and frequently voices would raise and people would become visibly angry and upset. Subject 3 explained his feelings:

Don’t want autonomy. Every time Jakarta talks—lying! Straight to the point—I hate Jakarta. Today talking like this, tomorrow like this. Everyday change! Come and talk. Don’t come and kill. Megawati says want to give money (to Aceh). Then send police and military to Aceh. Want to kill everybody. She is just talk. I don’t want to live under control of Indonesia until I die. I feel this in my heart.

GAM, the Refugees Last Hope?—“GAM good. GAM does not kill Aceh people.”

Inevitably this anger and frustration seemed to spill over into support of GAM. The majority of the group Chow Kit 1 were very supportive of GAM. Many of them said they would return and fight for GAM. It seemed supporting GAM was the only option the refugees felt they had. “GAM good. GAM does not kill Aceh people,” a man in Kuala Lumpur said to me when I asked why he supported GAM.

There seemed to be this irony among many of the younger men. Some of them said they wanted to fight for GAM—yet here they were living in Malaysia, having snuck away from Aceh. “When I talk I am very emotional. I too want to fight. If I go back to fight for GAM I am not afraid to die. My love is for my country,” Subject 3 proclaimed. Yet when I asked him if he felt the fighting would bring peace to Aceh he said, “I don’t want the fighting. I want to discuss.”

For many of the refugees it seemed that they simply had no choice but to speak up for GAM. After all, it was the Indonesian soldiers that had caused them to flee because of the three decades of death, oppression, and torture. Who else could they turn to but those willing to challenge the Indonesian military?

I asked Subject 3 why so many of the refugees seemed to support GAM. “Because (we) don’t want to live in control of Indonesia. We want my country—the people from Aceh to handle my country. Don’t want anyone else. Everyday, every time—we have killing.” For many, supporting GAM was the only option left even though they knew only a referendum would bring peace.

Conclusion

“What’s the point of having the U.N. if they can’t help people—it is supposed to be a global organization.”

-Acehnese man in Penang.

Frustration and Insecurity—“At the moment there are 120 being held plus those in Penang.”

The ongoing conflict in Aceh, the refusal of the Indonesian government to let outside observers into Aceh, the Malaysian governments choice to treat the Acehnese as illegal migrants—denying them refugee status, and the broader global community’s failure to increase pressure on both Malaysia and Indonesia have all combined to create a world of death, fear, frustration, and insecurity for the Acehnese refugee living in Malaysia.

As the research for this paper was concluding I received an email from a member of Solidarity for Aceh. It was dated 25 January, 2004 and read as follows:

Last night, around 4 a.m., police officers raided a migrant community at Kampung (name deleted), in Penang. The police raided several village houses and one flat. The police arrested 53 men and eight women. At least 40 of them were Acehnese. Now all of these migrants are being kept in the lock-up at (name deleted) and the women at (name deleted). The Acehnese students and Acehnese community leaders in Penang are now trying to negotiate with the police to keep them from deportation to Indonesia.

Two weeks later I spoke to the Acehnese student who had sent the e-mail. He informed me all of the 61 arrested had been deported to Aceh after a brief stay in the Langkap immigration camp in Perak.

The day after the group was arrested I spoke with Jaquemet about the number of Acehnese the UNHCR was aware of that were being held in lockup in Malaysia waiting deportation. “At the moment there are 120 being held plus those in Penang,” he told me. A few weeks before the Penang arrests I spoke with Shan, who had been cautiously optimistic about the new Malaysian administrations position towards the refugees:

The change of prime ministers has slowed down a bit (the arrests) for now. Since the change in prime ministers there are no deportations that we know of. At the moment the government is playing it safe until the elections—but there is no real security for them. We are still not certain what will happen. It is up to the political climate.

The Penang arrests have now shattered the brief interlude of security and hope for new policies for the refugees.

An Analysis

“It is time for the Indonesian military to take its responsibilities seriously to follow international law in its conduct of war.”

-Brad Adams, Executive Director of Human Rights Watch Asia division in a HRW press release.

Now What?

The purpose of this paper is to paint a portrait and overview of the condition and context of the Acehnese refugee situation in Malaysia. It is hoped that after reading it that a deeper understanding of the day-to-day life and challenges of the Acehnese refugees living in Malaysia and the issues and politics that directly affect them will be found.

It would, however, be remiss not to conclude with a brief analysis and survey of the many layers, from local politics to the global community, that have a role and responsibility in the realm of the Acehnese refugee issue. In no way is this analysis meant to be complete—rather it is designed to challenge the most basic courses of action that have been undertaken by the main players and to highlight areas of concern, changes in perspective, and possible rectifications.

In Malaysia—“... no refugee should be denied entry into a country in which he or she is seeking protection against persecution.”

The Penang arrests highlight what many social activists have complained about for years. With each new change in political bodies and climate the members of the emerging Malaysian civil society must renegotiate their position in relation to human rights—particularly those surrounding the perennial issue of Acehnese refugee deportation.

This is largely due to the policy of no policy. The refusal of the Malaysian government to sign the 1951 convention allows them to continue their ad hoc approach to refugee issues, hiding their responsibility for the assurance of human rights towards their Acehne neighbors behind a broad claim of illegal migrants.

The UNHCR is clear on the responsibility of even those, like Malaysia, who refuse to sign the 1951 convention. Their literature states:

All states, including those which have not signed the Convention, are obliged to uphold fundamental refugee protection standards which are now part of general international law. (My emphasis) ***No, refugee, for instance, should be returned to a territory where his or her life or freedom is threatened; in effect, this means that no refugee should be denied entry into a country in which he or she is seeking protection against persecution*** (1991, p. 10).

The evidence of recent months, and the ongoing deportations, demonstrates the Malaysian governments failure to uphold this clearly defined responsibility of international law.

It appears the Malaysian government instead seems to be choosing a policy of placating the Indonesians with just enough deportations for them to “save face” but not enough to draw extensive international concern. By so doing, they are playing a dangerous and irresponsible game with the lives of the Acehne refugees.

In order for policy to change and for Malaysia to continue its pursuit of global acceptance and developed nation status, it will need to rectify its position in relation to the Acehne refugee issue. The current policy of no policy is not effective in upholding international standards for the refugees. It is imperative the Malaysian government publicly acknowledge the plight of the Acehne refugees and define their approach to the refugee issue within its borders in a manner consistent with international standards.

ASEAN’s Role—“If we really want to see changes it will have to be at the level of ASEAN.”

Because the current conflict shows no sign of abating, the traditional approach for the ASEAN nations is no longer acceptable in regards to human rights and refugee issues. The silence of Malaysia, along with the rest of ASEAN, in condemning the breakdown of human rights in the Aceh territory, and the failure to deal with the refugee flow humanely, highlights a troubling aspect of the ASEAN approach of noninterference and nonintervention.

This silence among the family of SE Asian nations is not only endemic to the Aceh conflict, but also towards the actions of the military junta in Myanmar, the unrest in Mindanao, the Indonesian policy in Papua, and the recent mass killings in Thailand’s clampdown on the drug trade. The Aceh conflict, and the refugee issues arising from it,

are part of a larger problem and culture in ASEAN evidenced in their failure to find a collective voice to protect the vulnerable populations throughout SE Asia.

Until the members of ASEAN can find this collective voice to condemn human rights violations among its members, they will continue to lack international credibility. By accepting and dealing with the shortcomings of one another directly, it is hoped that problems like refugee flow from areas of political instability and human rights violations, can be addressed and corrected. This fundamental shift in approach is being called for on many fronts, particularly from groups concerned with human rights and international standards.

“If we really want to see changes it will have to be at the level of ASEAN,” said Shan. The UNHCR’s Jaquemet mirrored this same sentiment and said it is this broader issue of ASEAN neighbors being unable to confront one another and cope with human rights issues as one of the major factors contributing to the ongoing problem. “Refugee rights are part of a broader global rights agenda,” he said. It is an agenda the ASEAN nations will need to address in their quest to become a developed region.

The International Community—“Why doesn’t America care about what is going on in Aceh?”

The unwillingness of the global community to exert pressure on the players in the Aceh conflict to find resolution is also suspect. Though the U.N. failed to endorse Megawati’s desire to have the forces of GAM labeled as terrorists, there still seems to be a noticeable void of concern and condemnation of the conflict and the refugee issues stemming from it.

The United States War on Terror, the West’s creeping anti-Islamic attitude, and the desire to placate the world’s largest Islamic country, and world’s fourth most populace nation, has all contributed to the silence. Additionally, economic investment in the region by international companies from the United States has made direct condemnation of the conflict, particularly the Indonesian governments tactics, weak and continued to be unlikely. Exxon-Mobile has had the U.S. State Department come to its aid in fighting a court case in the United States targeting the company’s culpability in supporting and financing Indonesian military forces accused of human rights abuses, that is, torture and killing in Aceh.

For the Acehnese refugees living in Penang and Kuala Lumpur, the silence of the world’s most militarily powerful nation has not passed unnoticed. “Why doesn’t America care about what is going on in Aceh? They cared about what was happening in Bosnia—why don’t they care about Aceh?” asked one of many Acehnese who said they didn’t understand why the world’s civil society seemed to be ignoring them.

As the world civil society focuses on the conflicts in Iraq and Afghanistan and the fallout from the bitter relations between the U.N. and the United States over the Iraq war—the situation in Aceh remains out of the main arena of concern. As in Malaysia, the world press and civil society, has been unable to keep Aceh on the forefront of concern. “You have to constantly highlight the issue and hope,” said Shan about the lack of press. If solutions are to be found—the issues will have to become more widely known.

As for the U.S. government, a commitment to supporting human rights issues in developing nations like Indonesia, and less focus on the political dealings necessary to garner support for suspect military campaigns, is necessary to mobilize world opinion and concern for refugees and human rights in places like Aceh. A more vocal position by the United Nations may also help—both in the treatment of refugees by Malaysia and the conduct of the forces fighting in Aceh.

Clearly, these are complex issues with a multitude of dimensions involved and no easy solutions available. What is being proposed here is a shift in focus to put the problems in Aceh into a more prominent position of global attention and care. The international community’s powerful “Quartet” (the World Bank, The United States, Japan, and the European Union) has an obligation to put Aceh into a position of greater concern.

Brad Adams, Executive Director of Human Rights Watch Asia division, said:

It is time for the international community, led by the Quartet, to insist upon unfettered access for diplomats, journalists, human rights monitors, and humanitarian aid agencies. Aceh needs to be top priority in international community’s dealings with the Indonesian government and should be raised at every meeting (Human Rights Watch, 2003, p. 2).

The Main Players, The Indonesian Government and GAM—“You cannot expect legal accountability in a war situation.”

Most importantly, the focus must be turned to the Indonesian government and the forces of GAM. Failure on both sides to negotiate in good standing has contributed to the downward cycle of violence. Currently, it is the Indonesian government holding the overall power and military grip on the province of Aceh and they, as GAM, must be held accountable for their actions and for the plight of the refugees.

As a nation state Indonesia has not signed the 1951 Convention. Still they must be held responsible for upholding international standards, particularly in regard to human rights. Based on their actions in Aceh and in places like Papua, and their history in East Timor, the Indonesian government continues to struggle with these concepts of accountability and human rights. A December 2003 press release by Human Rights Watch said:

Although token efforts have been made since the start of martial law in Aceh to hold soldiers accountable for human rights violations, the Indonesian government continues to have a dismal record in addressing abuses during past military campaigns in Aceh, East Timor, and elsewhere in the archipelago (Human Rights Watch, 2003, p. 1).

“You cannot expect legal accountability in a war situation,” said Indonesian Ambassador to the United Kingdom, Juwono Sudarsono in a recent BBC interview when asked about allegations from an Indonesian human rights group that 78 civilians were disappeared between May and August 2003. “The precise rules of humanitarian law just go out of the window once the shooting starts.”

He also said:

Well, once you have soldiers on the ground who are facing terrorist organizations like GAM, there is no way that any commander can have immediate operational control on the troops on the ground and that goes also for the GAM forces.

Sudarsono expressed the paranoia the Indonesian government seems to feel about NGOs and human rights groups operating in Aceh that is used to justify their need for a secret military campaign. “Human rights ideology is almost always against any belief in government and state authority.” These groups, he said, almost always take an “a priori position against authority...(that) is part of the human rights campaign everywhere (BBC, 2003, p. 1).”

These types of justification, the subsequent flaunting of international standards, and Jakarta’s choice to completely seal off the province from outside and impartial observes, has served to increase the suffering and confusion of the Acehnese people. More tragically, it has created an environment ripe for the unchecked abuse of human rights by both sides, leading to the large outpouring of refugees seeking safety elsewhere.

Although Malaysia has a duty as part of the international community to provide a safe haven for the refugees, it ultimately falls on the forces of GAM and the Indonesian government to solve the conflict in a more humane manner and to prevent the refugee outflow in the first place. Adams, responded to Ambassador Sudarsono’s remarks with concern:

It is reprehensible to suggest that a military establishment cannot be expected to have control over their forces during armed conflict. This is the most basic responsibility of those in power...Perhaps more worrisome is that Sudarsono comes from the more reform-minded wing of the Indonesian government. His comments may reflect the thinking of others in position of power in Indonesia (Human Rights Watch, 2003, p. 1).

The first step in dealing with human rights issues and the refugee issue is transparency in Aceh. Without witnesses and impartial observes—the outside world lacks

the recourse to condemn or support any of the parties actions inside Aceh and the Acehnese people are forced to continue to endure unchecked human rights abuses under an iron-fisted veil of secrecy. "If there is nothing to hide, now is the time for Indonesia to let the world see what is happening in Aceh," said Adams (Human Rights Watch, 2003 p. 2).

Final Responsibility—"Who do right and who do wrong."

As the 27-year-old man who has spent almost half of his life living in Malaysia as a refugee told me, "They control everything. If journalist comes—I think by now everything settled. They know who do right and who do wrong."

Indeed, until the world is allowed into Aceh, we cannot know decisively who has done right and who has done wrong. Until such a time as the steel net around Aceh is removed, and the parties involved lay down their weapons, refugees will continue to flee the war-ravaged province of Aceh. Until the danger subsides, it is up to all parties, from the Malaysian government to the world community, to acknowledge, support, and defend the rights of those seeking safety.

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